

APRIL 8, 1965

The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Thursday, April 8, 1965 at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmen Parish, Freeman, Keller, Leahy, Nelson, Page. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Ray Browning, Building Official; Les Corcoran, Fire Chief; Don Lloyd, Public Works Director.

Minutes of the last Recessed Regular Meeting on March 25th, 1965, and a Special Meeting on March 31, 1965, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, relative to a rezoning petition by the Bowl-ero, Inc., and pertaining to a strip of land legally described as follows:

Beginning at the Northwest corner of Lot Seventeen (17), Block 5, John Adams Heights Division No. 4, to the City of Idaho Falls, and running thence South 0° 16' W 933.85 ft; more or less to the North line of 4th Street extended; thence North 89° 17' 10" West 933.85 ft; more or less, to the South line of 1st Street; thence East 170.00 ft. to the point of beginning, containing 3.640 acres, more or less.

Mr. Clifford Kirkendall, manager of the Bowl-ero, appeared before the Council and presented a development plan of the area in question and, also, signed petitions from all affected Ronglyn Street residents, favoring the rezoning and the development as proposed. Mr. Kirkendall explained, further, that Mrs. Jack Adams, landowner, had agreed to donate certain land in Lots 1, 2, and 3, Block 5, John Adams Heights Addition as an access road from 4th Street to John Adams Parkway.

Mr. Emmett Gallup, 130 Ronglyn, appeared before the Council, acting as spokesman for the Ronglyn Street residents, and confirmed the fact that all these residents were now satisfied that they could live with the development plan as proposed, and that all had signed the petitions accordingly. It was moved by Councilman Leahy, seconded by Page, that the easterly 105 feet be rezoned, R-3A and the remaining westerly portion be zoned C-1, subject to review and analysis by the City Attorney, relative to the accuracy of the legal description of the area to be dedicated as road right-of-way, and also, subject to all other legal aspects in this regard. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor recognized Mrs. J. P. Lyon of the League of Women Voters as a guest in the Council Chambers; also, Mr. Kevin Best of the Starline Equipment Company; also, Mr. Robert Rampton of the Seagrave Equipment Company, and thanked them for their attendance and their interest.

Bills for the month of March, having been 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	\$91,222.34	\$73,028.35	\$164,250.69
Fire Bonds	20,732.34	5,151.92	25,884.82
Water & Sewer Fund	8,643.30	23,209.16	31,852.46

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Electric Light Fund	24,668.19	62,407.09	87,075.28
Recreation Fund	1,536.21	451.80	1,988.01
Police Retirement Fund	<u>1,992.91</u>	<u>.00</u>	<u>1,992.91</u>
<u>TOTAL FUNDS</u>	\$148,795.85	\$164,246.73	\$313,042.58

It was moved by Councilman Parish, seconded by Keller, that the bills be allowed and the Controller be authorized to draw 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 March, 1965, and there being no objections were ordered placed on file in the office of the City Clerk.

License applications for RESTAURANT, previously approved by the City Sanitarian, Skyline Lanes, Inc., Marlon Rowan, Charles Jachetta for Hawaiian Supper Club, Mrs. Mark Storer for A.&W. Root Beer Drive (2), Lorin E. Peterson for Burgermaster; FOUNTAIN, previously approved by the City Sanitarian, Mel Johnson Drug, Patricia Cunningham; DAIRY, previously approved by the City Sanitarian, Owen B. Wallace for Wallace Dairy, Nelson Stillwell for Stillwell Dairy; POOL ROOM, Merrill B. Ingelstrom for Ford's Bar; JOURNEYMAN ELECTRICIAN, previously approved by the Electrical Inspector, Lionel Wold; JUNK DEALER, C.O. Newton for McCarty's Inc.; CLASS D WARM AIR HEATING & VENTING JOURNEYMAN, previously approved by the Heating Inspector, Deward M. Craven; JOURNEYMAN PLUMBER, previously approved by the Heating Inspector, John A. Beins; ROOMING HOUSE, previously approved by the Police Chief, Joe Marmo for 6 rooms at Joe's Motel; BEER, previously approved by the Police Chief, transfer for Stardust Restaurant & Lounge; DANCE HALL, previously approved by the Police Committee & Police Chief, Charles R. Jachetta for Hawaiian, Julia Russel for Jacks Club were presented. It was moved by Councilman Leahy, seconded by Freeman, that these licenses be approved. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was read:

City of Idaho Falls
Purchasing Agent
April 7, 1965

2 Motor Fire Apparatus

Honorable Mayor and Councilmembers:

Tabulation of bids for two (2) motor fire apparatus is attached.

Evaluation of bids received show Wagner Corp. furnishing Seagrave Equipment, submitting the low bid meeting all specifications for \$77,418.00.

These trucks are to equip the west side Fire Station.

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It is the recommendation of the Fire Department and the Purchasing Department that the low bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Freeman, seconded by Leahy, that the low bid of Wagner Corporation be accepted as recommended and the City Attorney be directed to prepare a contract accordingly. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read by the City Clerk:

Smith Chevrolet Co., Inc.
Idaho Falls, Idaho
April 6, 1965

City of Idaho Falls
Box 220
Idaho Falls, Idaho

RE: BOARD OF ADJUSTMENTS DECISION ON APPEAL FOR VARIANCE

Attn: City Council

Gentlemen:

Inasmuch as I was not permitted to attend the meeting wherein the above decision was made, I hereby request this case be re-opened and also that I have the opportunity to attend the hearing.

Thank you for this consideration.

Yours truly,
Smith Chevrolet Co., Inc.
s/ Albon L. Smith
Dealer

It was moved by Councilman Parish, seconded by Leahy, that this be referred back to the Board of Adjustments with the recommendation that the case be reopened and that Mr. Smith be extended an invitation to be present. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Official was presented:

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City of Idaho Falls
Building Official
April 1, 1965

TO: The Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

I would like to present, for your consideration, a letter from the Idaho Falls Lumber Company, by Arthur Johnson, Manager, in the form of an appeal, for waiver of the permit fees for construction of a dwelling at the intersection of Crowley Street and North Boulevard.

At the request of the City, the owner delayed construction on this lot for approximately two (2) years, to allow time to consider widening North Boulevard. It was finally decided not to widen the street and I was advised to issue the permits in February of this year.

Due to the costs, delay and inconvenience to the owner, by City action, I recommend the permit fees be waived.

Respectfully,
s/ Ray Browning
Building Official

It was moved by Councilman Nelson, seconded by Parish, that the permit fees be waived for the reason as stated. Roll call as follows; Ayes, 6; No, none; carried.

Next, from the Building Official, this memo was read:

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MEMO TO THE MAYOR AND COUNCIL

Your Building Official requests authority on behalf of the City, to grant temporary use of easements for fences.

A note should be appended to permit, signed by applicant, that use is at sufferance of City, only, and subject to removal without notice.

Respectfully,
s/ Ray Browning
Building Official

It was moved by Councilman Parish, seconded by Leahy, that the Building Official be given the authority to grant temporary use of easements as requested and described, subject to the drawing up

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of a suitable agreement form to be prepared by the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

From the Controller, this memo was submitted:

City of Idaho Falls
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MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council
FROM: L. I. Jenkins, City Controller
SUBJECT: INVESTMENT OF FUNDS

Occasionally, the City of Idaho Falls has cash on deposit reserved for the liquidation of obligations for materials and services to be delivered from three to six months after incurring the obligations. This cash is credited to various operating and special funds, mostly, Water and Sewer Revenue Fund, Electric Light Fund, Local Improvement District Guarantee Funds, and some monies received from the sale of Fire Department Improvement Bonds.

Rather than allow this cash to lie idle during the interim of the dates of obligation and liquidation, it is preferred that this cash be temporarily invested in short term Federal and other legal securities. Therefore, I request that the City Treasurer be authorized to invest any permissible sums in selective legal securities. The potential interest earnings to be realized justifies the investment action.

It was moved by Councilman Leahy, seconded by Parish, that the investments, as described and recommended, be authorized. Roll call as follows: Ayes, 6; No, none; carried.

This memo from Brett Davis of the Electrical Division was presented and read:

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MEMORANDUM

TO: Mayor and City Council
FROM: W. H. Fell
SUBJECT: ALTON DIAMOND RELEASE FOR PROPERTY DAMAGE

We recommend that this claim be settled for the amount of eighty-eight dollars (\$88.00). We feel that since there is a reasonable doubt as to cause of the damage that the amount specified is a fair amount agreed to by both parties concerned.

s/ J. Brent Davis
W. H. Fell
Manager, Elec. Light Div.

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It was moved by Councilman Page, seconded by Freeman, that this compromise settlement of the Diamond damage claim be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

An option agreement was presented which, when exercised, would permit the City to purchase a total of 41.2 acres of land from Dr. John Hatch, located one and one quarter miles north of Anderson Street on North Boulevard extended. It was understood that this agreement provided for orderly purchase of this land from 1966 through 1970 and that the City's primary and immediate interest in the property would be as a source of gravel. It was moved by Councilman Keller, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1129

AN ORDINANCE VACATING AND CLOSING PART OF THE ALLEY IN BLOCK THREE (3), ORIGINAL TOWN-SITE OF EAGLE ROCK, NOW THE CITY OF IDAHO FALLS, IDAHO, FOR THE SOLE AND EXCLUSIVE USE OF THE ADJOINING PROPERTY OWNERS; PARTICULARLY DESCRIBING SAID LAND AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Keller, 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 City Clerk drew attention to the need for a public zoning hearing and recommended that same be scheduled for May 6th, 1965. It was moved by Councilman Leahy, seconded by Freeman, that authorization be granted to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

This memo as prepared by the Fire Chief, was introduced by Councilman Freeman:

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Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

After tabulation of bids for construction of Fire Station #3, I recommend that contract be awarded to Arrington Construction Company of Idaho Falls, for the base bid in the amount of

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\$97,000.00 and the acceptance of alternate #1 in the amount of \$150.00, making the total cost price of \$97,150.00 with the understanding that the City will provide underground electrical service and transformer next to the building as per suggestion of Electrical Division.

Very truly yours,
s/ Les Corcoran
Fire Chief

It was moved by Councilman Freeman, seconded by Leahy, that the Arrington Construction Company be named the low and successful bidder on construction of the west side Fire Station and the Mayor and City Clerk be authorized to sign the contract documents accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Leahy, noted that the land on which the Fire Station is to be constructed is only held by the City under option. It was moved by Councilman Leahy, seconded by Freeman, that the option be exercised and the land be purchased accordingly to the terms and conditions thereof, and the City Attorney be directed to administer all legal documents in this regard. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1130

AN ORDINANCE AMENDING ORDINANCE NO. 1073, AS AMENDED BY ORDINANCE NO. 1076, OF THE CITY OF IDAHO FALLS, IDAHO, AN ORDINANCE PROVIDING FOR THE OPERATION OF THE CITY OF IDAHO FALLS ELECTRIC LIGHT DIVISION, REPEALING SECTION 4-4-4 THEREOF, "DEFINITIONS", AND REDEFINING WORDS AND PHRASES IN THE ORDINANCE: REPEALING SECTION 4-4-9 THEREOF, "UNDERGROUND DISTRIBUTING SYSTEM", AND SUBSTITUTING A NEW SECTION REGULATING INSTALLATION OF UNDERGROUND DISTRIBUTION SYSTEM; REPEALING SECTION 4-4-10 THEREOF, "SCHEDULE OF RATES", AND RE-ESTABLISHING AND FIXING RATES TO BE CHARGED FOR ELECTRICITY AND SERVICE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The foregoing ordinance was presented in title. It was moved by Councilman Leahy, seconded by Keller, 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.

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The City Attorney appeared before the Council at the invitation of the Mayor to discuss the proposal on the 17th Street bridge, as submitted by the Engineering firm of Barton, Stoddard, Milhollin & Lupton. Reference is made to Page 173 in this Book on Minutes and, more specifically, a memo from the Public Works Director is this regard. It will be noted that reference was made at that time to the above mentioned proposal which was referred to the City Attorney for study, and as a result, he had recommended to the Public Works Director that certain changes be made in the formal agreement from the aforementioned engineering firm. It was noted by the City Attorney that the City is in no position to approve the proposal in its entirety due to lack of budgeted funds and that the Public Works Director, in his letter to the engineering firm, had, therefore, recommended that the agreement limit the City's participation to foundation investigation in the amount of approximately \$2,000. It was noted, further, by Mr. Lloyd, that Bonneville County intends and is in a financial position to proceed with their entire 50% of this design program. No Council action was considered necessary at this time.

The City Attorney reported and advised that the Civil Service bill successfully passed the 1965 legislature, resulting in virtual home rule as pertains to cities and the application they would choose to make of it. It was noted that the Police and Fire Department of the City of Idaho Falls had previously been governed by Civil Service and if the City Council would have this program continued, it would be necessary to pass an ordinance accordingly. It was moved by Councilman Leahy, seconded by Freeman, that the City Attorney be instructed to prepare a Civil Service Ordinance which would exclude the Police and Fire Chiefs but which would otherwise perpetuate the existing Civil Service program for those Departments and that said ordinance would permit applicants for said Departments to apply while residing outside the City but that they must be residing within the City at or around the time of employment. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Brent Davis of the Electrical Division appeared before the Council to discuss certain transformer bids opened on March 8th, 1965, which would have been used in connection with converting the Falls Valley-Melbourne Park Area to 12 KV. He pointed out that the City would be well advised to select something other than the low bid because of the overload, physical and other electrical features. The City Attorney advised against this, inasmuch as the statute is quite clear and that the low bid must be accepted except as irresponsibility of the bidder can be proven. He recognized Mr. Davis, however, as having a valid argument and advised, instead, that all bids be rejected and that revised specifications be prepared which would be sufficiently rigid in wording so that no bids could be submitted on inferior, unacceptable or otherwise unsatisfactory equipment. It was moved by Councilman Leahy, seconded by Keller, that all bids on these transformers be rejected, that authorization be granted for re-advertising and that the specifications be reworded and redrawn to accomplish the end as described and advised by the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
