

FEBRUARY 9, 1965

The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Tuesday, February 9, 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 Freeman, Keller, Leahy, Nelson, Page, Parish. Also present; Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; William Fell, Electrical Engineer.

Minutes of the last Regular Meeting, held January 21st, 1965, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for consideration of an appropriation bill for the City of Idaho Falls for 1965 as required by Idaho Code 50-1915, which said bill provides for a tax levy for general revenue purposes in excess of ten mills. There were none who appeared for purposes of protesting or otherwise discussing the proposed mill levy or the budget. Hearing no protests, it was moved by Councilman Parish, seconded by Page, that the 1965 Budget in the amount of \$4,842,644.00 and calling for a total levy for all purposes of 34 ³/₄ mills be approved and adopted. Roll call as follows: Ayes, 6; No, none; carried.

In view of the foregoing, the following ordinance was presented in title:

ORDINANCE NO. 1123

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATIONS OF THE CITY OF IDAHO FALLS, IN THE STATE OF IDAHO, AND FOR THE APPROPRIATION OF THE SEVERAL FUNDS AND PURPOSES DURING THE FISCAL YEAR 1965, AND PROVIDING THE NUMBER OF MILLS ON THE DOLLAR APPROPRIATED FOR EACH OF SAID FUNDS.

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.

Mr. Ed Romack, local accountant representing the Yellow and Falls Cab Companies, appeared before the Council to explain and defend the need on the part of the cab companies to effect a rate increase. He pointed out that 44% of gross goes to the drivers and they are sorely in need of a salary increase. Equipment needs up-grading which is impossible under the present rate schedule. He said the companies had proposed an increase of 10¢ per fare per person, excluding children and any fare to the airport. Mr. Romack acknowledged the fact that the Council did not control rates and that the cab companies were under no legal obligation to clear this matter with the City's Governing body but that, upon advice of an attorney, it was felt that no rate increase should be initiated without the knowledge and concurrence of the Council. It was moved by Councilman Page, seconded by Freeman, that the Council go on record as endorsing the rate increase as proposed. Roll call as follows: Ayes, 6; No, none; carried.

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Mr. Alton Diamond, 764 East 15th Street, appeared before the Council with reference to his damage claim dated December 2nd which can be found on Page 97 in the Book of Minutes and referred to the City Insurance Adjustor at that time. Mr. Diamond had received advance knowledge that that agency had recommended denial of the claim. The City Clerk proceeded to present said denial recommendation, as follows:

Safeco, Lifeco General Ins.
258 Broadway
Idaho Falls, Idaho
February 1, 1965

City of Idaho Falls
Idaho Falls, Idaho

ATTENTION: Mr. Roy C. Barnes
City Clerk

REGARDING: Our Insured: City of Idaho Falls - BLP 232171
Accident of: 11-26-64
Claimant: Alton V. Diamond

Dear Mr. Barnes:

Mr. Diamond has presented a claim concerning his refrigerator which burned out because of frequent and intermittent current disturbance during a three hour period.

After a complete investigation of this claim, in which I interviewed the City Light Department concerning the nature of the disturbance, it was found that it did go on and off over a period of three hours. The current was up to proper voltage however, and there were no low current periods.

I also checked with the repairman on Mr. Diamond's refrigerator and he could not be certain as to its exact cause of burn out. He assumes, however, it was caused by low voltage, a condition which did not exist in this case.

Therefore, we request that you relay our denial to Mr. Diamond concerning his claim against the City.

SAFECO INSURANCE COMPANY

s/ Merlyn D. Colpron
Merlyn D. Colpron
Claims Adjustor
IDAHO FALLS FIELD OFFICE

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Mr. Diamond assured the Council that the service man who repaired the refrigerator in question takes issue with the Insurance Adjustor, relative to the service man's comments. In answer to a question by the City Attorney, Mr. Brent Davis, Engineer in the Electrical Department informed the Council that there are approximately 400 homes served by the substation serving the Diamond residence and that no other complaints had been received on the day of the alleged refrigerator damage as claimed by Mr. Diamond. It was moved by Councilman Nelson, seconded by Page, that this matter be referred to the City Attorney for further study and recommendation. Roll call as follows: Ayes, 6; No, none; carried. The City Clerk was instructed by a Councilman to notify the Insurance Adjustor that there is seemingly too much time delay between the time they receive damage claims and the time they are reflected back to the Council with recommendation.

Mrs. Molly Micek, 1035 12th Street, appeared before the Council with reference to an application for a building permit, filed by her and her husband in the office of the Building Official, to construct a car washing establishment. The City Clerk drew attention to four memorandums from Mr. Browning to the Council, each identical in the respect that he felt he was not authorized to issue a permit for such a business without Council approval, inasmuch as this type of establishment is not specifically listed in the zoning ordinance under permitted occupancy. The locations in question were Lots 13 and 14, Block 11, Capital Hill Addition, Lots 2 and 3, Block 25, Original Townsite, Lots 1 through 8, Block 12, Capital Hill Addition and 2023 N. Yellowstone Highway, one of which was the requested location by the Miceks. In each instance, Mr. Browning had pointed out in his memos, the proposed building complied to all Code requirements. It was moved by Councilman Leahy, seconded by Page, that the Building Official be authorized in these four instances to issue building permits. Roll call as follows: Ayes, 6; No, none; carried.

To finalize the foregoing, this memo from Mr. Browning was presented and read:

February 5, 1965

MEMO TO MAYOR AND COUNCIL
FROM YOUR BUILDING OFFICIAL

I would like to present for your consideration: That in the event you decide that the car washing establishment is to be permitted in certain zones, that I be advised to make permits accordingly, to avoid the necessity of presenting each application to you.

s/ Ray Browning
Ray Browning
Building Official

This was referred to the City Attorney so that he could examine all commercial zones in the zoning ordinance to determine which ones, any or all as the case might be, would permit car washing establishments. Mrs. Micek appeared briefly and, by photograph illustration, showed the Council that the proposed building was of patio type construction, modern in design.

Mr. Gilbert Monroe, representing the Idaho Potato Growers, appeared before the Council, and drew attention to the fact that his company had found it necessary to appeal to the Council on October 8th, 1964, for a variance in order to construct a certain potato warehouse, due to the fact that

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it was to be located in a wrong fire zone. Mr. Monroe pointed out the fact that over a period of time, several additions will be made to that building as needed and that some plan should be devised to eliminate the necessity and formality of requesting an appeal for variance each time. Councilman Nelson said he was of the understanding that there was now a new product on the market that could be used at the time of construction which would qualify any additions to the building from the standpoint of the proper fire zone. It was agreed that Mr. Monroe would meet with the Building Official, the Fire Chief and the Building Council Committee as a means of resolving the problem.

Bills for the month of January, having been properly audited by the Finance Committee, were presented as follows: in caption form, to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS UNPAID</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$137,260.90	\$48,673.92	\$52,175.07	\$189,435.97
Fire Bonds	32,298.62	2,900.68	2,967.58	35,266.20
Water & Sewer Fund	13,476.67	13,850.62	30,712.58	44,189.25
Electric Light Fund	39,433.53	60,813.72	63,591.98	103,025.51
Recreation Fund	2,353.82	441.50	441.50	2,795.32
Police Retirement Fund	<u>1,992.91</u>	<u>.00</u>	<u>.00</u>	<u>1,992.91</u>
<u>TOTAL FUNDS</u>	\$226,816.45	\$126,680.44	\$149,888.71	\$376,705.16

It was moved by Councilman Parish, seconded by Page, that the bills be approved 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 for the month of January were presented and, there being no objection, were ordered placed on file in the office of the City Clerk.

License applications for DANCE HALL, (previously approved by the Police Chief and the Police Committee), E. G. Moore for B.P.O.E. #1087, Gene L. Mauro for Geno's; PAWN BROKER, (previously approved by the Police Chief), Edwin Buky for Buky's; PHOTOGRAPHER, (previously approved by the Police Chief), Robert H. Rasmussen at 509 "E" Street, Rulon B. Perkins for Perk's Portraits, Elsie Matthews for Lisle Ramsey Portrait Studio; BOWLING ALLEY, Ky Nii - 16 lanes for Hollywood Bowl, E. G. Moore, 8 lanes for B.P.O.E. #1087, Alvin Gemar, 12 lanes for Broadway Bowl; HOTEL, (previously approved by the Police Chief), Norma J. Bailey, 26 rooms at Nelson Hotel, Velma Matz, 19 rooms at Rex Hotel, Thelma Kissell, 14 rooms at Hanson Hotel; GROCERY STORE, (previously approved by the City Sanitarian), Harold Moss for Home Improvement Market, Gerald Robbins for United Blue Ribbon Food Service; RESTAURANT, (previously approved by the City Sanitarian), Roscoe C. Call for Ma & Pa's White House Café, Monte Amador for Monte's Falls Café, Leonard Messmer for Leonard's Airport Lounge & Dining Room, Jarvis D. Jensen for Sears Roebuck & Co., W. L. Attebery for Pizza Prince; DAIRY, (previously approved by the City Sanitarian), Leonard H. Manwaring for Cream Top Dairy, Leonard H. Manwaring for Upper Snake River Valley Dairymen's Association, Inc., Mark Purcell for Purcell Dairy, B. Harper for Home Delivery Dairy;

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ELECTRICAL CONTRACTOR, (previously approved by the Electrical Inspector), Dick Wheeler for Dick Wheeler Electric, Dale Dockstader for Electrical Equipment Co., Delbert H. Fannesbeck & Tillman H. Fannesbeck for Fannesbeck Electric, Loyale Babbitt Electric & Refrigeration Co., Clarence Shore for Shore Electric, Alva Lewis for Alva Lewis Electrical Contracting, Thomas F. Snauffer for Tom Snauffer Electric, Mardell Oakey for Oakey Electric, K. J. Fisher for Fisher Electric, Parr Electric Inc., Vernon Priest for Priest Electric; JOURNEYMAN ELECTRICIAN, (previously approved by the Electrical Inspector), for Vernon Priest, W. C. Jamison, Rue Spears, Derlin L. Campbell, LeRoy D. Hale, Mardell Oakey, Thomas F. Snauffer, Alva Lewis, Jay Beasley, Virgil Price, Ronald Nugent, Jack B. Dalton, Enoch Weber, Samuel Knox, Dick Wheeler, O. D. Edgerton, Tillman H. Fannesbeck, Clarence Shore, Dale Dockstader; CLASS B CONTRACTOR, WARM AIR HEATING, GAS FITTING & REFRIGERATION, (previously approved by the Heating Inspector), Darrell Landon for Conan & Landon Heating & Sheet Metal, Robert Jones for Jacobson Fuel & Heating, Lovell Harrop for Bonneville Service; CLASS B WET HEAT, WARM AIR, GAS FITTING CONTRACTOR, (previously approved by the Heating Inspector), Tom Lake for Lake Plumbing & Heating, Elmer Holmgren for First Street Plumbing & Heating; CLASS C WARM AIR HEATING & GAS FITTING CONTRACTOR, (previously approved by the Heating Inspector), Eldon Thompson for Woodville Heating, Robert Schriener for Schriener Heating; CLASS D GAS CONTRACTOR, (previously approved by the Heating Inspector), Darrell O. Bennett for Idaho Potato Growers, Inc., Lloyd Winn for Upper Snake River Valley Dairyman's Assoc. Inc.; CLASS D REFRIGERATION CONTRACTOR, (previously approved by the Heating Inspector), Lynes & Anderson for Lynes & Anderson, Inc., Darrell D. Baker for Baker Refrigeration Co., Harold Poole for 1032 Hillview; CLASS D WET HEAT CONTRACTOR, (previously approved by the Heating Inspector), Ernest Terry for Terry Plumbing & Heating, Lynn Harris for Harris Plumbing & Heating; CLASS B JOURNEYMAN REFRIGERATION, WARM AIR HEATING & GAS FITTING, (previously approved by the Heating Inspector), Lovell Harrop, Darrell Landon, Max Conan, Norman Conan; CLASS B JOURNEYMAN WET HEAT, (previously approved by the Heating Inspector), Lovell Harrop, Darrell Landon, Max Conan, Norman Conan; CLASS B JOURNEYMAN WET HEAT, WARM AIR HEATING & GAS FITTING, (previously approved by the Heating Inspector), Raymond Landon, Clarence Benson, Elbert M. Willis, Eldon Thompson, Max Russell, Lyle M. Charlesworth Jr., Robert Schriener; CLASS C JOURNEYMAN GAS FITTING & WET HEAT, (previously approved by the Heating Inspector), Arnold Harris; CLASS C JOURNEYMAN GAS FITTING & REFRIGERATION, (previously approved by the Heating Inspector), Vaughn Johnson; CLASS D JOURNEYMAN GAS FITTER, (previously approved by the Heating Inspector) Cyril Lempke, William Heaton, Lloyd Winn, Edward Nixon, Morley Longmore, Duane Sibbett; CLASS D JOURNEYMAN WARM AIR HEATING, (previously approved by the Heating Inspector), James Walker, Robert Young, Harley Johnson, Kenneth Deon, Marilyn Nelson, Dale Fife, Hans Deede; CLASS D JOURNEYMAN REFRIGERATION, (previously approved by the Heating Inspector), Erwin Warren, William Johnson, Darrell D. Baker, Harold Poole, William F. Chapman; CLASS D JOURNEYMAN WET HEAT, (previously approved by the Heating Inspector), Lynn Harris, Ernest Terry, Don C. Frisby; CLASS D APPRENTICE GAS FITTER, (previously approved by the Heating Inspector), Darrel D. Smith, Arlo Belnap, Kermit Blanchard; MASTER PLUMBER, (previously approved by the Heating Inspector), Elmer Holmgren for First Street Plumbing & Heating, Ernest Terry for Terry's Plumbing & Heating, Tom Lake for Lake Plumbing & Heating, Dean C. Kirkham for Kirkham Plumbing & Heating, Scott Bair for Scott Bair Plumbing & Heating; JOURNEYMAN PLUMBER, (previously approved by the Heating Inspector), Tom Lake, Arnold

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Harris, Don C. Frisby, Dale Mathews; RETAIL LIQUOR, Charles R. Jachetta for Hawaiian Supper Club, Julia Russel and Kermit Purcell for Jack's Club were presented. It was moved by Councilman Freeman, seconded by Leahy, that this license be granted, subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim was presented:

Dear Mr. Barnes:

This is to let you know, your playing around with the electricity on this line has been very expensive. You burned up my stove, two motors in my frig - cost under \$65.00. You burned up my dryer - cost \$24.25. You burned up my washer - cost \$53.40. You burned up a transformer and a resistor and a tube in my TV set - cost \$30.00. You knocked out an electrical thermometer gadget on my furnace - fixed by a neighbor. Now you have finally fixed my water heater. That cost will be a doozy. The only thing left in the house that you can ruin is my freezer and I am told you are going to have to shoot us quite a few more volts than you already have to get it. So, keep on trying, buddy, you may get it yet. What is ironic is now you want me to pay for all the electricity that burned up all my appliances. Wowee, that's justice.

If you will check you will find we called you and you sent 2 guys out to check it out & they said it was alright but you put the cardiogram on anyway and it was registering 117 when you took it off. I have it on good authority that that is enough to burn up small motors and wiring. No telling how much was coming in on the 220 line & no telling how much at different times on the 110 line.

Now, I want to know what you are going to do about all these expensive repairs?

s/ Mrs. Joe Moser
804 Cleveland
City of Idaho Falls

It was moved by Councilman Nelson, seconded by Page, that this be referred to the City Insurance Adjustor for investigation. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim denial recommendation was presented and read:

Safeco, Lifeco General Ins.
258 Broadway
Idaho Falls, Idaho
February 1, 1965

City of Idaho Falls
Idaho Falls, Idaho

Attention: Mr. Roy C. Barnes
City Clerk

FEBRUARY 9, 1965

Regarding: Our Insured: City of Idaho Falls - BLP 232171
Accident of: 1-20-65
Claimant: Bobby Joe Everett

Dear Mr. Barnes:

We have completed our investigation of the claim submitted by Bobby Joe Everett. He claims a wheel and tire were damaged by a manhole cover which was left upside-down and it flipped up causing the damage. This accident occurred while his wife was driving their car on Holmes Avenue between Whittier and College Street.

Our investigation reveals that there was no negligence on the part of the City since under reasonable inspection, which is made by all Departments, nothing was detected or known and they do not have complete control of this as it has been used by the public. Also there is evidence of contributory negligence on Mrs. Everett's part in that she saw the upside-down manhole cover before she drove over it and there is an assumption of risk on her part.

We would appreciate very much if you will deny the claim which has been submitted by the Everetts.

Sincerely yours,

SAFECO INSURANCE COMPANY

s/ Merlyn D. Colpron

Merlyn D. Colpron

Claims Adjustor

IDAHO FALLS FIELD OFFICE

It was moved by Councilman Leahy, seconded by Freeman, that this damage claim be officially denied. Roll call as follows: Ayes, 6; No, none; carried.

This communication was presented and read:

Burrows, Smith Co. of Id.
174 South Main Street
Salt Lake City, Utah
February 8, 1965

S. Eddie Pedersen
City Hall
Idaho Falls, Idaho

Re: \$587,000 General Obligation Fire Improvement Bonds

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Dear Mayor Pedersen:

We are pleased to advise you that as a result of the prospectus which we prepared and submitted to Moody's Investor Service, a nationally know bond rating service, this new issue of bonds will carry a AA rating. This is extremely important to your City and will result in extra savings in the interest cost you will pay; that is a lower rate of interest.

This gives you the same Moody's rating as is enjoyed by School District #91, Bonneville County and the same rating enjoyed by the State of California.

I will attend your meeting on February 18 to help you ascertain which is the best bid for your bonds.

Kind personal regards,

s/ Kenneth D. Newman

Kenneth D. Newman

Vice President

No council action was considered necessary.

This memo from the City Clerk was read:

CITY OF IDAHO FALLS

Office of the City Clerk

2-9-65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

An auction sale was conducted, by the City Clerk, on Saturday, February 6th. He wishes to express appreciation for the fine cooperation and assistance from the Public Works Department, the Building Maintenance Department, the Police Department, the Personnel Director, the Recreation Department, the Street Department and all others who gave of their time. A large enthusiastic crowd was in attendance which should vindicate the decision to hold said sale in the City Annex Building, rather than at the Tautphaus Log Building.

Proceeds from the sale were as follows: Miscellaneous, \$278.00; Guns, \$103.00; Bicycles, \$185.50; Cars, \$289.50; TOTAL: \$856.00.

The purpose of this memo is purely informative and so that the results of the sale might be made a matter of record.

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Respectfully submitted,
s/ Roy C. Barnes
Roy C. Barnes
City Clerk

No Council action was considered necessary.

The City Clerk drew attention to the fact that two notices of completion of public works had been published, in the interests of time, without formal Council approval, as follows: Construction of the Garfield Street water line and the Lindsay Boulevard sanitary sewer extension. It was moved by Councilman Leahy, seconded by Keller, that the action of the City Clerk in this regard be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was read:

February 9, 1965

MEMORANDUM

TO: Mayor and Council
FROM: W. H. Fell

The Electric Division requests permission to purchase, by bid, a 4-door sedan for use of the Customer Service Advisor.

This item is in the proposed budget.

s/ W. H. Fell
William H. Fell
Manager, Electric Light Division

It was moved by Councilman Leahy, seconded by Keller, that authorization be granted to proceed as requested and, also, authorization for similar action by the Public Works Director in the interest of the City Engineer. Roll call as follows: Ayes, 6; No, none; carried.

From the Purchasing Agent came the following memo:

City of Idaho Falls
Office of the
Purchasing Agent
February 5, 1965

500 KVA Transformer

Honorable Mayor and Councilmembers:

Tabulation of bids for 500 KVA transformer is attached.

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Evaluation of bids received show RTE Corporation of Portland, Oregon, submitting the low bid of \$3,497.00.

This transformer is to be used on Holladay Inn service hook-up.

It is the recommendation of the Electric Light Division 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 Leahy, seconded by Keller, that the low bid of RTE Corporation be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Official, this memo was presented:

February 4, 1965

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

Gentlemen:

I would like to present, for your consideration, for reappointment to serve on the Board of Adjustment, the following names and length of terms:

Grover Bennett	One Year
Worth Wright	One Year
Lloyd Stalker	Two Years
Vincent Mullin	Two Years
Richard Poitevin	Three Years
Wallace J. Burns	Three Years
W. Del Miller	Four Years

The following names were suggested to choose two (2) members. One to replace Mr. Orland C. Buck, retiring, and one to increase the Board to nine members.

Francis Simonson	Four Years
Lawrence E. Matson	Five Years

These names were recommended by the Adjustment Board and the length of terms was arrived at by drawing numbers by the Chairman, Lloyd Stalker.

Respectfully,

s/ Ray Browning
Ray Browning
Building Official

The Mayor made these appointments accordingly. It was moved by Councilman Nelson, seconded by Parish, that these appointments, together with the tenure of office as indicated, be duly confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor drew attention to the written resignation of Mrs. Jay F. Kunze as Secretary to the Parks and Recreation Commission which can be found on Page 127 in this Book of Minutes. He proceeded to appoint Mrs. Leonard Fisk to fill that un-expired term in that capacity. It was moved by Councilman Parish, seconded by Freeman, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

It was noted that the Planning Commission had recently recommended to the Mayor and City Council that the name of Brigham Street be changed to 25th Street. It was moved by Councilman Page, seconded by Leahy, that this be approved. Roll call as follows: Ayes, 6; No, none; carried.

A second recommendation from the Planning Commission was noted, relative to a strip on the west side of Holmes between Third Street and the alley between 9th and 10th Streets on which a petition had been presented to said Commission for rezoning and on which a special committee had been named to investigate and recommend. In view of this action, the Planning Commission recommended to the City Council that rezoning action be tabled and extended for thirty days. It was moved by Councilman Leahy, seconded by Parish, that this be approved. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1124

AN ORDINANCE VACATING AND CLOSING A PART OF SOUTH CAPITAL AVENUE LYING WEST OF LOT 14, BLOCK 18, WINNS ADDITION TO 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 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 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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In view of the foregoing action, a quit claim deed was presented, in favor of Rowena and Glendon Humphrey, covering the area so vacated. It was moved by Councilman Leahy, seconded by Freeman, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Controller was presented:

City of Idaho Falls
MEMORANDUM
February 3, 1965
CORRECTED

TO: Mayor S. Eddie Pedersen and City Council
FROM: L. I. Jenkins, Controller
SUBJECT: LEASE RENEWAL - PARKING LOT

By memorandum on December 7, 1964, I informed you that the two leases for the parking lots at Keefer and Higbee would expire February 1, 1965. These leases ran for a two year period with an option to renew for an additional two years. To date authorization for renewal of the leases has not been enacted. The lessors now inform me that the rent will be increased from \$125.00 per month to \$175.00 per month if the City still wishes to renew that leases on the property. May I know your pleasure concerning these leases.

s/ L. I. Jenkins
Controller

It was moved by Councilman Leahy, seconded by Keller, that this be tabled for study by the City Attorney in an effort to re-negotiate with somewhat better lease rental terms than proposed. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Controller, this memo was read:

City of Idaho Falls
MEMORANDUM
February 4, 1965

TO: Mayor S. Eddie Pedersen
FROM: L. I. Jenkins, Controller
SUBJECT: FARM LEASE RENEWAL

The anniversary date of a renewable farm lease between the City of Idaho Falls and George W. Day, known as the Day Farm in the Sand Creek Park area will occur the first day of March 1965. A condition in the lease states that it is renewable from year to year thereafter until this lease is terminated by either party as hereinafter provided. In other words the George Day lease is continuous until terminated by either party. Inasmuch as there is some question

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regarding future use of this property, I suggest that a decision be made quickly in order to protect Mr. Day from undue inconvenience resulting from early termination of this lease.

It was noted that part of the area in question is being used by the Cutter Racing Association. It was moved by Councilman Parish, seconded by Page, that this be referred to the Recreation Committee as a means of negotiating and evaluating with the new lessor. Roll call as follows: Ayes, 6; No, none; carried. It was understood that the Controller would contact Mr. Day that the existing lease was being terminated.

Finally, from the Controller this memo was read:

City of Idaho Falls
MEMORANDUM
February 4, 1965

TO: Mayor S. Eddie Pedersen and City Council
FROM: L. I. Jenkins, Controller
SUBJECT: FARM LEASE RENEWAL

The anniversary date of a renewable farm, lease between the City of Idaho Falls and Howard V. Anderson, deceased, for land known as the Wright Farm in the Sand Creek area will occur March 1, 1965. A condition in the lease states that it is renewable from year to year thereafter until this lease is terminated by either party, as hereafter provided. Mrs. Anderson has informed me that she does not wish to continue with the lease. If it is the City's intention to offer this property for future lease the decision should be made soon to permit advertising by the City of its intention to lease prior to the March 1, 1965.

It was moved by Councilman Page, seconded by Freeman, that the Controller be authorized to advertise for a lessee on a cash basis and that the present tenant be so notified. Roll call as follows: Ayes, 6; No, none; carried.

This notice of appeal was presented and read by the City Clerk:

BEFORE THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

In the matter of the Application)
of Ben Lomond, Inc. to Amend)
the Development Plan for the)
Roy H. Bennett Shopping Center)
to Permit the Construction of a)
Service Station.)

NOTICE OF APPEAL

TO THE CITY CLERK AND CITY COUNCIL AND MAYOR OF THE CITY OF IDAHO FALLS, IDAHO:

FEBRUARY 9, 1965

Comes now Ben Lomond, Inc., by and through its Attorney, Dennis M. Olsen of the firm of Petersen, Moss & Olsen, and gives notice of its appeal of the determination of the Planning Commission denying said Ben Lomond Inc.'s petition for an amendment of the development plan of the Roy H. Bennett Shopping Center to permit the construction of a service station on the following described portion of said shopping center, to-wit:

Roy H. Bennett Shopping Center, Division No. 1, in Bonneville County, Idaho, Block 1; All that portion of Lot 1, described as follows:

Beginning at a point that is South 0° 4' 40" West along the Section line 26.20 feet and South 89° 16' 30" East 591.07 feet and South 0° 8' 40" West 13.80 feet from the Northwest corner of Section 29, Township 2 North, Range 38 East Boise Meridian; thence South 89° 16' 30" East 110 feet; thence South 0° 8' 40" West 125 feet; thence North 89° 16' 30" West 110 feet; thence North 0° 8' 40" East 125 feet to the point of beginning.

Said Ben Lomond, Inc. alleges that this determination of the Planning Commission is arbitrary and capricious and not based on any valid reason; that it is unlawful; and that it deprives the petitioner, Ben Lomond, Inc., of its rights without due process.

The Petitioner hereby requests the City Council to reverse the determination of the Planning Commission and allow the petitioner to construct said service station in accordance with its request for amendment. Enclosed herewith are copies of the petition submitted to the Planning Commission together with a copy of a plat showing the location of the proposed service station. The determination of the Planning Commission denying the request made on January 12, 1965.

Respectfully submitted,
Peterson, Moss & Olsen

s/ Dennis M. Olsen
Dennis M. Olsen

It was moved by Councilman Parish, seconded by Page, that the Planning Commission's recommendation be upheld and the request of the petitioners be denied. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 130 in this Book of Minutes and more specifically, the presentation of a preliminary Cooperative Agreement between the City and the State of Idaho, Department of Highways, relative to relocation of U. S. Highway #20 between John's Hole and Ucon. At that time, the agreement had certain completion dates for work to be accomplished by the City. This

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preliminary agreement was again presented and the dates had been amended to the satisfaction of the Council. However, there were other terms and conditions that, in the opinion of the Council, should be the subject of further study, consideration and possible re-negotiation. It was agreed that, at the earliest possible date, a meeting for this purpose be called with the State Urban Engineer, the Public Works Director, the City Engineer, the Mayor and the City Council in attendance. Therefore, no further action was taken on the agreement.

This memo from the City Clerk was read:

City of Idaho Falls
Office of the City Clerk
2/9/1965

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

The local Machine Tabulating Service has voluntarily and experimentally, without cost to the City, billed the metered water book for the past two billing periods. This is a separate and distinctly unique function on our billing operation involving 220 metered water accounts, none of which include electric billing.

We have in our possession a separate proposal from that service bureau which includes a quotation of their costs in the event we were to contract with them for this portion of our billing, as follows: \$20.00 per 100 accounts for statements; \$3.00 per 100 items for detail items other than meter items; \$11.00 per 100 meter items; plus a non-recurring set up charge of \$380.00 for paneling, wiring, keypunch labor, systems labor, etc. Exclusive of this non-recurring fee, the monthly charge would amount to about \$85.00, in comparison to our actual costs of approximately \$50.00 in labor for figuring and billing.

Obviously, then, if the City were to contract with Machine Tabulating for this service it would be necessary to justify it on other grounds except savings. Billing of the water accounts have traditionally been the most cumbersome and awkward part of our billing procedure. For instance, our billing machine is not equipped to reproduce water in millions of gallons and so this must be inserted on each bill by typewriter. Admittedly, the hand computing of the bills has resulted in errors.

We believe that conversion to the local service bureau immediately for this portion of our utility billing can be justified from the standpoint of accuracy and freeing the billing operators and the clerks for other activities, at least to that extent.

There is another facet to this matter worthy of consideration. Within the predictable future, the City is expected to make a decision on whether or not the entire billing operation

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will be handled by data processing. By the time that decision is forthcoming we will have a clear conception of the advantages and the disadvantages of data processing, at least as pertains to this portion of our billing and it could be useful and valuable in arriving at a decision on the major billing operation.

We recommend that the Council authorize the City Clerk to negotiate for a contract with Machine Tabulating Service on the water billing, as heretofore described.

Respectfully submitted,

s/ Roy C. Barnes
Roy C. Barnes, City Clerk

It was moved by Councilman Parish, seconded by Page, that the City Clerk be authorized to proceed as requested and recommended. Roll call as follows: Ayes, 6; No, none; carried.

At the invitation of the Mayor, Councilman Nelson re-introduced the subject of the "E" Street project, noting that an improvement district had previously been created for its improvement. He said this re-introduction was prompted by the fact that the Engineering Department needs to determine whether or not to expend valuable man hour time on the project, calculating assessments, etc. Public Works Director Lloyd appeared briefly and commented to the effect that reconstruction of the street does pose certain problems; for instance, there is not adequate room for satisfactory sidewalks in a commercial area without acquiring additional property. The Engineering Department was directed by the Mayor to complete their study and refer same to the Council at the earliest possible date for their consideration.

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
