

NOVEMBER 20, 1980

Prior to calling the meeting to order, Mayor Campbell welcomed several scout troops who were present in the Council Chamber and called upon one of the Scouts, Jason Savage, to come forward and lead all those present in the Pledge of Allegiance to the Flag. The Mayor then called the meeting to order and upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Art Chandler, Wes Deist, Mel Erickson, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Arthur Smith, City Attorney, and all other available Division Directors.

Minutes of a recessed regular meeting held November 5th, 1980 and a special meeting held November 19th, 1980 were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider the granting of a license agreement to Mr. Howard Mead, 2122 Calkins Avenue, to permit encroachment upon the public right-of-way when constructing a fence, and called upon Councilman Chandler, as Chairman of the Planning and Zoning Committee to conduct the hearing. At the request of Councilman Chandler, the City Clerk read this explanatory memo:

City of Idaho Falls
November 18, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST TO CONSTRUCT FENCE

Attached hereto is a license agreement which grants permission to Mr. Howard Mead, 2122 Calkins Avenue, to encroach upon the public right-of-way. This license agreement has been reviewed and approved by the City Attorney's office.

This agreement was made necessary due to the fact Mr. Mead had begun construction on the new fence on the old existing fence line, not realizing this property was in the City's street right-of-way.

This Department requests the Mayor and Council be authorized to sign this agreement. This matter is now being submitted for your consideration.

s/ Rod Gilchrist

Councilman Chandler asked if there was anyone present who would like to speak in favor or against this issue. There were none who appeared to protest or comment. Councilman Chandler said that a license agreement had been prepared by the Legal Department and it was the recommendation of the Public Works and Building Departments that this agreement be accepted by the City Council. It was moved by Councilman Chandler, seconded by Sakaguchi, that this license agreement between the City of Idaho Falls and Howard Mead be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider a re-zoning request covering Lots 20 through 24, Block 5, Crows Addition, and called upon Councilman Chandler to conduct the

hearing. Councilman Chandler asked the City Clerk to read this explanatory memo from the City Planner:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR RE-ZONING - SOUTHEAST CORNER OF
BOULEVARD & 2ND STREET

Attached is a copy of a request to rezone the above described from R-3 to R-3A. This petition has been submitted by the property owners, Nelson Properties, and covers Lots 20 through 24, Block 5, of the Crow's Addition. This property includes the vacant lots at the immediate corner of 2nd Street and Boulevard, as well as the two small rental houses, 114 and 120 2nd Street. The property owners have proposed to construct a professional office building on the vacant property at this time, and possibly to construct a professional office building on the vacant property at this time, and possibly in the future to remove the two small houses at such time the professional building should expand and require additional parking.

The Planning Commission recently considered this matter at a public hearing, and at that time, recommended approval of the request. Several people in the audience made inquiries regarding the planned usage of the property and questioned if the two houses would be removed.

This Department concurs with their recommendation and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Councilman Chandler then asked Assistant City Planner, Ben Inman, to explain the request and locate the property involved. During his presentation, Inman stated several near-by residents had raised concern at the Planning Commission hearing that the two houses now on the property would not be moved out within the immediate future and also the anticipated increase of traffic in the area. He said that the Planning Commission did not feel that this would have additional impact on traffic problems of the area. Several questions were asked concerning access from the proposed parking lot. Councilman Sakaguchi stated that this would be studied when the plat plan was submitted. Councilman Chandler invited anyone present in the audience to speak in favor of the proposed re-zoning.

Mr. Jerry Murdock, 326 1/2 West 20th, appeared representing the petitioners, Messrs. Glen and Mark Nelson. He said it was planned to build a four-plex building and parking for eight vehicles with proper access. He said the reason for the re-zoning request was that the R-3A zoning gave a greater potential for selling the property.

Mr. Bert Strong, 128 Second Street, appeared briefly, stating that there had been a petition circulated which the area residents had signed with the understanding that the two houses on the property would be removed. He requested assurance that, if this property was re-zoned, the two existing houses would be removed.

Councilman Chandler asked the City Attorney if the Council had the right to re-zone the property and stipulate that the houses be moved. City Attorney Smith answered

that this was not a normal requirement in re-zoning and , in his opinion, it would be improper to instruct the land-owner what to do on the property.

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There being no one else to appear who was in favor of the re-zoning request, Councilman Chandler asked for comments from those who were opposed to the re-zoning.

Mrs. Helen Benzon, 127 Second Street, appeared briefly stating that she was not against the re-zoning, but was against not having adequate parking, as there was not adequate parking available in this area at this time and there would be less if the two houses were not moved and parking made available.

Mr. Aaron Beech stated that he had signed the petition for re-zoning with the understanding that the two houses would be removed. He asked the City Attorney if it would not be illegal, after re-zoning R-3A, to have single family dwellings within that zoning. Attorney Smith answered in the negative, stating that it would be legal for the existing homes at the time of re-zoning to remain in the new zone.

Mr. Wilhelm Reichelt, 295 South Boulevard, appeared briefly, stating it was his understanding, when signing the petition, that they were going to build a dental building on the property. He said he was concerned about the increased traffic problems if this property was re-zoned.

There being no one else who appeared in opposition to the re-zoning, Councilman Chandler asked if anyone wished rebuttal time.

Mr. Jerry Murdock re-appeared, stating that the present zoning allows for construction of a 4-plex and eight parking spaces and, in his opinion, the zone change would not add to or alleviate any parking problems. He said that re-zoning was the only stipulation as to whether or not there is sale for the property at this time. He said that if the property remains zoned R-3, the two houses will remain, but if re-zoned R-3A, there is a possibility that they will be removed.

Councilman Erickson stated that, in his opinion, the petition was signed on the pretense that the homes would be removed. Mr. Murphy said that Mr. Nelson has circulated the petition and he, Mr. Murphy, had no knowledge what had been presented to the residents by Mr. Nelson. Councilman Erickson stated that, in his opinion, when a petition is circulated by a property owner and signed in good faith by residents from what is presented to them, then the owner of the property should answer as to how he presented the issue to the residents of the area.

City Attorney Smith referred to a recent court case in Idaho designating proper legal proceedings of re-zoning requests, and asked Mr. Murphy if the only reason for asking for the re-zoning was that the property becomes more attractive for sale if re-zoned. Mr. Murphy said the person interested in buying the property requested that it be re-zoned before he purchased the property or he would not buy. Councilman Chandler asked Mr. Murphy if a dental office was used as an example of what was to be constructed on the property if re-zoned. Mr. Murphy said he felt Mr. Nelson would not intentionally mislead anyone, but he could not answer as to what had been said.

At the request of the Mayor, this petition with approximately 14 signers was read:

The undersigned petitioners, being all of the property owners adjoining and within 300 feet of the real property herein described, do hereby give their consent to the request of the said purpose herein described, and so hereby petition the City of Idaho Falls, a municipal corporation, to grant the request.

PURPOSE OF REQUEST: Build a beautiful office building with landscaping and fencing. Councilman Deist asked the City Attorney if it would be proper to re-zone the property and then not approve the building plat until the buildings were removed. City

Attorney Smith answered that this was not good zoning procedure and he would recommend that strings not be attached to zonings or re-zonings. It was moved by Councilman

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Chandler, seconded by Sakaguchi, that this public hearing be recessed until December 4, 1980, and that the owner of the property be requested to attend to explain his intentions and plans for the property. Roll call as follows: Ayes, 6; No, none; carried.

At the invitation of the Mayor, Councilman Hovey explained the background concerning the Retail Wine issue. He said that, based on research, he was satisfied that there was no clear-cut understanding of the definition of "Retail Wine Sales". He said that the definition before the election seemed to be retail sales in grocery stores and he could find no mention of sale of wine by the drink being brought out at that time. He said that after the election, the Council was confronted with the sale of wine by the drink issue and there was some feeling that the Council should proceed slowly and be sure proper legal steps were taken concerning wine by the drink being allowed within the City under this issue. He said there was never any intention of the Council to obstruct the mandate by the people for the sale of wine by the bottle, and neither was there any intention to slow down or abolish sale of wine by the drink. He said there was concern that the Council should proceed slowly as there was some concern and question as to proper interpretations and therefore, it was felt by some that several hearings should be held allowing for input from City residents. He said that the State, County and City were all involved in the licensing procedures and these other agencies had been contacted. Hovey then asked the City Attorney to present and review an ordinance which would permit the sale of retail wine off the premises and also on premises sale of wine by the drink. The City Attorney stated that he was disappointed that the Statute that prompted the vote was not more specific, as it only stated "yes" or "no" on retail sale of wine and then went on to state that cities and counties had the right to make regulations under their police powers as they desired. He said he had prepared two ordinances-- one for consumption off the premises and another for consumption on the premises allowing sale by the drink. As Councilman Hovey had requested the ordinance for sale of wine on the premises by the drink, this ordinance was presented:

ORDINANCE NO. 1659

AN ORDINANCE MAKING IT UNLAWFUL TO SELL WINE AT RETAIL WITHIN THE CITY OF IDAHO FALLS, IDAHO, WITHOUT FIRST HAVING OBTAINED A LICENSE THEREFOR; AUTHORIZING THE ISSUANCE OF RETAIL WINE LICENSES AND WINE BY THE DRINK LICENSES; ESTABLISHING THE QUALIFICATIONS FOR LICENSES, THE FEES FOR OBTAINING LICENSES AND THE PROCEDURE FOR THEIR ISSUANCE; SETTING FORTH CONDITIONS AND RESTRICTIONS IN THE SALE OF WINE BY RETAIL AND DEFINING UNLAWFUL PRACTICES; PROVIDING FOR REVOCATION OF LICENSES AND FIXING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Mayor Campbell asked the Attorney if the wine ordinance covered, basically, the same requirements as the beer ordinance. Attorney Smith answered that the same age requirements, hours and dates of selling and proximity of location to churches as required by State Statute required for the sale of beer, are included in the wine ordinance. It was

noted that the City wine ordinance did not allow for sale of wine by the drink on Sunday. There being no further comment, it was moved by Councilman Hovey, seconded by Erickson,

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that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows; Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried; Councilman Chandler voting no.

Mr. Jerry Jayne, 1568 Lola Street, appeared and presented the following prepared statements concerning a fourth turbine:

PROPOSED FOURTH BULB TURBINE

REMARKS BY: Jerry Jayne
1568 Lola Street
Idaho Falls

MADE TO: Idaho Falls City Council at City Council Meeting Nov. 20,
1980

The City Council has proposed to build a fourth city hydroelectric plant on the Snake River 7 miles downstream from Idaho Falls, in the vicinity of the old 1913 Gem State Light and Power Dam, and is already pursuing licensing of the project. (Post Register, 10/30/80, "City May Build Fourth Plant").

The stretch of Snake River which would be modified and inundated is quite wide and attractive. The river banks are semi-natural, unlike much of the bank in Idaho Falls. There are willows, Russian olive, and other shrubs and trees. It appears to be good habitat for birds and small mammals. There also appears to be some recreational use along this stretch of free-flowing river.

A dam for a bulb turbine, or other type of hydro plant, would adversely impact this stretch of river, and we need to have an idea of what the impact would be. We also need to know predicted socio-economic impacts of such a project. This information needs to be made readily available to the public before we are committed to the project.

One of the ways of best meeting this need is the timely completion of an Environmental Impact Statement (EIS), and I hope that the City Council has been seriously considering the matter. An EIS is, of course, required by the National Environmental Policy Act of 1969 (NEPA) for any projects expected to cause significant environmental impacts and which are proposed by federal agencies, funded in any way by federal money, or which require federal permits or licenses. Placing a dam on the Snake River obviously would produce significant environmental impacts.

In retrospect, it now seems clear that we should have had an EIS for the 3 bulb turbine projects now under construction. The public of Idaho Falls did not

have the benefit of knowing what to expect. Indeed, we were led to believe that the projects would consist primarily of rebuilding parts of the existing dams

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and replacing the old turbines with bulb turbines. We now see considerably more excavating and channeling of the river than we expected. We hear questions about the future of the falls from which the name of our city derives, and also about the future of the geese, which need open water in winter as well as summer. There are probably other things we should have been told before the projects were started, but we don't know yet because the information which was given to us was promotional in nature, and thus one-sided and inadequate.

In this era of openness in government, local governments must make every effort to objectively inform citizens of both predicted advantages and predicted disadvantages of major proposals. I offer these comments in the spirit of constructive criticism and in hopes of improved communication between Idaho Falls City Government and the public. They apply to major actions proposed in general, and not only to the proposed fourth city power plant.

No Council action was deemed necessary on these statements.

License applications for RESTAURANT, J.J.M. Development Corporation (name transfer from Jake's), APPRENTICE ELECTRICIAN, David G. Warner with Nelson Electric; BARTENDER Joe Flora, Kenneth Sheperd, Mark Ulschmid, Shirley E. Gimpel; BEER (canned & bottled, not to be consumed on the premises), Skagg's Drug Store #259, Gas N' Grub; BEER (canned, bottled and draught to be consumed on the premises), G & B's Lounge, The Samoa Club, Pizza Hut, J.J.M. Development Corp. (transfer from Jake's); LIQUOR, the Samoa Club, J.J.M. Development Corp. (transfer from Jake's), were presented. It was moved by Councilman Erickson, seconded by Deist, that these licenses be issued, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was presented:

City of Idaho Falls
November 17, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: MOTOR FUELS AND LUBRICANTS

The General Services Division requests authorization to advertise to receive bids for motor fuels, lubricants and heating oil for the year 1981.

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Chandler, that the General Services Director be authorized to advertise to receive bids for motor fuels, lubricants and heating oil for the year 1981. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Personnel Director was then read:

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City of Idaho Falls
November 18, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Personnel Director
SUBJECT: RECOMMENDED CHANGE TO CITY PERSONNEL POLICY

The attached change to the City of Idaho Falls Personnel Policy is recommended for Mayor and Council approval. The proposed change deals with longevity language, under Article XXXV, paragraph 1.

s/ Craig Lords

Councilman Hovey explained that the Personnel Policy called for the payment of the annual longevity payment in December, but this change would allow for payment in November. It was moved by Councilman Hovey, seconded by Chandler, that the recommendation of the Personnel Director, changing the policy dealing with longevity be approved. Roll call as follows; Ayes, 6; No, none; carried.

This memo from the Parks and Recreation Director was presented:

City of Idaho Falls
November 19, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Parks & Recreation Director
SUBJECT: CEMETERY FEES

The Parks and Recreation Council Committee & Division has reviewed the present Cemetery fees and charges and respectfully submit to you for approval the following fee schedule effective immediately.

<u>GRAVE SPACES:</u>	Adult: \$150.00 to \$ 200.00
	Infants: \$ 50.00 to \$ 65.00
<u>OPENING & CLOSING GRAVES:</u>	Adults: \$100.00 to \$ 150.00
	Infants: \$ 45.00 to \$ 65.00
<u>DISINTERMENT:</u>	Adults: \$100.00 to \$ 150.00
	Infants: \$ 45.00 to \$ 65.00
<u>CREMATION (ASHES):</u>	\$ 25.00

Last fee change - June 1, 1979

s/ Ernest Craner

The foregoing memo was accompanied by this ordinance:

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ORDINANCE NO. 1660

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 9-7-5 AND 9-7-14, CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR TRANSFER OF CEMETERY LOTS AND ISSUANCE OF A NEW CERTIFICATE BY THE CLERK TO THE NEW OWNER AND REQUIRING PAYMENT OF A FEE OF \$10.00 FOR ISSUANCE OF SAID NEW CERTIFICATE; FIXING CHARGES AND FEES FOR BURIAL SPACES AND SERVICES WITHIN THESE CEMETERIES OF IDAHO FALLS, IDAHO; PROVIDING THAT NO WOODEN BOXES MAY BE USED IN BURIALS; PROVIDING WHEN THE ORDINANCE BECOMES EFFECTIVE.

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

From the Fire Chief came this memo:

City of Idaho Falls
November 19, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Douglas C Call, Fire Chief
SUBJECT: MUTUAL AID AGREEMENTS

Several years ago a joint use agreement between the City of Idaho Falls and Ucon, Iona, Ammon and Ririe was entered into. This agreement set forth conditions whereby fire equipment and manpower from each community could be used to suppress fires in other communities. This agreement has been non-reciprocal in nature and with a new rating schedule from the Rating Bureau, it would appear that the City of Idaho Falls could lose rating points with this type of agreement.

It is therefore recommended that the Fire Chief be directed to terminate the existing agreements and to offer outside aid agreements whereby the parties requesting aid would agree to reimburse the City of Idaho Falls for costs incurred in supplying this service.

This would not in any way affect paramedic emergency medical service to these areas.

s/ Douglas C. Call

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Councilman Wood stated that if this agreement was accepted, it would not be in effect for thirty days to allow these communities an opportunity to make other arrangements with the City for a pay-as-you-go arrangement. It was moved by Councilman Wood, seconded by Hovey, that the Fire Chief be directed to terminate the existing agreements with Ucon, Iona, Ammon, and Ririe and offer outside aid agreements whereby the parties requesting aid would agree to reimburse the City of Idaho Falls for costs incurred in supplying this service. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Planner was submitted:

City of Idaho Falls
November 18, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VACATION OF ALLEY AND MAINTENANCE
EASEMENT - DWIGHT'S ADDITION

The City has received a request for vacation of the alley located in the Eagle Rock Plaza, Dwight's Addition, Block 9. This is generally located at the southerly end of the Eagle Rock Plaza property and on the north side of the "House of Hardtops" property, west of North Yellowstone Highway.

The City has no objection to vacating the alley but wish to retain an easement for utilities in this location. This Department recommends vacation of the alley with retention of a utility easement.

Request is now being made for the Mayor and Council to authorize the City Attorney's office to draw up the necessary ordinance for vacation of this alley as requested.

s/ Rod Gilchrist

It was moved by Councilman Chandler, seconded by Sakaguchi, that the City Attorney be authorized to prepare an ordinance to vacate the alley as indicated and then present said ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was then presented:

City of Idaho Falls
November 18, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Manger
SUBJECT: RIGHT-OF-WAY, KING B JERKY PROPERTY

International Engineering Company, Inc. (IECO) has proposed a dike along the east bank of the Snake River south of the 17th Street bridge to prevent flooding of properties during high runoff.

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The King B Jerky property is the only parcel that requires acquisition for completion of the dike.

Total cost of the land required for the dike and land for the future extension of Capital Avenue is \$28,000.00.

The Electric Division recommends acquisition of this property and requests Council consideration of the purchase.

s/ G.S. Harrison

Councilman Hovey located the parcel of property involved, stating this acquisition was necessary to insure against flooding of property along the area and would be very valuable if South Capital is extended. Councilman Hovey requested the following memorandum be made a matter of record:

City of Idaho Falls
November 18, 1980

MEMORANDUM

TO: Mr. Steve Harrison, Director of Electric Division
FROM: Mr. Chad Stanger, Director of General Services
SUBJECT: KING B JERKY, INC., RIGHT-OF-WAY

Right-of-Way negotiations with Roger Wright, Attorney-At-Law, representing King B Jerky, Inc., concerning that property located along the east bank of the Snake River and south of Pancheri Drive, containing approximately .9 acres have resulted in the following:

1. Proposed Price--\$27,000.00
2. City to share in the cost of survey provided by Ellsworth Engineering at \$2,000.00--City Share \$1,000.00.
3. Proposed right-of-way is not to interfere with the King B Jerky, Inc. Building.
4. King B Jerky, Inc., is to complete the removal of mobile homes located on the property with absolutely no responsibility on the part of the City for removal or relocation costs.

It is my recommendation that the City of Idaho Falls accept the above conditions, based upon the following:

1. Public Works has agreed that the proposed right-of-way is sufficient for their proposed extension of South Capital Avenue.
2. Kent Harker, Survey Chief, has assured me that the proposed right-of-way does not interfere with the King B Jerky Building.
3. That, the City use Hydroelectric Project Bond Funds for the purchase of this parcel of property as opposed to the use of D.O.E. participating funds.
4. That, the legal description for this land acquisition be written to include all property from the east most boundary line, west to the Snake River.

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5. That, the City Attorney, Right-of-Way Agent and other appropriate persons prepare the necessary Agreements, etc. to complete the proposed acquisition.

Respectfully,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Erickson, that the City Attorney be authorized to prepare the necessary Purchase Agreement papers indicating the purchase price to be \$28,000.00. Roll call as follows: Ayes, 6; No, none; carried. Councilman Sakaguchi explained that this dike was needed to complete the bulb turbine project and was not being installed to raise the level of the water in the river.

Also, from the Electrical Engineer came this memo:

City of Idaho Falls
November 19, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Electric Division Director
SUBJECT: BOND FINANCING FOR BULB TURBINE PROJECT

The cash flow requirements indicated that additional bonds must be sold prior to August 1, 1981, in order to complete the current Hydroelectric Project.

The Electric Division requests authorization to proceed in the preparation for the sale of additional bonds and refinancing of the 1979 issue.

s/ G. S. Harrison

It was moved by Councilman Hovey, seconded by Wood, that Kirchner-Moore Company, Bond Brokers, be granted the exclusive right, until January 15, 1981, to submit to the City of Idaho Falls, a fiscal proposal for the marketing in sufficient amount of authorized Revenue Bonds, to permit completion of the Hydroelectric Projects on the Snake River, and that the Fiscal Agent of the City, the Idaho First National Bank, be instructed to notify Foster and Marshall of this action and that the Mayor and City Clerk be authorized to sign said Agreement. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Electrical Engineer came this memo:

City of Idaho Falls
November 20, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison, Electric Division Director
SUBJECT: H-K CONTRACTORS CONTRACT, SALES AND USE TAXES

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The contract documents for the H-K Contract provides that H-K is not responsible for payment of Idaho State Use Tax. State law requires that all applicable sales and use tax be paid by the Contractor before the contracting entity makes final payment for close-out.

The Electric Division requests authorization to issue a positive change order to H-K Contractors in the amount of \$18,490 which represents the use tax due for City furnished material for Dam No. 1.

s/ G. S. Harrison

Councilman Hovey stated that the Council had previously agreed to a policy of having the contractors doing the work of the bulb turbine project, pay the sales use tax under protest, and for H-K to do this it was necessary to have a change order in the amount of \$18,490 which represents the use tax due for City-furnished materials for Dam No. 1. Hovey said it is hoped that this amount can be recovered some time in the near future. It was moved by Councilman Hovey, seconded by Wood, that this Change Order be approved by the Council. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
November 20, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: NORTH BOULEVARD WATER AND SEWER LINES

On November 18, 1980, one bid was received for the construction of North Boulevard 8-Inch Ductile Iron Waterline and North Boulevard 8-Inch Sanitary Sewerline as follows:

H-K Contractors, Inc.	\$35,855.00
Engineer's Estimate	\$50,600.00

This bid was reviewed and the Public Works Committee recommends a contract be awarded to the only bidder, H-K Contractors, Inc. in the amount of \$35,855.00.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the low bid of H-K Contractors be accepted in the amount of \$35,866.00 for North Boulevard water and sewer lines. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Public Works Director, came this memo:

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City of Idaho Falls
November 20, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: SUPPLYING CRUSHED GRAVEL IN STOCKPILE

On November 18, 1980, two bids were received for supplying crushed gravel in stockpile as follows:

	<u>SHARE BASIS</u> (Estimate)	<u>H-K</u>	<u>BURGGRAF</u>
3/4 inch/ton	5 to 1	4 to 1	10 to 1
Cover Coat/tons	9 to 1	6 to 1	30 to 1
	<u>CASH BASIS</u>		
3/4 inch/ton	\$2.00	\$2.15	\$2.25
Cover Coat/ton	\$5.00	\$6.05	\$7.00

We would recommend a contract be awarded to the low bidder, H-K Contractors, Inc. to furnish crushed gravel to the City on a share basis.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Deist, that the low bid of H-K Contractors, Inc. be accepted to furnish crushed gravel on a share basis. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director came this memo:

City of Idaho Falls
November 20, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P. E.
SUBJECT: AMENDING THE RATE STRUCTURE FOR TILT FRAMES IN THE GARBAGE ORDINANCE

We are submitting herewith an Amendment to the existing Garbage Ordinance adjusting the rate schedule for tilt frames.

The City Attorney's Office has prepared and the Public Works Committee has reviewed this Amendment, and we are recommending that the Council pass the Ordinance on all three readings.

s/ Donald F. Lloyd

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ORDINANCE NO. 1661

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-5-20, CITY CODE OF IDAHO FALLS, IDAHO, SAID SECTION BEING A PART OF THE GARBAGE ORDINANCE OF THE CITY; PROVIDING THAT A CHARGE IS ASSESSED FOR REFUGE REMOVAL FOR EACH OCCUPIED RESIDENCE, OCCUPIED BUSINESS, COMMERCIAL OR OTHER USER; SETTING FORTH A SCHEDULE OF MONTHLY CHARGES FOR RESIDENTIAL, BUSINESS, COMMERCIAL AND OTHER USER; SETTING FORTH A MINIMUM MONTHLY FEE FOR MULTIPLE FAMILY LIVING UNITS SERVICED BY SINGLE COMMERCIAL CONTAINERS; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

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

From the Traffic Safety Committee came this memo with six traffic recommendations:

City of Idaho Falls
November 17, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: TRAFFIC RECOMMENDATIONS

1. Suggest 25 MPH speed signs on Bennett Avenue and Vernon Avenue.
2. Suggest the bouncing ball type amber lights with "SIGNAL AHEAD" be placed on Boulevard on either side of traffic signal light at 15th Street. Also, installation of another signal head at this intersection in order to have two lights at each location and preferably with twelve inch (12") lens in signals.
3. Due to need of two (2) lanes for westbound traffic entering North Yellowstone Avenue and the congestion at Lee Avenue, we suggest Lomax be one-way westbound from First Street to North Yellowstone.
4. Deny Traffic Signal Lights on 17th Street at Curtis Avenue, due to cost and pending improvement of 17th Street.

5. Deny STOP SIGNS on Leslie Avenue at West 20th Street as West 20th Street now stops for Leslie.

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6. Suggest initiation by the City with Union Pacific Railroad to install rubberized crossing pads on Cliff Street Crossing.

s/ Robert D. Pollock

Recommendation Number One was then reviewed. At the request of Councilman Erickson, Chief Pollock located the area on a map on the wall. It was moved by Councilman Erickson, seconded by Deist, that 25 MPH speed signs be installed on Bennett Avenue and Vernon Avenue. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation Number Two was then reviewed. Councilman Erickson stated that many people do not abide by the light at Hawthorne School and the Committee feels that a "SIGNAL AHEAD" sign would help alleviate this situation. It was moved by Councilman Erickson, seconded by Deist, that suggestion Number Two be approved as presented. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation Number Three was then read, suggesting Lomax be one-way westbound from First Street to North Yellowstone. Councilman Erickson said that, due to the need for westbound traffic entering North Yellowstone and the congestion at Lee Avenue, the Committee was recommending that Lomax be one-way westbound from First to North Yellowstone, to help take care of traffic problems and potential accidents. Councilman Chandler stated that he failed to see any benefit to this proposal. Councilman Deist asked if a traffic count was made in this area and how this would affect the commercial portion of First Street. Erickson stated that no traffic count was considered necessary, as facts show that this area is a traffic hazard and it was not felt that the businesses would be affected.

Mr. Ronald Politowski appeared briefly to protest this proposal, as in his opinion, it would create a traffic hazard for vehicles turning east off of Yellowstone and also restrict traffic flow. Councilman Erickson said that the Committee felt it would not restrict traffic and would help alleviate problems. It was moved by Councilman Erickson, seconded by Deist, that recommendation Number Three be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation Number Four was read. It was moved by Councilman Erickson, seconded by Deist, that a request for signal lights on Seventeenth Street at Curtis Avenue be denied, due to cost and pending improvements of Seventeenth Street. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation Number Five was submitted. It was moved by Councilman Erickson, seconded by Deist, that STOP SIGNS on Leslie Avenue at West Twentieth Street, as West Twentieth traffic now stops Leslie, be denied. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Recommendation Number Six was reviewed. It was moved by Councilman Erickson, seconded by Deist, that rubberized crossing pads be installed on Cliff Street Crossing. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith presented several ordinances covering license and permit fees:

ORDINANCE NO. 1662

AN ORDINANCE REPEALING SECTIONS 5-1-1 THROUGH 5-1-11 CITY CODE OF IDAHO FALLS, IDAHO AND RE-ENACTING SECTIONS 5-1-1 THROUGH 5-1-12, REQUIRING PERSONS ENGAGING IN SPECIFIED BUSINESSES TO OBTAIN

A LICENSE SETTING FORTH FORM OF LICENSE,
REQUIRING PAYMENT OF LICENSE FEES IN

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ADVANCE, SETTING FORTH CONTENTS OF APPLICATION FOR LICENSE, REQUIRING APPROVAL OF ALL LICENSES, BY CITY COUNCIL, PROVIDING THAT LICENSES SHALL NOT BE ASSIGNED OR TRANSFERRED, REQUIRING A SEPARATE LICENSE FEE FOR EACH BUSINESS, SETTING FORTH CONDITIONS FOR REVOCATION OF LICENSES, SETTING FORTH DUE DATE OF LICENSES, REQUIRING DISPLAY OF LICENSES, SETTING FORTH EXPIRATION DATE OF LICENSES, AND PROVIDING FOR PENALTY FOR VIOLATION OF PROVISIONS OF TITLE V; REPEALING AND RE-ENACTING SECTION 5-3-1, CITY CODE OF IDAHO FALLS, IDAHO, REQUIRING EVERY PERSON WHO PEDDLES, HAWKS OR SELLS OR OFFERS TO SELL FROM HOUSE TO HOUSE OR FROM ONE PLACE OF BUSINESS TO THE OTHER CERTAIN GOODS AND PRODUCE TO OBTAIN A LICENSE AND PAY A LICENSE FEE IN THE SUM OF \$100.00; REPEALING AND RE-ENACTING SECTION 5-5-4 OF THE CITY CODE; REQUIRING EVERY PERSON OPERATING A LODGING OR ROOMING HOUSE, HOTEL OR MOTEL TO OBTAIN A LICENSE THEREFOR AND PAY A YEARLY FEE OF FIFTY CENTS (.50) PER ROOM PER YEAR; REPEALING AND RE-ENACTING SECTIONS 5-6-2 THROUGH 5-6-9 INCLUSIVE OF THE CITY CODE; REQUIRING PERSONS ENGAGING IN THE BUSINESS OF PAWNBROKER TO PROCURE A LICENSE AND PAY A LICENSE FEE OF \$50.00 PER YEAR; REQUIRING PERSONS ENGAGING IN THE BUSINESS OF CONDUCTING A SECONDHAND STORE TO PROCURE A LICENSE AND PAY A LICENSE FEE OF \$50.00 PER YEAR; REQUIRING PERSONS ENGAGING IN THE BUSINESS OF A JUNK DEALER TO PROCURE A LICENSE AND PAY A LICENSE FEE OF \$50.00 PER YEAR, REQUIRING ALL JUNK DEALERS AND PROPRIETORS OF SECONDHAND STORES AND PAWNBROKERS TO KEEP AND MAINTAIN CERTAIN RECORDS; REPEALING AND RE-ENACTING SECTIONS 5-8-2 THROUGH 5-8-5 INCLUSIVE OF THE CITY CODE REQUIRING PERSONS CONDUCTING OR OPERATING A PHOTO SHOP OR ENGAGING IN THE BUSINESS OF PHOTOGRAPHY FOR PECUNIARY GAIN TO PAY A LICENSE FEE OF \$20.00 PER YEAR; REPEALING AND RE-ENACTING SECTION 5-10-2, CITY CODE, REQUIRING PAYMENT OF LICENSE FEE FOR EACH DANCE HALL IN THE SUM OF \$200.00 PER YEAR;

REPEALING AND RE-ENACTING SECTIONS 5-13-3,
5-13-4, AND 5-13-5, CITY CODE REQUIRING ALL

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PERSONS OPERATING A POOL HALL, BILLIARD HALL OR BAGATELLE TO PAY A LICENSE FEE OF \$50.00 PER YEAR, PROHIBITING THE OPERATION OF A POOL OR BILLIARD HALL BETWEEN ONE O'CLOCK (1:00) A.M. AND SEVEN O'CLOCK (7:00) A.M., PROHIBITING THE OPERATION OF A POOL OR BILLIARD HALL AFTER ONE O'CLOCK (1:00) A.M. ON SUNDAY IF ANY ALCOHOLIC BEVERAGE IS SOLD, CONSUMED OR DISPENSED; REPEALING & RE-ENACTING SECTION 5-15-3 THROUGH 5-15-7 INCLUSIVE OF THE CITY CODE, REQUIRING A MASTER PLUMBER'S LICENSE AND THE PAYMENT OF A LICENSE FEE OF \$35.00 AND THE POSTING OF A CERTIFICATE OF INSURANCE WITH THE CITY CLERK, SETTING FORTH THE EXPIRATION DATE AND RENEWAL PROCEDURE FOR A MASTER PLUMBER'S LICENSE, REQUIRING PERSONS TO SECURE A JOURNEYMAN PLUMBER'S LICENSE AND SETTING FORTH A LICENSE FEE OF \$10.00, SETTING FORTH CONDITIONS FOR RENEWAL OF JOURNEYMAN PLUMBER'S LICENSE, REQUIRING REGISTRATION OF APPRENTICES AND REQUIRING ON-THE-JOB SUPERVISION THEREOF; REPEALING AND RE-ENACTING SECTIONS 5-16-5, 5-16-10 AND 5-16-11 OF THE CITY CODE, REQUIRING A LICENSE TO OPERATE A PUBLIC CONVEYANCE BUS OR TAXI CAB AND SETTING FORTH CONTENTS OF APPLICATION FOR SUCH LICENSE, AND SETTING FORTH CONDITIONS FOR ISSUANCE OF SUCH LICENSE AND REQUIRING PAYMENT OF A LICENSE FEE OF \$20.00, SETTING FORTH EXPIRATION DATE OF SUCH LICENSE AND REQUIRING THE PAYMENT OF A LICENSE FEE OF \$20.00 PER YEAR; REPEALING AND RE-ENACTING SECTION 5-17-5 OF THE CITY CODE, REQUIRING THE PAYMENT OF A LICENSE FEE OF \$50.00 PER YEAR FOR ANY PERSON ENGAGING IN THE FUMIGATING BUSINESS; REPEALING AND RE-ENACTING SECTION 5-19-10 OF THE CITY CODE, REQUIRING THE PAYMENT OF A LICENSE FEE OF \$20.00 PER YEAR FOR A PRIVATE PATROLMAN AND THE SUM OF \$50.00 PER YEAR FOR A PRIVATE PATROL SERVICE; ENACTING A NEW CHAPTER TWENTY TWO (22) OF TITLE V OF THE CITY CODE ENTITLED "PUBLIC AMUSEMENTS" AND CONSISTING OF SECTIONS 5-22-1 THROUGH 5-22-2, PROHIBITING THE OPERATION OR CONDUCT OF CERTAIN SPECIFIED PERFORMANCES, SHOWS, CARNIVALS, THEATERS

OR OTHER PUBLIC AMUSEMENTS WITHOUT
OBTAINING A LICENSE, SETTING FORTH LICENSE

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FEEES FOR SUCH PUBLIC AMUSEMENTS; ENACTING A NEW CHAPTER TWENTY THREE (23) OF TITLE V OF THE CITY CODE ENTITLED "MISCELLANEOUS LICENSES" AND CONSISTING OF SECTION 5-23-1, REQUIRING PERSONS OPERATING OR CONDUCTING CERTAIN SPECIFIED LOCATIONS, OCCUPATIONS OR BUSINESSES TO OBTAIN A LICENSE FROM THE CITY CLERK, REQUIRING LICENSES FOR PERSON PROPOSING TO BENEFIT OR CURE DISEASES, PERSONS OPERATING A DELIVERY OR DRAY BUSINESS, PERSONS OPERATING AN ICE CREAM STAND, POPCORN STAND OR OTHER CONCESSIONS, PERSONS ENGAGED IN THE BUSINESS OF AUCTIONING, PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

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

ORDINANCE NO. 1663

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 4-16-6, CITY CODE OF IDAHO FALLS, IDAHO; DECLARING IT UNLAWFUL FOR ANY PERSON TO ENGAGE IN THE BUSINESS OF INSTALLING, REPAIRING, ALTERING OR SERVICING HEATING AND COOLING EQUIPMENT WITHOUT HAVING SUCCESSFULLY PASSED AN EXAMINATION AND HAD ISSUED A CERTIFICATE OF COMPETENCY; PROHIBITING APPRENTICES FROM INSTALLING, SERVICING OR REPAIRING SUCH EQUIPMENT WITHOUT SUPERVISION OF A LICENSED JOURNEYMAN AND WITHOUT HAVING SUCCESSFULLY PASSED AN EXAMINATION; REQUIRING EVERY CONTRACTOR TO POST A CERTIFICATE OF INSURANCE; REQUIRING ANY PERSON ENGAGING IN THE BUSINESS OF INSTALLING, ALTERING OR REPAIRING HEATING AND COOLING EQUIPMENT TO PROCURE A LICENSE AND PAY AN ANNUAL LICENSE FEE IN

THE CLASSIFICATION IN WHICH HE PROPOSES TO
WORK; SETTING FORTH FOUR CLASSIFICATIONS

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OF COMPETENCY; SETTING FORTH AMOUNTS OF LICENSE FEE FOR EACH CLASSIFICATION; PROVIDING FOR EXPIRATION, RENEWAL, REVOCATION AND DISPLAY OF LICENSES; PROVIDING WHEN ORDINANCE BECOMES EFFECTIVE.

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

ORDINANCE NO. 1664

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-2-3, CITY CODE OF IDAHO FALLS, IDAHO; DECLARING IT UNLAWFUL TO BRING, SEND OR RECEIVE INTO THE CITY FOR SALE OR STORAGE ANY MILK PRODUCTS BY ONE WHO DOES NOT POSSESS A PERMIT FROM THE CITY HEALTH OFFICER; REQUIRING EVERY MILK PRODUCER, MILK HAULER, MILK DISTRIBUTOR AND OPERATOR OR A MILK PLANT TO SECURE A PERMIT; SETTING FORTH REQUIREMENTS TO RECEIVE AND RETAIN PERMITS, PROHIBITING TRANSFER OF PERMITS; PROVIDING FOR SUSPENSION AND REVOCATION AFTER HEARING OF PERMITS; REQUIRING APPLICATION FOR PERMITS AND SETTING FORTH FEES FOR PERMITS; PROVIDING WHEN ORDINANCE BECOMES EFFECTIVE.

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

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ORDINANCE NO. 1665

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 8-1-6, CITY CODE OF IDAHO FALLS, IDAHO; FIXING A FEE FOR A PERMIT TO OPERATE EATING AND DRINKING PLACES AND FOOD ESTABLISHMENTS WITHIN THE CITY OF IDAHO FALLS, IDAHO; PROVIDING WHEN ORDINANCE BECOMES EFFECTIVE.

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

ORDINANCE NO. 1666

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 7-3-6, CITY CODE OF IDAHO FALLS, IDAHO; REQUIRING APPLICATIONS FOR PERSONS SELLING SAFE AND SANE FIREWORKS AND REQUIRING PAYMENT OF FEE; PROVIDING FOR INVESTIGATION OF APPLICATIONS BY CHIEF OF THE FIRE DEPARTMENT; SETTING FORTH CONDITIONS FOR ISSUANCE OF PERMITS OR DENIAL OF PERMITS; SETTING FORTH TERM OF PERMIT AND PERIOD DURING WHICH SALES OF SUCH FIREWORKS ARE PERMITTED; PROVIDED WHEN ORDINANCE BECOMES EFFECTIVE.

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

ORDINANCE NO. 1667

AN ORDINANCE VACATING A CERTAIN EASEMENT
WITHIN THE CITY OF IDAHO FALLS, IDAHO;
PARTICULARLY DESCRIBING SAID EASEMENT;

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AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF SAID CITY A QUITCLAIM DEED CONVEYING SAID VACATED LAND TO IDAHO FALLS SCHOOL DISTRICT NO. 91, THE ADJACENT OWNER; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

City Attorney Smith presented an agreement between the City of Idaho Falls and Ivan L. and Beulah Ashment. He said this agreement had been worked on for some time, but it has now been accepted by Ashment's Attorneys and he, as the City's Attorney, recommended that the Council authorize the Mayor and City Clerk to sign the agreement. It was moved by Councilman Sakaguchi, seconded by Deist, that the Mayor and City Clerk be authorized to sign the agreement and record the deed. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Chandler, seconded by Hovey, that the meeting be adjourned at 9:35 P.M., carried.

s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor