

NOVEMBER 9, 1978

The City Council of the City of Idaho Falls met in regular meeting, Thursday, November 9, 1978, at 7:30 P.M., in the City Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Ralph Wood, Charles Clark, Paul Hovey, Sam Sakaguchi, Jim Freeman, and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last regular meeting, held October 19, and special meetings held October 24th and November 7th, 1978, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider placement of a mobile home at the City owned animal shelter, as more fully explained by this memo from the Building Administrator:

City of Idaho Falls
November 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE – PLACEMENT OF MOBILE HOME
ADJACENT TO THE ANIMAL SHELTER

The City Police Department has requested permission to place a mobile home in the vicinity of the animal shelter. This mobile home is to provide quarters for a caretaker for the animal shelter and the City impound lot.

The proposed location for this trailer is on City owned property. This office has received no protests regarding this request. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Recognizing that, as a matter of practice, the City Council, when approving a variance request of this nature, would normally name a time limitation on a mobile home placement but recognizing, further, that this is an unusual set of circumstances, inasmuch as the mobile home would serve, not only as living quarters, but as a protection against vandalism at the adjacent City owned impound lot, Councilman Freeman commented that, in his opinion, the Council would be well advised to make an exception to the time limitations. There were none who appeared to protest or otherwise comment on this variance request. Therefore, it was moved by Councilman Freeman, seconded by Clark, that this mobile home placement variance be approved. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor invited Captain Campbell from the Police Department to escort Mr. Donnie Hudson, Animal Shelter Supervisor to the Council table. Now that the Humane Society has stepped aside and the City is again responsible for the animal shelter operation, the Mayor explained that he wanted Donnie to appear before the Council to make his acquaintance and to receive commendation for his dedicated services for the manner in which the animal shelter activity has now been re-established. Asked for comment pertaining to his personnel, Donnie explained that other than himself, there were employed a receptionist, a caretaker, and two animal control men. He noted that last month, as an example, 124 dogs were picked up and 132 tickets were issued. Donnie concluded his remarks by expressing appreciation to the Police Chief and others for the cooperative effort displayed during the above mentioned transition.

Reference is made to Page 312 in this book of minutes and, more specifically, certain action taken by the City Council to take all protests and other comments relative to the LID No. 52 assessment roll under advisement. Also, at that time, the Council took action to render a decision pertaining to said protests and assessment roll on November 9th, 1978. Acknowledging that directive then, Councilman Sakaguchi, as Chairman of the Public Works Council Committee, submitted his report accordingly. He said it was the committee's recommendation that only one protest be honored; namely, the Post Company, Assessment No. 97, on the grounds that the property owned by said company had no access to the street to be improved and, therefore, no benefit would be derived. Continuing, Sakaguchi said that, in the opinion of the Committee, no protests on sidewalks should be honored on the grounds that such an improvement provides a greater degree of safety and this, constitutes a benefit. Turning then, to those who protested on the grounds of hardship, Sakaguchi said that such grounds have no relation to benefits and, therefore, cannot be considered a valid protest in the eyes of the law. However, continued Sakaguchi, he felt confident the Council would agree that these impoverished property owners would not suffer and that the property would not be taken from the owners, at least in instances where said property is occupied by said owners. In answer to a question by Councilman Erickson, City Attorney Smith again reiterated that no protest received at the assessment hearing should be honored except in instances where the assessment was miscalculated or where benefits were deemed disproportionate to the costs or where it was deemed that there would be no benefits. It was moved by Councilman Sakaguchi, seconded by Hovey, that the foregoing report be accepted and approved. Roll call as follows: Ayes, 6; No, none; carried.

Mrs. Linda Lowry, 1160 Bingham, appeared briefly, having heard the previous Council action accepting the report, to ask if this was final and if she and her husband, as protestors at the November 9th meeting, had any recourse beyond this point and was answered in the negative by Sakaguchi. The foregoing report having been accepted, Councilman Sakaguchi introduced the following resolution in writing, and moved its adoption:

RESOLUTION (Resolution No. 1978-21)

RESOLUTION MODIFYING CORRECTING AND AMENDING ASSESSMENT ROLL OF LOCAL IMPROVEMENT DISTRICT NO. 52 AND APPROVING AND CONFIRMING SAID ASSESSMENT ROLL AS MODIFIED AND AMENDED.

WHEREAS, the City Engineer and Committee on Streets have heretofore made out and certified to the City Council as provided by law an Assessment Roll of Local Improvement District No. 52, and

WHEREAS, on September 26, 1978, the City Council fixed the time and place when and where objections to Assessment Roll by the property owners of said District would be heard, to-wit: Thursday, October 19, 1978, at 7:30 o'clock P.M. of said day at the Council Chambers in the City of Idaho Falls, Idaho, and

WHEREAS, notice was duly and regularly given, as provided by law, by the Clerk, of the time to file objections to said Assessment Roll, and

WHEREAS, several objections were filed or made to said Assessment Roll, and

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WHEREAS, the City Council, on October 19, 1978 decided to further consider and take under advisement the several objections to said Assessment Roll, and

WHEREAS, the City Council has further examined said Assessment Roll and further considered the objections filed thereto, and has decided that only one of said objections should be allowed and that only one assessment should be set aside and eliminated from said Assessment Roll.

NOW, THEREFORE, BE IT RESOLVED:

That Assessment No. 97, being an assessment against land of the Post Company, which land is part of a larger parcel abutting and lying north of North Yellowstone Highway in Idaho Falls, Bonneville County, Idaho, be, and it is hereby set aside and eliminated from the Assessment Roll and declared null and void.

That in all particulars, and as to each and all of the other assessments in said Assessment Roll and as to each and every item therein, except as above set forth, said Roll, be, and it is hereby approved, ratified and confirmed.”

Councilman Hovey seconded by adoption of the said Resolution, and the same, being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Councilman Clark, Councilman Erickson, Councilman Freeman, Councilman Hovey, Councilman Sakaguchi, and Councilman Wood; Nay, none; whereupon the Mayor declared the motion carried.

Recognizing several citizens present in the Council Chamber interested in the proposed York Road route for the 161 kV line, the Mayor asked that the following letter be read aloud at this time:

Harold G. Hillam
220 Ash Street
Idaho Falls, Idaho

To Mayor Campbell and City Councilmen:

We are residents of York Road and are very concerned about the possibility of the City using York Road as one of its power line routes. We are writing this letter to express our own personal feelings.

This part of Idaho Falls had remained uncommercial, carefully rural, and beautiful. It would seem such a shame to spoil all of this by putting in a massive power line. All new homes had smaller utilities underground so as to maintain the beautiful country atmosphere which we bought our land to enjoy.

Besides the aesthetic problem there would be constant interference with radio and television reception for residence. The new City park, golf course, and other planned projects at the end of York would have to be marred with poles and lines. This seems to represent rather poor planning.

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We realize that there will be opposition to the power line no matter where it is put, but this is CITY POWER and CITY RESIDENTS are benefiting most. Why must County residences put up with the problem?

Respectfully,
s/ Dr. and Mrs. Harold Hillam

The City Clerk then drew attention to the following petition with 168 signers on the same issue:

PETITION

We the undersigned residences of York Road and vicinity wish to declare our strong disapproval of the large electrical lines being considered along York Road. New homes and developed areas have gone to great effort and extra expense to put all utilities underground so as to maintain the beautiful country atmosphere which we bought our land to enjoy. This eye-sore would completely destroy our efforts.

Councilman Wood advised those present that no decision had yet been made on the York Road route.

Mr. Ivan Shipley, a York Road resident, appeared briefly to ask whether or not the ½ mile section line had been considered. The Mayor responded by saying this would be the City's choice and would be very acceptable but that, in another area, such a proposed routing has proven very controversial. In answer to another question from an unidentified citizen, the Mayor explained that an underground installation was out of the question as it would be financially prohibitive.

In answer to another question by Mr. Orville Meyer, South Holmes Road, the Mayor explained that Utah Power & Light was non-receptive when approached about the use of their lines. Mr. Meyer then suggested that the City should seek counsel from the State Public Utilities Commission. Mr. Meyer was informed that the City was not under the direct jurisdiction of that governing body. In answer to a question by a Mr. Kinghorn, address unknown, Wood advised that it has not yet been decided whether or not a hearing will be scheduled for the benefit of the York Road residents.

Mr. Dale Rolph, Route 3, Box 210-C, appeared briefly, urging a decision this night on a hearing as previously suggested. He said he hadn't yet received any encouragement from the Council as to whether or not one was planned. Councilman Freeman replied by saying no quick decision would be made and if a hearing is to be scheduled, it would be well publicized through the news media.

An unidentified citizen suggested Sunnyside Road as an alternate route. Asked for comment, Jeff Payne, engineer with the Electrical Division, explained that this route would likewise require the acquisition of right-of-way. Also, continued Payne, there are already existing lines on that roadway which could not be eliminated.

Mr. Paul North, a York Road resident, appeared briefly and urged a hearing for the benefit of all York Road residents before a routing decision is made. In the absence of further comment, it was moved by Councilman Wood, seconded by Hovey, that Dr. Hillam's letter and the petition be referred to the Electrical Committee for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor asked that the following memo from the Building Administrator be moved up on the agenda and considered at this time:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: APPEAL FROM DECISION OF BOARD OF ADJUSTMENT

Attached is a copy of a variance submitted by Felix Vandewiele of 248 Redwood Drive. The petitioner requested a variance to add an additional single-car garage adjacent to an existing single-car garage on the above described property.

The location of this proposed garage is two (2) feet from the said property line where five (5) feet is required for a side yard. The Board of Adjustment denied this request and the applicant is appealing this decision.

This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Mr. Vandewiele appeared before the Council and asked that the City Clerk read aloud the following prepared statement:

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To Mayor and City Councilmembers,

I feel that this is a special circumstance as described in I.F. Ordinance #1115 P-67 (6) (1) since I am deprived of a privilege possessed by other property owners in the same zone. The privilege of which I speak is a double car garage. With the exception of one other, all houses on Redwood Dr. have large double car garages.

The distance between the houses at 332 & 312 Pinon is 10 ft.; between 340 & 314; 396 & 368 Redwood Drive is 11 ½ feet. My proposal would leave 9 feet between buildings. As far as looks are concerned the average passerby cannot tell the difference between 9, 10, or 11 feet. My neighbor to the south, Mr. Barry Treasure, has no objection, having signed the petition first. Along with the people on the petition I hereby request approval of the addition to 248 Redwood Drive.

s/ Felix R. Vandewiele

Mr. Vandewiele then revealed slides of his home as well as his neighbor's for the purposes of illustration. It was noted that Mr. Vandewiele had constructed a concrete drive-way on his residential lot in anticipation of a second garage. Councilman Erickson asked about the eve of the proposed garage. It was learned that said eve would further narrow the distance to the neighbor's property line be approximately one foot. Councilman Freeman noted that, taking into consideration the eve, most of the space between the proposed garage and the

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neighbor's home would be on the neighbor's property. Erickson then mentioned the fact that, if allowed, the City would be in jeopardy because of the requirements of the fire code. Asked for comment, Ben Inman from the Building Administrator's Office concurred with the observation of Councilman Erickson and added that, if this variance were permitted and, later on, the neighbor was to ask for and obtain a similar variance, a real fire hazard would be created. Councilman Hovey suggested that the second garage be redesigned and made more narrow to comply with the codes. In the absence of further comment, it was moved by Councilman Freeman, seconded by Clark, that this appeal from the Board of Adjustment decision be respectfully denied. Roll call as follows: Ayes, 5; No, none; carried. Councilman Sakaguchi abstaining.

Noting several residents present in the Council Chamber from the Prestwich Country Estates, the Mayor asked that the following memo from the Public Works Director be read aloud by the City Clerk and considered at this time:

November 9, 1978

MEMORANDUM

TO: Mayor Campbell
FROM: Public Works, Planning & Building, Electric Light
SUBJECT: PRESTWICH ESTATES ANNEXATION

A petition, signed by 12 property owners was submitted to you on August 30, 1978 requesting the Prestwich Country Estates be annexed to the City. This petition was considered at the regular Council meeting on September 7, 1978 and referred to Planning & Building, Electric and Public Works Committees for review and recommendation.

The following report is the result of a series of discussions with members from all three Committees:

The subdivision contains 23 existing County residential lots. Four of the lots are vacant, the balance are improved with single family residences. A county plat was filed and recorded in 1972 showing a 775 foot frontage on the north side of Sunnyside Road about 882 feet east of St. Clair Road. There is no lot access onto Sunnyside Road, but the subdivision is served by three 50 foot residential fully developed streets and two 90 foot diameter cul-de-sacs. Every lot is provided with City water, sewer, and power lines from Utah Power and Light. Water service lines are not the kind the City normally uses. Although this fact is not objectionable, the City does not have replacement lines in stock at present. Dean McCafferty offers weekly garbage service and County does street cleaning and maintenance. As near as can be determined, all construction has been in accordance with City standards. There are no street lights, sidewalks or street signs.

Utah Power and Light has agreed to transfer to City all customers in this subdivision for \$42,766.06 compensation which includes the accounts and facilities. Electric Lights' current budget can handle this expenditure if desired.

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From a planning standpoint, Planning & Building Department recommends this area should be annexed to the City.

We suggest some items of improvement need to be added to this subdivision prior to annexation. These items and the estimated costs are listed below:

1.	Four street signs	\$ 200.00
2.	Easements for primary power and street light conduit	50.00
3.	100 L.F. of 6' connecting sidewalk	600.00
4.	Trenching and backfilling for primary power and street light service	<u>1,335.00</u>
	Total cost	\$2,185.00

Should the Council concur with these suggested improvements, the information would be transmitted to the Petitioners. Once the estimated costs of improvements (\$95.00 per lot) are deposited with the City Treasurer, the Council could then authorize the hearings necessary for annexation.

s/ Donald F. Lloyd
s/ Rod Gilchrist
s/ Steve Harrison

Noting the comments in the foregoing memo pertaining to water lines, Councilman Erickson asked, in the event of annexation, if it was the intention to initiate a replacement program. Lloyd explained that said lines would be replaced only as needed to maintain adequate water service. Lloyd said the material and size were acceptable but that they just didn't come up to City standards. In answer to a question by Councilman Hovey about sidewalks, Lloyd explained that this subdivision was purposely developed without this facility. In answer to another question by Hovey with reference to collection of the \$95.00 per property owner, Lloyd said the City would initially deal with the petitioners who would, in turn, work with the property owners who would be required to deposit said funds with the City Treasurer.

Mr. Sperry Reuckert, 3169 Nona, appeared before the Council to advise that, according to the latest report, the majority of the petitioners had changed their minds and now do not favor annexation.

Mrs. Georgeann Merrill, 3170 Merlin Drive, appeared briefly to report that Mr. Harry Mann, 3102 Merlin, had definitely decided against annexation and had asked that his name be withdrawn from the petition. In answer to a question by Mrs. Charlene Booth, 3203 Nina, it was learned that the developer had never signed a development agreement with the City.

Mrs. Sherry Schultz, 1762 Charla, appeared briefly to say that she was concerned about the location of street lights.

Councilman Erickson reminded the Council that, to annex the Prestwich Country Estates, inasmuch as it is a developed area, it would cost the City in excess of \$42,000 to purchase the electric accounts from Utah Power & Light and, particularly since this testimony was heard from affected residents who had changed their minds as to annexation, Erickson registered an opinion to the effect that the City, within the predictable future, would very likely have more beneficial use for such funds. Councilman Hovey suggested that all affected property owners be sent a letter outlining that which is expected of them in the event of annexation with a request for a reply within 30 days so that the City

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could be guided accordingly. Erickson then inquired about the Street and Bridge fee requirements as it would apply to this proposed annexation. Lloyd responded by saying it would not be applicable in this case as it is a developed area and would not affect the impact as it would otherwise apply to streets and bridges. Erickson disagreed and said he was of the impression it applied to all annexations. Asked for comment the City Attorney said the ordinance is so written that it would, as Erickson stated, apply to all annexations and if this was not the intent, the ordinance should be revised. Councilman Freeman said this is obviously a matter that should be further studied. In the absence of further comment, it was moved by Councilman Sakaguchi, that the foregoing recommendation, as presented by the Public Works Director, be accepted and that all property owners within the Prestwich Country Estates be advised accordingly. This motion died for lack of a second. Particularly because of this most recent controversy relative to the Street and Bridge fee, it was moved by Councilman Hovey, seconded by Erickson, that this matter be referred to the Public Works Committee and the City Attorney for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk noted that a legal notice had been published without formal Council approval, calling for a public hearing this night to consider a variance for placement of a mobile home at the animal shelter. It was moved by Councilman Freeman, seconded by Clark, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

These damage claims were presented by the City Clerk:

George M. Hay, Jr.
P.O. Box 18
Shelley, Idaho
October 24, 1978

City Clerk
Idaho Falls, Idaho

Dear Sir:

I was picked up the twenty-third day of October, 1978 and the officer who arrested me had my car impounded. I drive a 1973 Chevrolet, El Camino. The serial number is 80K32438497. On the following day I paid the amount of \$15.00 to have my car released. I went to pick it up at the City Impound accompanied by an officer. My car had been broken into. The damage done and items stolen are listed on the second sheet of paper. I would appreciate a quick response for the repair and replacement of damaged and stolen items to the car while it was in the City's care.

Thank you,
s/ George M. Hay, Jr.

NOTICE OF CLAIM

TO: City of Idaho Falls

Notice is hereby given of a claim against the City of Idaho Falls in favor of Steven Hills and Joanne Hills for damages incurred in a motorcycle accident on June 29, 1978, at Noise Park, approximately six miles west of Idaho Falls, Idaho, at approximately 9:15 o'clock P.M.

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This claim is filed pursuant to Idaho Code 6-901 through 6-928.

- A. Conduct and circumstances which brought about the injury. The maintenance by the City of Idaho Falls of an extremely dangerous motorcycle track in that said track contained a jump through which a trench approximately 52 inches deep and 30 to 68 inches wide had been dug, and which was not visible until it was too late to avoid dropping into the trench, while at the same time inviting and encouraging the public to use the facility; and, failure to adequately barricade or warn of the dangers involved in using the motorcross track at Noise Park, and in particular, the failure to warn of the existence of the trench and the failure to maintain barricades.
- B. Nature of Injury: Laceration of spinal cord resulting in complete paralysis below the T-7 vertebrae; four broken ribs; and loss of control of bladder and bowel.
- C. Time and place of injury: Motorcross track at Noise Park, located approximately six miles west of Idaho Falls, Idaho, on June 29, 1978, at approximately 9:15 o'clock P.M. The cause of which was reasonably discovered on or about July 1, 1978.
- D. Names of persons involved, if known: Unknown employee or employees of the City of Idaho Falls.
- E. Amount of damages claimed: \$6,000,000.00.
- F. Residence of claimants presently: Rt. 5 Box 125A, Idaho Falls, Idaho. Residence of claimants for six months prior to injury: Same as above.
- G. All correspondence relating hereto should be directed to William D. Faler, Esq., of Holden, Kidwell, Hahn & Crapo, P.O. Box 129, Idaho Falls, Idaho.

Dated this 15th day of September, 1978.

s/ Steven Hills

s/ Joanne Hills

It was explained that, in the interests of time, these had previously been forwarded to the City's liability insurance carrier without formal Council approval. It was moved by Councilman Hovey, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of October, 1978, having been properly audited by the Fiscal Committee, were presented. Fund totals for materials, services and payroll were presented. fund totals for materials, services and payroll were read aloud by the City Clerk, as follows:

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	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT:	\$ 554,132.11	\$ 107,263.35	\$ 5,988.65	\$ 220,923.13
SALARY:	<u>341,494.57</u>	<u>19,269.98</u>	<u>6,422.36</u>	<u>39,696.19</u>
TOTAL:	\$ 895,626.68	\$ 126,533.33	\$ 12,411.01	\$ 260,619.32
	<u>ELECTRIC</u>	<u>RECREATION</u>	<u>MUN CAP</u>	<u>GEN LIBRARY</u>
SERV/MAT:	\$ 251,701.33	\$ 8,808.19	\$ 14,155.00	\$ 3,262.31
SALARY:	<u>62,797.82</u>	<u>7,456.43</u>	<u>.00</u>	<u>15,469.18</u>
TOTAL:	\$ 314,499.15	\$ 16,263.62	\$ 14,155.00	\$ 18,731.49
	<u>REG LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>REV SHARE</u>	<u>COMM DEVEL</u>
SERV/MAT:	\$ 356.67	\$ 11,508.88	\$ 15,081.45	\$ 24,632.54
SALARY:	<u>1,212.00</u>	<u>.00</u>	<u>.00</u>	<u>2,506.40</u>
TOTAL:	\$ 1,568.67	\$ 11,508.88	\$ 15,081.45	\$ 27,138.94
	<u>FLOOD DISAS</u>	<u>CITY TOTALS</u>		
SERV/MAT:	\$ 82.98	\$1,217,895.59		
SALARY:	<u>.00</u>	<u>496,324.93</u>		
TOTAL:	\$ 82.98	\$1,714,220.52		

Councilman Hovey explained all major expenditures. It was moved by Councilman Hovey, seconded by Erickson that the bills be allowed and the Controller be authorized to issue checks or warrants for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Reports from Division and Department Heads were presented for the month of October, 1978, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for RESTAURANT, Taco Bell; JOURNEYMAN ELECTRICIAN, Dewain W. Fuger, Kim H. Young, William L. Litzenbauer; APPRENTICE ELECTRICIAN, Randy McConeghy with Edwards Electric; JOURNEYMAN PLUMBER, Larry Turpin; CLASS D JOURNEYMAN GAS FITTER, Duane Sibbett; PHOTOGRAPHY, Paul Rhoades, NON-COMMERCIAL KENNEL, Gail Freitas, Ruby Stoneberg; BEER (TRANSFER) Kenlon Johnson for Ford Johnson Oil Company; TAXI CAB OPERATOR, Michael J. Palmer, Rodney Wayne Moyes, Rick E. Lindberg, Donald George Fouts; BARTENDER, Brady C. Smith, John Lewis, Anne Rhoades, Thomas Romaine, Brenda Breen, Grant Kunz, Michale Grover, were presented. It was moved by Councilman Clark, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was an application for a bartender's license in favor of Dorothy Struhs, carrying a recommendation by the Police Chief that it not be granted. It was moved by Councilman Clark, seconded by Freeman, that this recommendation be upheld and this license be respectfully denied. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was submitted:

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City of Idaho Falls
October 26, 1978

MEMORANDUM

TO: Honorable Mayor and City Clerk
FROM: Chad Stanger
SUBJECT: SALT BID

The General Services Division has received and opened bids on road salt for the year 1978-79. It is the recommendation of the General Services Division that the City Council accept the low bid of Lake Crystal Salt Company of Ogden, Utah to supply salt at \$16.94 per ton as per bid specifications.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Lake Crystal Salt Company be accepted for road salt. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the General Services Director was presented, as follows:

City of Idaho Falls
November 9, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-79-1, POLICE PATROL SEDAN

It is the recommendation of the Police and General Services Division that the City Council accept the low bid of Ellsworth Brothers Dodge to furnish one (1) police pursuant sedan at \$6,194.00 without trade, as per bid specifications.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Ellsworth Brothers Dodge be accepted, as recommended, for the police sedan. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services Director, came this memo:

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-78-36, SURPLUS GENERATOR-SWITCH GEAR

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It is the recommendation of the Electrical and General Services Divisions that the City Council reject the sole bid of Henry's Scrap Metal at \$2116.00 for one (1) 1500 KVA Generator and Switch Gear. This recommendation is based upon the opinion that the bid is too low and therefore non-responsive.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the one bid of Henry's Scrap Metal in the amount of \$2,117 be rejected for the generator and switch gear, and the General Services Director be authorized and directed to negotiate the sale of the equipment as described. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
November 9, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AUTHORIZATION FOR ADVERTISING FOR BIDS FOR WATER MAINS

Plans and specifications are completed for water mains on Bingham Street and College Street. We are asking for authorization for the City Clerk to advertise for competitive bids.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Clerk be authorized to advertise for bids on these projects as described. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was submitted, to-wit:

City of Idaho Falls
November 9, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: REQUEST TO ESTABLISH ENGINEERING FEES

Many of the services provided by the Engineering Department are specifically directed to new development and/or utility companies. In an effort to direct these engineering costs to the beneficiary, we are suggesting that fees be established for particular services which we render routinely without charge. We are requesting the City Attorney be authorized to prepare an ordinance or resolution which will encompass engineering service fees.

s/ Don

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Asked for comment, Public Works Director Lloyd explained that it is common practice, especially as pertains to new development, for the City's Engineering Department to provide such services as detailing and approving development plans for the sole benefit of the developer and that, to date, this has been done without charge. It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Attorney be directed to prepare an appropriate ordinance, as recommended, for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, this memo was reviewed:

City of Idaho Falls
November 9, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: APPLICATION FOR A GRANT FOR WASTE FACILITY PLANNING

This Department has been working for some time with the Idaho Department of Health and Welfare and the Environmental Protection Agency in an effort to obtain a Grant for Sanitary Interceptor Construction. It appears now that a Step I Grant, which involves waste water facility planning, will be approved and we are requesting authorization to submit a formal application. We are attaching hereto a Resolution which authorizes the Director of Public Works to sign the application and other documents relating to this grant.

Respectfully submitted,
s/ Don

The foregoing memo served to introduce this resolution:

RESOLUTION (Resolution No. 1978-22)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AUTHORIZING DONALD F. Lloyd, DIRECTOR OF PUBLIC WORKS, TO SIGN ALL APPLICATIONS, GRANT AGREEMENTS AND AMENDMENTS, AND OTHER DOCUMENTS RELATING TO WASTEWATER FACILITIES PLANNING AND CONSTRUCTION GRANTS.

WHEREAS, the City of Idaho Falls intends to develop a plan for wastewater collection, treatment and disposal for the Westside Sanitary Sewer Interceptor Service Area; such plan being necessary to determine the needs for the area for the health, safety and well being of the people; and

WHEREAS, the plan is to be developed in accordance with the requirements of Public Law 92-500, and will set forth facilities required to be constructed to serve the needs of the area; and

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WHEREAS, the costs of the planning, design and construction of the wastewater facilities are eligible for Federal funding;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Idaho Falls, Idaho, that Donald F. Lloyd, Director of Public Works is duly authorized to sign applications, grant agreements and amendments, and other documents relating to Wastewater Facilities Planning and Construction Grants.

Passed and adopted by the City Council of the City of Idaho Falls the 9th day of November, 1978, by the following votes: Ayes, 6; Nays, none.

s/ Thomas Campbell
Mayor

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

From the Electrical Engineer came this memo:

City of Idaho Falls
November 6, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: LD NO. 24332

The Electric Division requests authorization for the Mayor and Clerk to sign a railroad encroachment agreement for the purpose of supplying electric service to four EG&G trailers at the railroad depot on 25th Street.

There is no cost to the City for this agreement.

s/ G.S Harrison

It was moved by Councilman Wood, seconded by Hovey, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Police Chief was presented:

City of Idaho Falls
November 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: RECOMMENDATIONS FOR LOADING-UNLOADING ZONES

1. School District #91 has requested a school bus loading-unloading zone on the south side of Azalea for approximately 100 feet to the east of the parking area at Edgemont School. This borders the playground and would not affect anyone.
2. EG&G requests loading-unloading zone on the north side of Sawtelle in between the two crosswalks which is a distance of approximately 100 feet. (They have converted the east end of the building on the north side of Sawtelle into a freight receiving and storage area and have to double park because of three parking stalls always being filled. They also have sufficient room within their parking lots so it would be most beneficial to all).

s/ R.D. Pollock

With reference to the first recommendation, it was moved by Councilman Clark, seconded by Freeman, that this school bus loading-unloading zone be authorized at the location as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 2 was then reviewed. It was moved by Councilman Clark, seconded by Freeman, that this loading-unloading zone be authorized at the location and for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor made the following appointments to the Parks and Recreation Commission: Messrs. Ray Hart, Duane Oswald, Fred Tingey. It was moved by Councilman Freeman, seconded by Erickson, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then made the following appointments to the Electrical Board of Registration and Review:

Mr. Gary G. Oakey	Four (4) year term
Mr. Leroy Hale	Four (4) year term
Mr. Harold Buttler	Three (3) year term
Mr. Thayle Monson	Two (2) year term
Mr. Jeff Payne	Continuous term as member of City Electrical Dept.
Mr. Boyd J. Emery	Continuous term as Chief Electrical Inspector and Secretary of the Electrical Board

It was moved by Councilman Wood, seconded by Hovey, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The City Attorney presented a City Redemption Tax Deed in favor of Van Johnson, accompanied by this resolution:

RESOLUTION (Resolution No. 1978-23)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 9th day of November, 1971, recorded in Instrument No. 424337 in the records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lot 10, Block 95, Riverside Addition to the City of Idaho Falls, Bonneville County, Idaho, per the recorded plat thereof.

NOVEMBER 9, 1978

WHEREAS, VAN JOHNSON has offered to pay to the City or Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, be it resolved:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to execute and deliver to the said Van Johnson a quit claim deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 9th day of November, 1978.

APPROVED BY THE Mayor this 9th day of November, 1978.

s/ Thomas Campbell
Mayor

It was moved by Councilman Hovey, seconded by Erickson, that the Mayor and City Clerk be authorized to sign the resolution and the deed. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 321 in this book of minutes and more specifically, open discussion by the Mayor and City Council relative to an offer by the Bonneville County Commissioners to satisfy an obligation to the City for court fees. Councilman Erickson re-introduced the subject at this time. He prefaced his remarks by saying that he, as a Councilman, would not want to give the impression, on this issue, that he was taking a stand that would be contrary to City-County cooperation but the facts and the history of court fees seemed to speak for themselves, to-wit: Prior to the days of "Court C" the City retained all fines. This was changed by the 1971 State Law. The City then continued to provide the court facilities with no revenue from court costs. In 1974 the State Law was again changed and provided, by interpretation of the City Attorney, that the City was to receive \$3.75 of all court fees, with the State also receiving \$3.75. This was substantiated by an opinion from the State Auditor. In actuality, however, the City only received \$2.50 during that period, the County retaining the difference. Although nor directly relevant, Erickson said it was learned that, up until about six months ago, the State also received only \$2.50 but the County now and for the past six months has been remitting the full \$3.75 to the State which would suggest that the County's interpretation of the law has changed. Needless to say, during that period, this had no effect on revenue to the City as the City has received nothing from court fees and rightfully so since the court was moved over to the new Law Enforcement complex and the City provides no facilities. Therefore, concluded Erickson, in view of these findings, it would appear that the City Council has every right to claim the full amount due, or \$43,000, representing the difference between the amount received from the County and the amount that should have been received from 1974 to June of 1978. Councilman Hovey concurred with the remarks of Councilman Erickson. He said if the City Council were to take this position as described by Erickson, it should not be construed as a personal vendetta against the County; neither would the claim represent double taxation. Hovey said that, in view of these findings, in his opinion, the City has an obligation to claim the full amount and to negotiate would not be appropriate. Hovey said even if this requires court action, it would be a matter of determining what is right and should not prove embarrassing to the City. It was moved by Councilman Erickson, seconded by Hovey, that the Controller be authorized and directed to contact the County Clerk, in view of these

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findings, and reiterate to him the Council's position in this regard. Roll call as follows: Ayes, 5; No, one; carried. Councilman Clark voting no.

There being no further business, it was moved by Councilman Erickson, seconded by Hovey, that the meeting adjourn at 9:50 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ Thomas Campbell
MAYOR

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