

JUNE 22, 1978

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, June 22, 1978, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Thomas Campbell, Councilmen Charles Clark, Paul Hovey, Sam Sakaguchi, Jim Freeman, Mel Erickson, and Ralph Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last Regular Meeting, held June 8th, 1978, were read and approved.

Anticipating annexation on an area to be known as Cedar Gables Plaza, Councilman Freeman, as chairman of the Planning and Zoning Committee, asked that this introductory memo be read aloud:

City of Idaho Falls
June 22, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: CEDAR GABLES PLAZA – FINAL PLAT, ANNEXATION & INITIAL ZONING

Attached is a copy of the annexation ordinance, annexation agreement, and final plat of the above described property. The City Planning Commission recently held a public hearing on this matter and at that time recommended annexation to the City, approval of the final plat and initial zoning of P-B (Professional Business).

This department concurs with that recommendation, and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

A final plat of said area was presented. At Freeman's request, Building Administrator Gilchrist explained the difference between the R-3A zone and the P-B zone. It was learned that there is less density in a P-B zone which is limited, construction-wise to professional buildings. It was moved by Councilman Freeman, seconded by Clark, that the final plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

An annexation agreement between the City and the Cedar Gables Plaza was then reviewed. It was moved by Councilman Freeman, seconded by Clark, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1549

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (CEDAR GABLES PLAZA, DIVISION #1)

JUNE 22, 1978

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Clark, 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.

The Cedar Gables Plaza having been properly annexed, the Mayor announced that this was the time and the place, as advertised, for a public hearing to consider its initial zoning. There were none who appeared to protest or otherwise comment on said zoning, as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that the Cedar Gables Plaza, Division No. 1 be initially zoned P-B. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a rezoning petition from the Atomic Workers Credit Union, as more specifically explained by this memo from Building Administrator Gilchrist:

City of Idaho Falls
June 22, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING PETITION – JOHN HEIGHTS, DIVISION NO. 4, E. 54.16' OF LOT 17, ALL OF LOT 18, BLOCK 5 (R-2A TO PROFESSIONAL BUSINESS)

Attached is a copy of a rezoning petition for the above described parcel of ground. This property is located at the South-West corner of the intersection of Skyline Drive and Grandview. The petition is being submitted by the Atomic Workers Credit Union, and the request is being made to permit the construction of an office building to house a branch of the credit union.

This request was reviewed at the public hearing held by the Planning Commission on May 23rd, 1978, and at that time the Planning Commission recommended rezoning from R-2A to P-B Zone.

This department concurs with their recommendation and it is now being submitted to the Mayor and City Council for your consideration.

s/ Rod Gilchrist

Asked for comment, Gilchrist noted that, prior to recommending approval on this rezoning petition, the Planning Commission spent considerable time resolving the access-egress problems and accomplished this, with the cooperation and agreement of the petitioner, by certain right turn and left turn directional routes across from the Fire Station on Grandview. Gilchrist continued by saying that, in the opinion of the Planning Commission, a P-B zone would be more acceptable and better land use planning than the use permitted by R-2A.

Mr. Derald Wright, 880 N. Skyline, appeared before the Council to protest this proposed rezoning on the grounds that he would prefer some semblance of residential-type zoning. He said that, in his opinion, any type of commercial zoning, even including a zone that would limit land use to professional buildings would be conducive to increased traffic. In answer to a question by Councilman Freeman, Wright said he understood the difference between P-B and R-2A zoning, as previously explained by Gilchrist and that he would prefer the R-2A zone.

Mr. Craig Johnson, representing the Atomic Workers Credit Union, appeared briefly to say that the location was selected by the Union members as a matter of convenience, even though the closest residents did sign the approving petition and were not members. He said those residents that favored a P-B zone were of the opinion that this would be less offensive than a residential zone that would permit certain types of multiple dwellings. Also, continued Johnson, those same residents were anxious to some type of acceptable development, inasmuch as they were tired of the existing dust and weed problems. Recognizing that, earlier, there had been some apprehension registered when it was learned that the Credit Union would be providing 24 hour service, Johnson said this would be limited to day and night automatic teller service and, from experience, it was known that this facility would serve at night, no more than three or four customers. He said the rush hours for traffic, generally, would not coincide with this nominal night traffic as those who wished to be served in that manner would most likely do so after the dinner hour. It was moved by Councilman Freeman, seconded by Clark, that this re-zoning request be granted and the subject property be re-zoned from R-2A to P-B. Roll call as follows: Ayes, 6; No, none; carried.

With reference to the foregoing initial zoning action and, also, the re-zoning action, it was moved by Councilman Freeman, seconded by Clark, that the Building Official be directed to reflect same on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

Noting from the agenda that annexation of the Rose Nielsen-Prestwich Farm was again scheduled for annexation consideration, having been recessed from the last regular Council meeting, the City Clerk was asked to read aloud this memo:

City of Idaho Falls
June 22, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ROSE NIELSEN-PRESTWICH FARM – ANNEXATION HEARING

The public hearing originally scheduled for this item was previously recessed until June 22nd, 1978. The developer has requested the hearing be further recessed until their next regular meeting, July 6th, 1978, in order to complete the necessary engineering drawings and annexation agreement.

s/ Rod Gilchrist

Councilman Freeman noted that, assuming this annexation is further recessed, the Planning Commission, in the interim period, has asked for an audience with the City Council pertaining to future zoning concept of this and other large areas that might be proposed for annexation. It was moved by Councilman Freeman, seconded by Clark, that annexation of an area to be known as the Rose Nielsen Prestwich Farm be further recessed until July 6th, 1978. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Wayne Allen, 2184 Brentwood, appeared before the Council and presented this petition with 92 signers:

PETITION TO GET A FOOTBRIDGE
ACROSS THE CANAL AT BRENTWOOD

We want the City Council to reconsider the building of a vehicular bridge across the canal at Brentwood, now or in the future, and build instead a covered and fenced footbridge, this Fall.

Mr. Allen, as spokesman for a group, also present in the Council Chamber, said the citizens he represented were not making demands but rather a request which they hoped would receive favorable Council consideration in the interests, primarily, of safety for the children. He said a covered foot bridge, in lieu of a bridge for vehicular traffic, would be less costly and would eliminate a traffic problem. He said the larger Junior High children have a tendency to harass the smaller children and a strategically located footbridge would minimize this problem. To indicate the degree of approval among affected residents, Allen said the foregoing petition represented virtually 100% of those that had children and only those with no small children elected not to sign, as they felt this was none of their concern.

Councilman Sakaguchi, as Chairman of the Public Works Committee, noted that a bridge at that location has been deemed essential in the interests of good planning and it was that decision that prompted its design by an independent engineering firm. However, continued Sakaguchi, it would appear that no Federal funds will be made available for such projects and so it is now the plan to recommend to the full Council, as a budgeted item, that it be built from Street and Bridge funds and, if this is approved, it would be constructed next fall after the water is out of the canal.

In answer to a question by Mrs. William Vatter, 2298 Brentwood, the Mayor said the design does not call for a fenced or a covered bridge. Asked for comment, on the subject of canal or bridge fencing, City Attorney Smith reminded those present that previous requests made to the City for canal fencing, serious as it might appear from the stand point of child drowning, have had to be denied as such an act by the City would create liability. Beyond that, continued Smith, it has been proven that canal fencing does not eliminate drownings. He said a canal fence would not be permitted by the Canal Company except as a hold harmless agreement were entered into and in such an event, the City would still be liable in case of accident. In answer to a question by Mrs. Vatter, Smith said that, in the final analysis, the parents are responsible and liable for the child's safety. In answer to another question, Smith said the City would not normally permit a developer to construct a foot bridge, especially if it interfered with public right-of-way. Finally, Mrs. Vatter asked if the residents could build a foot bridge. Smith answered in the affirmative, subject to consent by the Canal Company. Smith warned, however, that, once accomplished, the affected residents would be responsible. In the absence of further comment, it was moved by Councilman Sakaguchi, seconded by Hovey, that this matter be referred to the Public Works Committee for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk noted that, in the interests of time, a legal notice was published without formal Council approval calling for a public hearing on July 6th to consider two rezoning petitions. It was moved by Councilman Freeman, seconded by Clark, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented this damage claim:

JUNE 22, 1978

Cox & Bowen
June 16, 1978

MR. DELROY C. BODILY
BONNEVILLE COUNTY CLERK

MRS. ROY BARNES
CITY CLERK

NOTICE OF TORT CLAIM

Pursuant to the provisions of Chapter 9, Title 6, Idaho Code, Jay Cox has been a resident of Jameston, Idaho, for more than six (6) months immediately prior hereto, does hereby present and make demand for payment of his claim against Bonneville County, the Bonneville County Sheriff's Department and the City of Idaho Falls and Police Department of the City of Idaho Falls, Idaho, in the joint sum of \$125,000 damages for injuries resulting to Mr. Cox from a slip and fall in the shower of the joint City of Idaho Falls and Bonneville County jail on February 20, 1978.

This claim arises from injuries to Mr. Cox including broken ribs and other injuries sustained by him in said City and County jail on the above date after he had been ordered by certain officers to take a shower in said jail. Apparently Mr. Cox had been arrested for driving while under the influence of intoxicants and was alleged to be very intoxicated by the officers involved. After being booked at the joint Bonneville County-City of Idaho Falls jail, Mr. Cox was ordered to take a shower in said jail and was not provided specific assistance in so doing. At that time, the jail was not equipped with any type of mat or other means to protect a person from the slippery floors and as Mr. Cox exited the shower he slipped and fell on the wet floor causing the injuries described herein. The exact name of the officers involved is not now known by Mr. Cox.

It is Mr. Cox's position that both the City and County were negligent in not providing the mat or other means of protection for a person from the slippery floors in the shower and that the police officers involved, while in the scope of their employment, failed to provide proper assistance and supervision of Mr. Cox while taking the shower even though said officers knew and claimed that Mr. Cox was intoxicated.

Mr. Cox has consulted Dr. Hodge from Blackfoot, Idaho, and has undergone and is still being treated by Dr. Hodge for the broken ribs. The exact amount of the medical specials are not now known at this time but will be submitted as soon as the same are known to the claimant.

This claim is based on the negligence of both the City and County in failing to provide proper protection against slippery floors, as aforesaid, and against the respective officers involved, while in the scope of their employment, which negligence is imputed to the City of Idaho Falls and Bonneville County for failure to provide proper supervision after having ordered Mr. Cox to shower.

As you know, the political subdivision has a sixty (60) days after filing of this claim to act thereon and to notify the claimant and in this case, this office, of each subdivision's approval or denial of said claim. We are taking the liberty of

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sending a copy of this claim to Mr. Blaine Skinner, Sheriff of Bonneville County and a copy to Mr. Robert Pollock, Police Chief of Idaho Falls Police Department. We would therefore appreciate having your immediate response to this claim and more particularly within the time limit as specified by Idaho law. In the event that this claim is denied or a response is not forthcoming from Bonneville County and the City of Idaho Falls within the sixty (60) day time limit, an action will be filed by Mr. Cox to recover for his injuries sustained including medical specials, pain and suffering and loss of employment. These damages are anticipated to be \$15,000.00.

Very truly yours,
s/ Roger Cox

It was explained that, in the interests of time, the foregoing claim was forwarded to the City's liability insurance carrier on June 19th without Council approval. It was moved by Councilman Erickson, seconded by Freeman, that this action also be ratified. Roll call as follows: Ayes, 6; No, none, carried.

License applications for FIREWORKS (SAFE & SANE), Dale R. Madsen for Ben Franklin Store, D. Price for 570 E. 17th Street, Cliff Kirkendall for Bowl-ero, Lee Eslinger for Jay Ceas, Charles Mullen for Maverik Country Store, Wallace Fried for Hamilton Drug, LaRea Walton for Town Square, Ned Sweat for Tigerette's Boosters, Fumio Nukaya for Katz Pharmacy, Bert Charboneau for Midget Market, Michael D. Ward for Ernst Home Center, Lennis Tirrell for Speedi Mart, Joan LaOrange for Ogi's Parking Lot, Ned Sweat for 1st Street Laundry Parking Lot, Ned Sweat for Plaza Lanes Parking Lot, Ned Sweat for Albertson's Parking Lot on 17th Street, Fay Marler for Fay's Foodliner, Dixie Johnson for Dixie's Fireworks at Smith's Food King Parking Lot; RESTAURANT, Blue Room, Sky Vvu Theatre; AUCTIONEER, Dan Delan for Woodring Auction Co., Edward R. McKenzie for Mckenzie Auction Service; THEATRE; Sky Vu Theatre; ELECTRICAL CONTRACTOR, Derlin Campbell for Intermountain Electric; JOURNEYMAN ELECTRICIAN, Derlin Campbell, R. LeRoy Collins; APPRENTICE ELECTRICIAN, Karl K. Anderson with Intermountain Electric, Jody E. Jackson with Intermountain Electric, Steve Hill with Electri-Con Electric; CLASS D APPRENTICE, GAS FITTER, Richard Wiemer, Jr. with Wiemer Heating; MASTER PLUMBER, Glen Kay Hanway for Kay's Plumbing & Heating; JOURNEYMAN Plumber, Robert L. Kiner; CLASS C CONTRACTOR, GF, WA, Richard Wiemer; CLASS C JOURNEYMAN, GF, WA, Joe Scheer, Don Warren, Richard Wiemer; CLASS D APPRENTICE GF, Kevin Jenkins with Wiemer Heating, Kathie Warren with Wiemer Heating; TAXI CAB OPERATOR, William Garner, Terry William Lemmon, James Andrew Galbraith, all with Rabbitaxi; BARTENDER, Larry Schumacker, Alice K. Heart, Lyn McIntyre, Michael Grisanti, James Asbury, Margo Grimesey, Don McGee, Cynthia Kay Karzin, Jeanie Schodey, Terrie Lynn Stewart, Delores Dayhe, Paul Jackson, were presented. It was moved by Councilman Freeman, seconded by Clark, 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.

This memo from the City Controller was submitted:

City of Idaho Falls
June 19, 1978

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: AIRPORT LIABILITY COVERAGE - RENEWAL

JUNE 22, 1978

Requesting your authorization to renew through the Associated Aviation Underwriters the Airport Liability coverage, which expires July, 1978.

The renewal covers a period of one year. Mr. Del Larter of Tandy & Wood, Inc. local agent, has advised that the Underwriters are no longer writing three year policies.

Annual premium is \$4,350.00 plus audit and carries a limitation of \$5,000,000.00, single limit.

Thomas Campbell, Mayor

Melvin Erickson, Councilman

James Freeman, Councilman

Paul Hovey, Councilman

Charles Clark, Councilman

Ralph Wood, Councilman

Sam Sakaguchi, Councilman

I was moved by Councilman Hovey, seconded by Erickson, that this request be granted and the Mayor and all Councilmen be authorized to sign the City's approval. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the City Controller was presented, to-wit:

City of Idaho Falls
June 22, 1978

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: INSURANCE PROGRAM STUDY – GALBRAITH & GREEN

Requesting your authorization to retain the firm of Galbraith and Green to perform, as consultants, a study of the City's insurance programs which will include the group life, disability and medical insurance plans. Cost to perform the study will be \$500.00 but will be waived if Galbraith and Green's administrative services are utilized.

Attached is their proposal for your review.

s/ John D. Evans

It was moved by Councilman Hovey, seconded by Erickson, that the City Controller be authorized to retain the consulting firm as indicated for the study as stated. Roll call as follows: Ayes, 6, No, none; carried.

From Fire Chief Call, came this memo:

June 22, 1978

MEMORANDUM

TO: Mayor V. Thomas Campbell and City Council
FROM: Douglas C. Call, Fire Chief
SUBJECT: FIRE ZONE #1

JUNE 22, 1978

It is recommended that Fire Zone One be reduced in size to exclude that area which has been under urban renewal. The buildings and area have been upgraded considerably and would now be more appropriately placed in Fire Zone Two.

The new boundaries of Fire Zone One would be as follows:

7-1-2: FIRE ZONE NUMBER ONE

The boundaries of Fire Zone Number One are hereby established as follows: "G" Street on the north; Broadway on the south, including the businesses on the south side of Broadway except for those west of South Capital Avenue; Yellowstone on the east; Memorial Drive on the west, excepting and excluding from said zone, however, a strip of land one hundred feet (100') deep abutting on the east side of Memorial Drive between Legion Drive and "G" Street.

We respectfully request that the City Attorney be directed to prepare the necessary amendment to the City Code.

s/ Douglas C. Call
Fire Chief

Asked for comment, Call explained that the existing structures now located in the former urban renewal area are not of the fire hazard category and are so located that density is not a factor. It was moved by Councilman Sakaguchi, seconded by Wood, that the City Attorney be directed to prepare an appropriate amendatory ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was considered:

City of Idaho Falls
June 22, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: CIVIC AUDITORIUM WHEEL CHAIR RAMP

Plans and specifications are nearly completed for a ramp for the handicap at the Civic Auditorium. We are requesting authorization for the City Clerk to advertise for competitive bids as soon as funds are released by HUD.

Respectfully submitted,
s/ Don

It was noted that the design had been modified, provided for one ramp, rather than two, because of finances. The Mayor commented to the effect that this revised design had been perused by the Mayor's Committee for the handicapped and said revision met with their approval. It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Clerk be authorized to advertise for bids on this project as soon as funds are released by HUD. Roll call as follows: Ayes, 6; No, none; carried.

JUNE 22, 1978

Another memo from the Public Works Director was presented, as follows:

City of Idaho Falls
June 22, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: FREMONT AVENUE SIX INCH WATER LINE

On June 13, 1978, four bids were received for the construction of a six-inch water line on Fremont Avenue. They are as follows:

1.	Eatinger Excavating	\$ 8,850.50
2.	O & F Construction	17,048.50
3.	H-K Contractors, Inc.	18,103.00
4.	Kamachi Construction	22,394.44
	ENGINEER'S ESTIMATE	17,306.00

All bids have been reviewed and we are recommending that the bid be awarded to the low bidder Eatinger Excavating in the amount of \$8,850.50.

Respectfully submitted,
s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that the low bid of Eatinger Excavating be accepted for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was then submitted:

City of Idaho Falls
June 21, 1978

MEMORANDUM

TO: Mayor & Council
FROM: Steve Harrison
SUBJECT: GREENBELT PARK

The bulb turbine consultants have requested that the City consider not developing approximately 1.5 acres of the greenbelt immediately south of the electrical building until about 1982.

The Electric Division requests that the Parks Division be directed to contract the Idaho State Parks & Recreation Department to determine the feasibility of delaying construction of that portion of the greenbelt.

s/ Steve Harrison

JUNE 22, 1978

Councilman Freeman explained that the 1.5 acres, as mentioned, would be used primarily for storage and also a work area during construction of the coffer dam. He said the HRCS, formerly the B.O.R., is involved because of the Grant Funds and, therefore, the Idaho State Parks & Recreation Department is entitled to a letter of explanation before the City can expect their recommendation for delaying construction on that portion of the green belt. It was moved by Councilman Freeman, seconded by Erickson, that the Parks Division be authorized to send such a letter to the State Agency as indicated. Roll call s follows: Ayes, 6; No, none, carried.

This memo from the Building Administrator was presented:

City of Idaho Falls
June 22, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: APPEAL FROM DECISION OF BOARD OF ADJUSTMENT – S.E. CORNER OF INTERSECTION AT ANDERSON & DUNBAR

Attached is a copy of a variance, requesting permission to construct a 6 foot fence in violation of the Zoning Ordinance of Idaho Falls. The Zoning Ordinance prohibits construction of a fence in excess of 2 feet in height at the intersection of streets, to provide for clear view of the intersection. Due to the unusual shape of the subject property, the proposed fence would not interfere with the view of the intersection and would not create a traffic hazard.

The Board of Adjustment denied the request, in that they felt that they did not have the authority to grant such a variance. There are not staff objections to this request.

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

s/ Rod Gilchrist

Councilman Erickson questioned the advisability of approving this appeal on the ground that it might be precedent setting. Councilman Freeman, referring to the foregoing memo, commented to the effect that, in this instance, there are extenuating circumstances, inasmuch as the proposed fence would not constitute a sight hazard to traffic. Therefore continued Freeman, this appeal should be considered on its own merit. Erickson suggested, instead, that it be referred to the proper body so that the Council would have the benefit of their combined thinking. It was moved by Councilman Freeman, seconded by Clark, that this appeal be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor appointed Mr. Tom Miller as Director of Aviation, effective July 1st, 1978, as a replacement for Pete Hill, retiree as of that date. Mr. Miller and his wife, Pat, were present in the Council Chamber. The Mayor noted that Tom had been serving as Acting Director of Aviation for several months and commended him for his grasp of that position to date. It was moved by Councilman Clark, seconded by Wood, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 228 in this book of minutes and, more specifically, Resolution No. 1, announcing the City's intention to create L.I.D. No. 52. It was noted that, at the time, a date had not been set for said hearing. The Mayor reported that, in the interim period, he had conferred with all Councilmen and an agreeable date of July 10th, 1978 had been determined. It was moved by Councilman Sakaguchi, seconded by Hovey, that this action be duly ratified. Roll Call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 225 in this book of minutes and more specifically, a pledge by the City Council that a public informational meeting would be conducted by the Mayor and Council within a sixty day period of the 161 kV line. In answer to a question by the City Clerk, City Attorney Smith advised that this would not, legally, need to be a duly advertised public hearing. Smith advised, further, that, for the record, the meeting should be taped and recorded in that manner. It was moved by Councilman Wood, seconded by Hovey, that the date for said public informational meeting be set for July 27th, 1978 at 7:30 P.M. in the Council Chambers. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that, through arrangements made with the Mayor's Youth Council, Tuesday, June 27th had been proclaimed as Youth Day at City Hall and that certain students from all three high schools had been designated to serve, on that day only, as City Officials, including the Mayor, City Attorney and all Division Directors. The Mayor reported, further, that these young people would be lunching with the Division Directors Friday, June 23rd, as a means of getting acquainted.

The Mayor then reported that he had recently been appointed as a member on the Board of Directors of the Northwest Public Power Association.

Reference is made to Page 221 in this book of minutes and, more specifically, a recommendation by the Public Works Director that a portion of Iona Street be vacated. The City Attorney introduced the following vacating ordinance which, if passed, would accomplish said vacation:

ORDINANCE NO. 1550

AN ORDINANCE VACATING PORTIONS OF CERTAIN STREETS WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID PORTIONS OF STREETS; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF SAID CITY A QUITCLAIM DEED CONVEYING SAID VACATED STREET TO THE OWNERS OF THE ADJACENT LAND AND NAMING THEM; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Hovey, 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.

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

JUNE 22, 1978

R E S O L U T I O N (Resolution No. 1978-13)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, as Instrument 50, Idaho Code, and by deed of the City Treasurer, dated the 10th day of April, 1968, recorded as Instrument No. 384020 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Lots 19-21 inclusive, Block 66, Highland Park Addition, City of Idaho Falls, County of Bonneville, State of Idaho

WHEREAS, THURMAN PETERSON has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessment 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 THURMAN PETERSON a quit claim deed to said property, pursuant to the provisions of Section 50-1751, Idaho Code.

PASSED BY THE COUNCIL this 22 day of June, 1978.

APPROVED BY THE Mayor this 22 day of June, 1978.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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

City Attorney Smith drew attention to the fact that, for many years, the Upper Valley Telecable Company had been the franchise holder, serving the City with telecable service. Smith noted, further, that at the time the City was negotiating with that company, determining terms and conditions of the franchise agreement, one of the required provisions was that said company post a \$200,000 performance bond for faithful and satisfactory installations. Many homes were provided telecable service by that company at the beginning and, by now, installations are infrequent except for new construction and their installation service has been, generally, satisfactory and without incident. Smith concluded his remarks by saying he had been contacted by their attorney who, in the interests of the company he represented, had asked that the Council give consideration, in the interests of economics to lowering the required performance bond to a more realistic figure. Smith concurred with the reasoning that prompted this request and recommended that this requirement be lowered to \$30,000. It was moved by Councilman Hovey, seconded by Erickson, that this recommendation be upheld and that the City Attorney be authorized, in behalf of the City, to take the legal steps deemed necessary to have the Upper Valley Telecable Company performance bond lowered to \$30,000. Roll call as follows: Ayes, 6; No, none; carried.

JUNE 22, 1978

Councilman Freeman drew attention to a traffic problem on West Broadway, occasioned by the many vehicles seeking access into the EG&G building, 607 W. Broadway. Freeman suggested that consideration be given to a no left turn restriction at that point, affecting west bound traffic on West Broadway. It was moved by Councilman Freeman, seconded by Clark, that this matter be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Hovey, that the meeting adjourn at 9:15 P.M., carried.

ATTEST: Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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