MARCH 9, 1978

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, March 9th, 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 Mel Erickson, Ralph Wood, Charles Clark, Paul Hovey, Sam Sakaguchi, and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last Regular Meeting, held February 23rd, 1978, were read and approved.

The Mayor acknowledged a student group from District No. 91 in the Council Chamber, noting that their presence was occasioned because these students were studying leadership as part of a Gifted and Talented Program. The Mayor also acknowledged Boy Scout Troops No. 329 and 337 in the Council Chamber. He thanked all of these young citizens for their presence and commended them for their interest in local government.

Noting from the agenda that an area to be known as the Kepler Addition was being proposed for annexation and noting, further, that annexation proceedings on said area had been recessed from the last Regular Meeting of the Council, the City Clerk was asked to read aloud this introductory memo from the Building Administrator:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: KEPLER ADDITION – FINAL PLAT, ANNEXATION & INITIAL ZONING

Attached is a copy of the final plat, annexation ordinance, and annexation agreement, for the above described property. This property is located on the south side of Sunnyside Road and on the east side of Holmes Avenue at their intersection. They are requesting R-2 zoning.

The Planning Commission reviewed this plat at their Regular Meeting on January 24th, and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

First to be presented was the final plat. It was moved by Councilman Freeman, seconded by Clark, that this 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 Kepler Addition developer was then reviewed. It was moved by Councilman Freeman, seconded by Erickson, 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. 1536

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. (KEPLER ADDITION, DIVISION NO. 1)

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 Kepler Addition having been properly annexed, the Mayor announced that this was the time and the place, as advertised, to conduct 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 Kepler Addition be initially zoned R-2 and the Building Official be directed to reflect said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider a first amended plat and a planned unit development for the Lorin C. Anderson Addition, as more fully explained by this memo from Building Administrator Gilchrist:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: LORIN C. ANDERSON ADDITION – 1ST AMENDED PLAT & DEVELOPMENT PLAN FOR A PROPOSED PUD

Attached is a copy of a final plat of the proposed re-platting of the Lorin C. Anderson Addition. This plat was originally approved, annexed to the City and zoned R-3A, R-2, and R-1 in June of 1976.

The developers are proposing to re-plat the property to eliminate the dedicated streets in the area and construct a planned unit development (PUD) on the property. This proposal has been considered by the City Planning Commission and it was recommended that the City Council accept the amended plat and approve the PUD as proposed.

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

s/ Rod Gilchrist

Asked for comment, Gilchrist appeared before the Council and, by means of an architect's sketch on the wall, described the development plan as proposed. It was learned that said plan constituted about 11.8 acres of land and would be surrounded by multiple dwelling eight-plexes. Certain dedicated streets would be deleted by the first amended plat. Within the P.U.D., continued Gilchrist, would be a recreation complex and a substantial amount of parking area with appropriate landscaping. Councilman Freeman commended the planning

on this proposed development and added that this procedure is highly endorsed by the Planning Commission. Gilchrist concurred, explaining that such a development plan, when approved, may not be altered without express approval by the City Council. After certain questions were asked by citizens from the floor that had previously been answered by Gilchrist, it was learned that, because of the crowd in the Council Chamber, the citizens had heard little as to what had been said, necessitating Gilchrist having to again describe the development plan within close proximity to the crowd. Among others acting as spokesmen for the large gathering interested in this proposed development were Messrs. Nate Bridges, 1715 Parley, Jack Bowling, 2019 McKenzie and Gary Roberts, 1635 Parley.

Mr. Dave Benton, Engineer for the project, was present to answer questions. It was learned that the multiple dwellings were to be frame constructed; that they were to be available for purchase or rental; and, that each unit would be in the $50,000.00 price range. There was some apprehension registered because this development plan had been altered since first viewed at the Planning Commission hearing. Mr. Bowling registered concern because of the traffic problem this complex might create, particularly on St. Clair. Councilman Erickson suggested that a traffic grid study be made. Noting the number of citizens registering protests and/or concern about this planned development, the Mayor said he would be reluctant for the Council to take action this night. This met with general Council agreement. It was moved by Councilman Freeman, seconded by Campbell, that this hearing be recessed until the next Regular Council Meeting with the understanding that, in the interim period, said development plan be referred back to the Planning Commission and that all interested parties be invited to attend their next meeting to be held Tuesday, March 14th, at which time said plan would be further aired. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to consider a request for a variance to construct mini-warehouses in an R-1 zone, as more fully explained by this memo from Building Administrator Gilchrist.

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE

Attached is a copy of a request for a variance submitted by Earl and Ina Burdick for a parcel of ground described by the metes and bounds legal description. This property is a triangular shaped parcel approximately 1.5 acres in size, located on the westerly side of the Idaho Canal at the termination of Northwest Bonneville Drive.

This property is presently vacant and zoned R-1. The petitioner is requesting a variance to permit the construction of mini-warehouses. The adjacent property owners in the area have been notified and to date no objections have been received.

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

s/ Rod Gilchrist

Asked for comment, Gilchrist noted that this planned construction area was not suited for residential development and he knew of no objection from near-by residents. Mr. Martin Hinton, 1147 Lovejoy, appeared briefly to concur with Gilchrist's remarks, adding that this proposed development was the best possible use for the irregular shaped lot in question. He said it would be a welcome relief not to see it covered with weeds in the Summer. The applicant, Mr. Earl Burdick, 260 Evergreen, appeared briefly to point out that development of this land would eliminate other distasteful elements such as insects during the Summer months, beer parties and motorcycle riders. There were none who appeared to protest or other adversely comment of this variance request. It was moved by Councilman Freeman, seconded by Clark, that this request for a variance, as stated on the applications, be granted. 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 several amendments to the zoning ordinance as more fully described in this memo form Building Administrator Gilchrist:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PROPOSED AMENDMENTS TO ZONING ORDINANCE NO. 1115

Attached are three proposed amendments to the City's Zoning Ordinance. They are as follows:

1. P-B Professional Business Office Zone – This provides for a zone which is restricted to office buildings. In the past the R-3A zone has been used for this purpose, but in some instances has been considered objectionable due to residential apartment dwelling units which are also allowed in this zone.

2. Increasing the parking requirements for Medical and Dental Clinics and Offices. The present requirement is for five (5) spaces for each doctor or dentist. The proposed amendment adds to this, one (1) space for each full-time equivalent employee.

3. RA-1 Residential Agricultural Zone – This proposed zone would provide for a large lot estate-type residential zone which would also permit the keeping of horses on a minimum of one (1) acre.

These three amendments have been reviewed by the Planning Commission and it has been recommended that they be adopted by the Mayor and City Council and it is now being presented to you for your consideration.

s/ Rod Gilchrist

First to be reviewed was recommendation No. 1 which would create a new zone to be known as the P-B Professional Business Office Zone. Gilchrist explained that this would be more restrictive than an R-3A zone because it would only permit professional business construction, rather than professional businesses and multiple dwelling units. Councilman Freeman commented to the effect that there were some instances where this zone would be

more applicable, particularly on arterial streets. He said that, by creating such a zone, the Building and Zoning Division could better control these areas. There were none who appeared to protest or otherwise comment on the creation of this proposed P-B zone. It was moved by Councilman Freeman, seconded by Clark, that a P-B zone, as heretofore described, be hereby created and the City Attorney be directed to incorporate said zone when drafting the next group of amendments to Zoning Ordinance No. 1115. Roll call as follows: Ayes, 6; No, none; carried.

It was noted that No. 2 recommendation referred to Section 4-23-D-2 of the Zoning Ordinance, providing for five parking spaces for each doctor or dentist serving medical and dental clinics and offices and that this proposed amendment would increase said required parking spaces to include one for each full-time equivalent employee. There were none who appeared to protest this recommendation. It was moved by Councilman Freeman, seconded by Clark, that the Zoning Ordinance be hereby amended to include this requirement, as stated, and the City Attorney be directed to incorporate said amendment in the next amendatory supplement to Zoning Ordinance No. 1115. Roll call as follows: Ayes, 6; No, none; carried.

Finally, recommendation No. 3 was considered. It was noted that said recommendation, if adopted, would create as RA-1 Residential-Agricultural zone and would permit one horse and its depending young on each one acre of lot area and further, that the total number of horses, including dependent young, not exceed five on any given lot area. Gilchrist said this proposal was prompted, primarily, when the area of City Impact was studied, and it was learned that, almost continuous to the City are some large residential areas which might, within the predictable future, be proposed for annexation and the zoning ordinance does not provide for such areas if horse are involved. He said this is referred to in other cities as Estate type planning and would prevent islands of un-annexed areas created by those who objected to being annexed when there was no provision for the keeping of horses. There were none who appeared to protest or otherwise comment on this proposal. However, several Councilmen registered apprehension, inasmuch as this had not yet been the subject of informal discussion. In answer to a question by Councilman Clark, Gilchrist said there had not yet been recent nor specific requests for the establishment of such a zone. This being the case, Councilman Erickson queried as to why act on such a zone at this time. Councilman Freeman noted that such a zone, if created, would be in compliance with a similar zone for a similar purpose previously adopted by the County. It was moved by Councilman Freeman, seconded by Clark that, in view of the fact that the Council did not feel prepared to act at this time, this portion of the public hearing having to do with zoning amendments be recessed until the next Regular Council Meeting. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 129 in this book of minutes and, more specifically, a public hearing to consider the initial zoning of a strip of land along Pancheri Drive to Bellin Road. At that time, a citizen appeared and registered a protest to said land being zoned R-1, inasmuch as an earlier preliminary plat showed the proposed zoning as R-PA. In answer to that protest, Building Administrator Gilchrist had made a statement to the effect that the preliminary plat had been prepared by the land owner rather than a developer.

Mr. Harold Dixon, Route 4, Box 97, appeared before the Council and introduced himself as the above referred to landowner and denied having prepared the preliminary plat in question. He asked that said comment be stricken from the official Council minutes. It was moved by Councilman Freeman, seconded by Clark, that this request be granted and the City Clerk be directed to strike that portion of the minutes as requested. Roll call as follows: Ayes, 6; No, none; carried.

Anticipating that there were those in the Council Chamber interested in Council consideration of a memorandum from the Parks and Recreation Commission having to do with permitting beer in parks this coming Summer, the Mayor asked that this be placed on

the agenda for discussion at this time and asked Councilman Freeman, as Chairman of the Parks and Recreation Committee to conduct this portion of the meeting. At the invitation of Freeman the City Clerk presented and read aloud this memo:

City of Idaho Falls
March 2, 1978

MEMORANDUM

TO: Mayor Campbell and Members of the City Council
FROM: Lee Thompson, Chairman, Parks and Recreation Commission
SUBJECT: BEER IN PARKS

Due to declining conditions in Tautphaus Park, the Parks and Recreation Commission in 1977 recommended the closure of the park to alcoholic beverage consumption. Subsequently, requests came to our attention for the use of the park for large company or club picnics where beer would be served. These were denied but we promised that a review of the situation would be made early in 1978 to determine whether or not these groups could be accommodated for their annual outings, especially in view of the fact that Idaho Falls does not now offer an area where these functions can be held. The only other park, Selander, has now closed to alcohol consumption. It would be well to point out here that the groups of which we speak are those such as large government contractors, service clubs, etc. who hold annual elaborate outings for their families and who are fine, upstanding citizens of this community, your neighbors and mine, with whom we live and work day by day.

With the waning winter, requests have been made to Mr. Craner for our decision on the park-picnic situation for the coming summer. It was apparent that we must move on the matter in order that he might have direction. As a result, I appointed a committee on February 8, 1978 to research the matter and report back to the March 1 Commission Meeting. After a lengthy and thorough discussion on the committee findings, the following motion was made, seconded and passed and is presented here for your consideration and action:

The Commission recommends to the City Council that they give consideration to allow beer to be dispensed at Tautphaus Park by permit within a pre-determined access area. Permit should be issued ten days in advance of the event, require a uniformed off-duty officer be in attendance to be reimbursed by the sponsoring organization, and a cash bond posted (not less than $100 recommended), refundable where cleanup and enforcement is not required.

s/ Lee Thompson

This petition with 32 signers was also presented and read aloud:

Idaho Falls Kiwanis Club
March 9, 1978

We, members of the Idaho Falls Kiwanis Club, do hereby petition the Idaho Falls City Council and go on record as opposing any action on the part of the Mayor of the Council that would allow the use of beer in the City parks. As you

> recall, we commended your action a year ago when beer was removed from the parks. We hold our annual summer Kiwanis picnic at Tautphaus Park and we do not feel that beer has to be a part of any service club's activity as a measure of fun or success. Our Major Emphasis Program this year is "Safeguard Against Crime" and we feel that the action taken a year ago in removing beer from the parks is certainly compatible with that philosophy.

Councilman Freeman noted that the foregoing memo from the Parks & Recreation Commission was prompted by a promise made to all citizens last year, after the alcohol ban was imposed, that a second appraisal would be made at a later date after a determination had been made pertaining to the alcohol ban in parks as to its effectiveness. Freeman said he felt confident that all interested citizens would agree that there would be no interest nor justification in lifting the ban, entirely, thus inviting the deplorable deportment that was experienced at that time within the parks, particularly Tautphaus Park. Freeman said there should be a continuing effort to keep the park facilities available, safe, comfortable, and pleasant for everyone, inasmuch as the parks belong to all and should not be dominated by a ruthless few. Continuing, Freeman said, on the other hand, he sympathized with civic and other groups, all fine upstanding citizens, who complained last year that they were not permitted moderate consumption of alcohol beverages during group picnics at the park. Therefore, he felt that the Parks & Recreation recommendation has merit if properly supervised.

Councilman Sakaguchi concurred and added that this recommendation was not intended to jeopardize the commendable environment the park now enjoys. Sakaguchi continued by saying that there is presently one controlled area at Tautphaus Park where beer is permitted and the Parks & Recreation was recommending only one more which also would be controlled. He said he had confidence that the City Council would not hesitate to act quickly if the situation at any time, got out of hand. Councilman Erickson said he had been in a position, as a Councilman and as a member of the Parks & Recreation Committee, to watch the deterioration progress from the beginning, during which time several alternate courses of action had been tried without success. He said that, also in that interim period, two pieces of legislation had been passed, both of which tended to accentuate the police problem; first, it was determined, by law, that it was not a punishable offense to be drunk in a public place; second, the legal drinking age was lowered to 18. In response to the comments made by Sakaguchi, Erickson noted that beer is dispensed at the controlled ball park area by a licensed operator and by law, the burden of proof is on the license to see that no under age person purchased or consumes beer on the premises. He said this same situation prevails at McDermott Field and Pinecrest Golf Course. However, continued Erickson, there would be no such control by a licensed operator if a permit were issued to a particular group to consume alcoholic beverages at a designated picnic area within the park and the City would, thus, lose its control.

In answer to a question by Mr. Al Humphrey, 1533 Glen Arbor, Freeman said the Parks and Recreation recommendation did not include a provision for a minimum number of people who could apply for a permit.

In the absence of further comment, it was moved by Councilman Freeman, seconded by Sakaguchi, that the foregoing recommendation of the Parks & Recreation Commission be accepted. Roll call s follows: Ayes, Councilmen Sakaguchi and Freeman; No, Councilmen Hovey, Erickson, Wood, and Clark. The Mayor thereupon declared the motion defeated.

The City Clerk noted that a legal notice had been published, in the interests of time, without formal Council approval, calling for a public hearing this night to consider a request for a variance to permit construction of mini-warehouses in an R-1 zone. It was

moved by Councilman Freeman, seconded by Clark, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also, according to the City Clerk, a legal notice had been published without formal Council approval calling for a public hearing on March 23rd, to consider certain amendments to the zoning ordinance having to do with travel trailer court and mobile home sub-division fees. It was moved by Councilman Freeman, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

These damage claims were presented:

NOTICE OF CLAIM

NOTICE OF CLAIM is hereby given to the City of Idaho Falls, a municipal corporation (hereinafter referred to as "City"), by STEVEN D. PIERSON (hereinafter referred to as "claimant") for the damages, costs, expenses and attorney's fees incurred by the claimant as a direct and proximate result of the negligent act and/ or omissions of the City, its agents, officers and/employees. This notice of claim is made pursuant to the Idaho tort Claims Act, Chapter 9, title 6, Idaho Code, and in compliance therewith, claimant states as follows:

1. That on or about October 26, 1977, Dan Freckleton was operating a 1976 Chevrolet ½ ton pickup, which vehicle was owned by Steven D. Pierson.

2. That while said Dan Freckleton was operating said vehicle in a lawful and reasonable manner, and while turning from Rollandet east on 17th Street, the right front and rear tires hit a sharp, jagged edge at a point where a City crew had jackhammered the curbing and gutter.

3. That said accident was proximately caused by the carelessness and negligence of the City, its agents, officers, and/or employees, in that the City had failed to properly complete the work on the curb and gutter in a workmanlike manner and therefore have failed to properly maintain the intersection of 17th Street and Rollandet Avenue, which is contrary to and in violation of the laws and ordinances of the City.

4. That as a direct and proximate result of the carelessness of the City, as aforesaid, claimant herein sustained and incurred property damage as follows:

$ 55.28	right front tire (adjusted price)
55.28	right rear tire (adjusted price)
19.35	beauty ring
2.60	labor to install
3.90	wheel (right rear)
30.00	claimant's time
$161.41	Total

5. That the names of the person involved in the aforesaid accident are: Dan Freckleton and Jeramy Freckleton, 3165 Sunnyside, Idaho Falls, Idaho 83401.

6. That the residence address of the claimant herein is, and for a period of six months immediately prior to October 26, 1977 was; Steven D. Pierson, 3140 Midway, Idaho Falls, Idaho 83401.

Dated this 21st day of February, 1978.

s/ Steven Pierson
Claimant

NOTICE OF CLAIM

NOTICE OF CLAIM is hereby given to the City of Idaho Falls a municipal corporation (hereinafter referred to as "City"), by Karl A. Quigg and Roselyn Quigg, husband and wife, (hereinafter referred to as "claimant"), for the damages, personal injuries, expenses and attorney's fees incurred by claimants as a direct and proximate result of the negligent acts and/or omissions of the City, its agents, officers and/or employees. This notice of claim is made pursuant to the Idaho Tort Claims Act, Chapter 9, Title 6, Idaho Code, and in compliance therewith, claimants state as follows:

1. That on or about December 23, 1977, at approximately 8:00 o'clock p.m. of said day, claimants were passengers in a 1978 Buick LeSabre, which vehicle was owned and operated by Erskine Quigg.

2. That while said Erskine Quigg was operating said vehicle within the City in a lawful and reasonable manner, and while proceeding at said time to make a left turn on to Broadway off of Capital on a green light, a certain City Police Vehicle, City Unit 22438, which vehicle was headed east on Broadway, ran a red light while responding to an alleged emergency call, and collided with the vehicle in which claimants were riding as passengers.

3. That said collision was proximately caused by the carelessness and negligence of the City in that its employee, Officer Eloy Anguiano, failed to drive said vehicle in a reasonable and prudent manner under the circumstances then existing, and otherwise violated other rules of the road, including but not limited to, Idaho Code #49-681 and 49-606 (2) (b).

4. That as a direct and proximate result of his carelessness and negligence of the City, as aforesaid, claimants herein sustained and incurred the following personal injuries:

a. Roselyn Quigg: Mrs. Quigg was hospitalized and required medical attention and treatment for bruises, contusions in and about the ribs and sternum, as well as in multiple areas of the left anterior chest and right shoulder. She also experienced widening of the right AC joint. Said Roselyn Quigg is presently receiving, and will continue to receive medical attention, and therefore the full extent and determination of the injuries and damages have not yet been ascertained.

b. Karl Quigg: Mr. Quigg suffered bruises and contusions, as well as shock, from the collision. However, he has not been hospitalized, nor has he received extensive medical attention or treatment.

5. That for the purpose of giving notice to the said City in making claim for the damages incurred, as required by the provisions of the Tort Claims Act, Chapter 9, Title 6, Idaho Code, the undersigned claimants do hereby claim damages, both special and general, in the amount of $10,000.

6. That the names of the persons involved in the afore said accident and collision, other than the undersigned, are as follows:

Erskine C. Quigg
701 South Park
Shelley, Idaho

Donna Qui
701 South Park
Shelley, Idaho

Officer Eloy Anguiano
Idaho Falls Police Department
Idaho Falls, Idaho

Sue Reifschneider
255 1/2 4th Street
Idaho Falls, Idaho

Leisa Jorgensen
3090 Molen
Idaho Falls, Idaho

Robert Neidner, Investigating Officer
Bonneville County Sheriff's Dept.
Idaho Falls, Idaho

That the undersigned presently reside at 3110 Molen Drive in Idaho Falls, Idaho and have been residents at said address for a period of six (6) months immediately prior to December 23, 1977.

Dated this 25 day of February, 1978.

s/ Karl A. Quigg
s/ Roselyn Quigg

NOTICE OF CLAIM UNDER IDAHO TORT CLAIMS ACT

TO: Roy Barnes, City Clerk
RE: Truck-Bicycle Collision - Tort Claim - Douglas Sinclair

Date of Accident: December 5, 1977
Place of Accident: 1300 West Broadway Street
Idaho Falls, Idaho 83401

Definitions: Reference to the City of Idaho Falls refers to said City and any and all political sub-divisions and governmental agencies, including the City of Idaho Falls Street Department.

Douglas Sinclair, 123 South Skyline, Idaho Falls, Bonneville County personally and by and through his attorney of record, Larry M. Boyle of the firm of Hansen & Boyle, Idaho Falls, Idaho hereby make this written claim and demand against the City of Idaho Falls and its employees pursuant to Idaho Code 6-901 et.seq. and states, advises and represents as follows:

1. That on or about December 5, 1977, a bicycle being operated by Douglas Sinclair on the sidewalk on the north side of West Broadway Street near Boozers Oil Company at 1300 West Broadway Street, Idaho Falls, Bonneville County, Idaho struck by a semi-truck tractor owned by Lemmons House Moving and being operated by David Lemmons.

As a result of said collision Douglas Sinclair suffered severe physical and mental injuries. As a result of said collision Douglas Sinclair suffered in addition to the loss of his bicycle, medical and hospital expense, lost wages and general damages.

That claimant Douglas Sinclair resides at 123 South Skyline, Idaho Falls, Bonneville County, Idaho, at the time of filing of this claim and resided there for a period of six (6) months prior to the time this claim arose.

2. At the time of the accident involved, Douglas Sinclair was lawfully operating his bicycle on or near the sidewalk on the north side of West Broadway Street near Boozer Oil Company. This semi-truck which struck claimant traveled up and over the gutter, curb and sidewalk where claimant was struck, and received severe mental and physical injuries. That at the time of said accident, there was asphalt or paving applied immediately adjacent to said

gutter, curb and sidewalk and claimant, based on information and belief that said asphalt or paving was placed there by the City of Idaho Falls for that purpose of permitting trucks to cross up and over said gutter, curb and sidewalk. During the investigation into said accident and resultant injuries, claimant's legal counsel has been advised that said asphalt or paving was placed there by the City of Idaho Falls for the express purpose of permitting the tractor and trailer outfits to more conveniently enter into the Boozer Oil Company premises. That said act of applying asphalt and permitting vehicular traffic over the gutter, curb and sidewalk constitutes negligence and added to said area a hazardous condition and may have added to or caused the injuries to claimant herein.

It was the negligence of David Lemmons or David Lemmons House Moving or the City of Idaho Falls as alleged herein, or either of them or any of them, or through their separate or combined negligence or through that of the City of Idaho Falls or its political sub-divisions of entities that was the proximate cause of said collision and resultant injuries and damages to claimant herein.

That the City of Idaho Falls knew that said condition was hazardous and dangerous and should not have permitted said condition to exist.

That persons who may have knowledge or who were involved in said incident on December 5, 1977 are Douglas Sinclair, David B. Lemmons, M.C. Campbell, Dee Wells, Robert Wylley, Michael Barron, all as contained in the investigating officer's report.

Damages to claimant is as follows; special damages in the sum of approximately $20,000.00; general damages in the sum of $250,000.00.

You are requested to refer all future communications and inquiries to the law firm of Hansen & Boyle, P.O. Box 96, Idaho Falls, Idaho, 83401

Dated this 17th day of February, 1978.

s/ Douglas Sinclair
s/ Larry M. Boyle
Attorney for Claimant

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

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

	GENERAL	STREET	AIRPORT	WATER/SEWER
SERV/MAT:	$ 545,298.69	$ 97,290.63	$ 28,615.16	$ 136,608.31
SALARY:	324,621.45	18,067.53	8,679.18	36,484.92
TOTAL:	$ 869,920.14	$ 115,358.16	$ 37,294.34	$ 173,093.23

	ELECTRIC	RECREATION	MUN CAP	GEN LIBRARY
SERV/MAT:	$ 402,791.63	$ 4,191.06	$ 18,905.97	$ 3,330.00
SALARY:	54,371.43	5,239.30	.00	14,589.19
TOTAL:	$ 457,163.06	$ 9,430.36	$ 18,905.97	$ 17,919.19

	REG LIBRARY	ANTI RECC	REV SHARE	COMM DEV
SERV/MAT:	$ 277.98	$ 17,166.43	$ 2,265.63	$ 17,174.10
SALARY:	723.24	.00	.00	702.40
TOTAL:	$ 1,001.22	$ 17,166.43	$ 2,265.63	$ 17,876.50

	FLOOD DISASTER	CITY TOTAL
SERV/MAT:	$ 56.16	$ 1,273,971.75
SALARY:	.00	463,478.64
TOTAL:	$ 56.16	$ 1,737,450.39

LIBRARY CONSTRUCTION EXPENDITURES
Bonds Authorized
$2,677,000.00

Date	Company	Amount	Expenditures to Date
			$ 2,761,748.68
2-02-78	CLSI COMPUTER	$96,000.00	2,857,748.68
2-06-78	HASCC Furniture	912.52	2,858,661.20
2-06-78	Wheeler Electric, Inc.	2,348.00	2,861,009.20
2-06-78	IBM Corporation	781.16	2,861,790.36
2-21-78	Yost Office Systems	389.00	2,862,179.36

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 warrants or checks on the respective funds for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Reports from Division and Department Heads were presented for the month of February, 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 (Transfer), Scotty's Drive Inn, from Jack Mangusson to Brad Hofhines; MOBILE RESTAURANT, Mighty-Good Foods; RESTAURANT, Mi Casa, North Hiway Café, Corn Dog Factory, Valley Vending, Wrangler Roast Beef, Arthur Treachers Fish & Chips, Bowl-Ero, Harman's of Idaho for both locations, Doug's Dairyland Kitchen, Riverview Hospital, Shakey's Pizza Parlor, the Paris Café, Arctic Circle, Taco Bandido, Albertson's, Dean's Prairie Dog, 19th Hole Café; ELECTRICAL CONTRACTOR, Dave Paulk Electric, Mark J. Barnard, D & D Electrical Contractors, Edwards Electric, Jewell Electric, Loc Electric, Bruce Wheeler Electric; JOURNEYMAN ELECTRICIAN, Bruce Wheeler, Mark Barnard, Darwin Hopkins, Robert Edwards, Howard Taylor, Chris Bidstrup, Rosslyn

Bidstrup, Harold Christensen, Blaine Hogue, Robert Dastert; APPRENTICE ELECTRICIAN, Allen Jorgensen with Edwards Electric, Wade Christensen with LOC Electric; MASTER PLUMBER, American Plumbing & Heating, Glen B. Reed; JOURNEYMAN PLUMBER, Dallas Pope, Glen B. Reed; APPRENTICE PLUMBER, Ron Summers; CLASS B CONTRACTOR, GAS, WA, WH, Roger Sanderson; CLASS D CONTRACTOR, WA, Jewell Electric, Jack Flynn Builders; CLASS C JOURNEYMAN, GF, WH, John Bein, Dallas D. Pope; CLASS D JOURNEYMAN, GF, Elbert Pershing; CLASS D APPRENTICE GF, Ron Summers; CLASS D JOURNEYMAN WA, Jack Flynn; DAIRY, Reed Brothers Farms, Inc.; COMMERCIAL KENNEL, Allen Veterinary Hospital; NON-COMMERCIAL KENNEL, Mary Lou Whitaker; BILLIARDS, Ford's Bar, Pockets, Inc., The Billiard Shop; BOWLING LANES, Bowl-Ero; HOTEL, Idaho Hotel; PHOTOGRAPHY, Kinderfoto, Perk's Photo Service, Staker Photography, Chromalloy Photographic, Inc., Pictureland Studios, Eaton's Studio, Davis Photo, Jay Ned Photography, Melville's Studio, C.W. Photography, D&M Photo Service; PAWN BROKER, Nick's Trading Post' SECOND HAND STORE, Dean's Antiques; MOTEL, Kelly's Inn, (80), Motel "6"; SUNDAY MOTION PICTURE, United Artists Theatre Circuit, Inc. for UA Cinemas I & II; PUBLIC CONVEYANCE, Jack Viggers for Eastern Idaho Special Services; BEER, Canned, bottled, and draught to be consumed on the premises, Dog House, Skippers; BEER, Canned, bottled to be consumed on the premises, Cowboy Spud, 19th Hole Café; PRIVATE PATROLMAN, Clarence Earl Swinehart; BARTENDER, Lucile R. Baker, Mary Mellekcer, Pat Aksamit, Milissa Dorton, Donna Johnson, Christine Merkley, Le Ann Beebe, 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.

This memo from the Building Administrator was submitted:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR AN EXTENSION – VARIANCE FOR TEMPORARY USE OF MOBILE HOME

The City Council, in the Fall of 1977, granted a variance to Golden Valley Realty to place a mobile home at the corner of 1st Street and Woodruff Avenue, to be used as a temporary real estate office. This variance was granted on the basis that a permanent office building would be constructed on this location.

The petitioner is requesting a 6 month extension to the original variance, inasmuch as they have experienced some difficulty in financing. They feel that within this 6 month period they can have this problem solved and construction can begin.

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

s/ Rod Gilchrist

Councilman Freeman noted that he was aware of this situation and that Golden Valley Realty had, in fact, made an honest effort to have the real estate office completed but without complete success for the reason as stated. It was moved by Councilman Freeman, seconded by Clark, that this request for a six month variance extension be granted. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller came this memo:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: UNEMPLOYMENT INSURANCE

The Department of Employment is charged with the responsibility of administering the Employment Security Law of the State of Idaho.

Effective as of January 1, 1978 all governmental units were required to be responsible for their own unemployment costs.

There are three options to choose from to pay these costs to the Department of Employment.

A. Cost Reimbursement (actual expense)
B. Advance payment of 1% of total annual wages
C. 3.1 % tax of employee's wages up to $9,400. per employee

I know this has been discussed previously and it was decided that we should take the Cost Reimbursement option.

Will you authorize the Controller to complete and sign the necessary forms indicating to the Department of Employment that the City of Idaho Falls wished to be billed on a Cost Reimbursement basis under the State Unemployment Insurance Program.

s/ John Evans
Controller

Councilman Hovey concurred with the recommendation as stated in the memo on the grounds that the City has had a good unemployment record and, assuming this record to continue, option A would be least costly. It was moved by Councilman Hovey, seconded by Erickson, that the Controller be authorized to complete the necessary forms indicating to the Department of Employment this City's preference to be billed on a Cost Reimbursement basis. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the City Controller was forthcoming as follows:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor Thomas Campbell
FROM: John D. Evans, Controller
SUBJECT: ERRORS AND OMISSIONS INSURANCE

Attached is a quotation for errors and omissions insurance from the Homer-Koster Company.

The Council Fiscal Committee and the City Attorney have reviewed the proposed policy and coverages and recommend that we accept the policy of Forum Insurance Company with coverage of $1,000,000.00 limits, $10,000, deductible and the annual premium being $9,612.00

s/ John Evans
Controller

It was moved by Councilman Hovey, seconded by Erickson, that the proposed policy from Forum Insurance, as described, be accepted. Roll call as follows: Ayes, 6; No, none; carried.

The foregoing action prompted City Attorney Smith to advise the Council that there was another matter in need of remedial attention pertaining to liability; namely, a resolution affording coverage for false arrest and other intentional acts by certain City employees who, because of the scope of their duties, sometime commit acts akin to that of a police officer. He said that, without a resolution naming those employees by title, it might be arguable as to whether or not they are covered under insurance certificate No. W-35665L. Smith then proceeded to introduce the following resolution:

R E S O L U T I O N (Resolution No. 1978-06)

(INSURANCE CERTIFICATE NO. W-35665L, AFFORDING COVERAGE FOR FALSE ARREST AND OTHER INTENTIONAL ACTS, ADDITIONAL INSUREDS' ENDORSEMENT).

WHEREAS, certain officers and employees of the City of Idaho Falls, Idaho, are from time to time required to perform law enforcement activities in connection with their other regular duties, and,

WHEREAS, it appears necessary for insurance purposes that the City formally vest such officers and employees with police powers,

NOW, THEREFORE, BE IT RESOLVED:

That the following designed, or enumerated, officers and employees be, and they are hereby, vested with authority to assist in law enforcement within the ambit of their statutory and regularly assigned duties; and such officers and employees for purposes of Insurance Certificate No. W-35665L, only, while carrying out their law enforcement duties, are deemed to be included within the Idaho Falls Police Department.

Mayor	(1)
City Clerk	(1)
City Clerk Personnel	(2)
Councilmen	(6)
Attorneys	(2)
Animal Regulation Department Personnel	(2)
Inspectors	(8)
Fire Department Personnel	(3)
Members of Regular Police Dept.	(70)
TOTAL:	95

Passed by the Council and approved by the Mayor this 9th day of March, 1978.

s/ Thomas Campbell
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

It was moved by Councilman Hovey, seconded by Erickson, that this resolution be adopted and passed. Roll call as follows: Ayes, 6; No, none; carried.

There was then some general discussion as to whether or not the foregoing resolution encompassed all City employees who would qualify to also be included for purposes of insurance liability. It was moved by Councilman Hovey, seconded by Erickson, that the City Attorney investigate this matter to determine the need, if any, for including additional City employees, by title, in a subsequent resolution. Roll call as follows: Ayes, 6; No, none; carried.

At the request of the City Controller, the City Clerk introduced this resolution:

R E S O L U T I O N (Resolution No. 1978-07)

(Establishing Authority of Named Persons to Draw on HUD "Letter of Credit" Funds)

WHEREAS, the City of Idaho Falls has been designated a recipient of Grant Funds from U.S. Department of Housing and Urban Development, and

WHEREAS, payment of such funds can be effected only by the execution of Treasury Forms GFP-7578 (Vouchers on Letter of Credit):

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF IDAHO FALLS, IDAHO:

(1) That the following-named persons, only, are authorized to sign on behalf of the City of Idaho Falls, Idaho, periodically Treasury Forms GFO-7578, being payment vouchers on Letter of Credit prepared by HUD, namely; Thomas Campbell, John D. Evans, and Lorna Coughlin.

(2) That the signatures of any two of said persons shall be sufficient to bind the City.

(3) That the specimen signatures of said authorized persons are as follows:

s/ Thomas Campbell s/ John D. Evans s/ Lorna Coughlin

Passed by the Council and approved by the Mayor this 9th day of March, 1978.

s/ Thomas Campbell
Mayor

s/ Roy C. Barnes
City Clerk

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Beddes Equipment Company be accepted for a front-end loader as described and recommended. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
March 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #1F-78-17, FIVE GANG MOWER

It is the recommendation of the General Services Division that the City Council accept the low bid of Boyd Martin Company to furnish one (1) Five Gang Mower at $10,054.00 as per Bid #IF-78-17.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Boyd Martin Company for a five gang mower be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Continuing with memos from the General Services Director, the following was submitted:

City of Idaho Falls
March 6, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-78-14, LIQUID CHLORINE

It is the recommendation of the General Services and Public Works Divisions that the City Council accept the low bid for furnishing liquid chlorine of Wasatch Chemical Company for one (1) ton cylinders at $209.00 each and Van Waters and Rogers for 150 pound cylinders at $36.30 each.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid from Wasatch Chemical Company be accepted for liquid chlorine. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services Director this memo was presented:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-78-15, ELECTRICAL CONDUCTOR

It is the recommendation of the Electrical and General Services Division that the City Council accept the bids for electrical conductor as follows:

Amfac Electric Supply Co. Items: 1, 9, & 10	$ 4,118.37
National Electric Cable Items: 3 & 4	36,020.00
Westinghouse Electric Supply Item: 5	370.56
Graybar Electric Company Items: 2, 6, 7, 8, 11 & 12	62,652.30
	$103,161.23

The above represents the responsive low bids.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that in each instance, the low bid be accepted for the various items of electric conductor as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Through the City Clerk, the Public Works Director submitted this memo:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald Lloyd
SUBJECT: CONTRACT FOR WOODRUFF AVE. INTERCEPTOR

We are submitting herewith a Cooperative Agreement between the City and Bonneville County for the construction of the Woodruff Avenue Interceptor which extends sewer service to the North Yellowstone Highway in the area of Woodruff Avenue. This agreement has been reviewed by the Council's Public Works Committee and the City Attorney. The agreement calls for the City to equally share the cost with Bonneville County for all of those costs not covered by special assessment estimated to be $110,000.00. We are requesting that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

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

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

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: CONTRACT TO WIDEN THE BRIDGE ON ROLLANDET NEAR ROGERS STREET

We are presenting herewith a Resolution and Cooperative Agreement between the City and the Idaho Department of Transportation covering the widening of the Bridge on Rollandet near Rogers Street. This project is funded in part by Federal Aid and the City's share of the obligation has already been set with services. Public Works Committee and the City Attorney have reviewed this Resolution and Cooperative Agreement and we are recommending the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

The foregoing memo served to introduce this resolution:

R E S O L U T I O N (Resolution No. 1978-08)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereinafter called the State, has submitted a Cooperative Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for widening bridge, illumination and delineation at Rollandet and Rogers, under Federal-Aid Project HHS-6(2); and,

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made under Title 23, U.S. Code; and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal participation in the amount of ninety (90) percent of the cost.

NOW THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement for Federal-Aid Project HHS-6 (2) is hereby approved.

2. That the Mayor and City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City.

3. That duly certified copies of the resolution shall be furnished the Idaho Transportation Department, Division of Highways.

It was moved by Councilman Sakaguchi, seconded by Hovey, that this resolution be adopted and passed. Roll call as follows: Ayes, 6; No, none; carried. It was noted that, by passage of the foregoing resolution, the Mayor and City Clerk received authorization to sign the State/Local construction agreement No. HHS-6(2) for widening a bridge on Rollandet near Rodgers Street.

Continuing with memos from the Public Works Director, the following was reviewed:

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd – Director
SUBJECT: ENGINEERING CONTRACT FOR WELL NO. 14

We are submitting herewith an Engineering Contract between the City and CH2M Hill for the design of Well No. 14 located at the site of Well No. 11. The Council's Public Works Committee and the City Attorney have reviewed the Contract for need and content and the Contract has been funded from the Current Water Department budget. We are recommending that the Mayor and City Clerk be authorized to sign the City's approval to this contract.

Respectfully submitted,
s/ Don

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

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

City of Idaho Falls
March 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: CONTRACT WITH FOREST SERVICE

We are submitting herewith a Contract between the City and three (3) National Forests for the construction of a vault waste dumping station located at the City's sewage treatment plant. The Public Works Committee has reviewed this contract in detail along with the City Attorney and find that the arrangement will represent the best interest of the City. We are requesting that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don

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

This memo from the Electrical Engineer was submitted:

City of Idaho Falls
March 8, 1978

MEMORANDUM

TO: Mayor & Council
FROM: Steve Harrison
SUBJECT: BPA INFRARED FLY OVER

BPA has contracted with the U. S. Forest Service to fly over the City of Idaho Falls with photographic equipment capable of detecting heat loss from buildings within the City.

BPA will pay one half the cost of the survey. Intermountain Gas Company and East-Central Idaho Planning & Development Association have also agreed to participate. The City's share is $416.66.

The Electric Division requests authorization for the Mayor and Clerk to sign an agreement with BPA for this service.

s/ Steve Harrison

After some discussion, it was moved by Councilman Wood, seconded by Hovey, that this agreement, No. EW-78-Y-83-0039 between the U.S. Department of Energy, acting through the BPA, and the City be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Electrical Engineer was forth-coming, to-wit:

City of Idaho Falls
March 7, 1978

MEMORANDUM

TO: Mayor & Council
FROM: Steve Harrison
SUBJECT: APPLICATION TO STATE WATER RESOURCES

The Electric Division requests authorization to apply to the State of Idaho for the appropriation of 5000 cfs of Snake River water for the possible development of a low-head hydroelectric facility located near the Bonneville-Bingham County line.

The application fee is $1,465.00 and is non-returnable whether or not the permit is granted.

The City would have 5 or more years to show beneficial use of the water.

The Mayor will need authorization to sign as the applicant.

s/ Steve Harrison

Councilman Wood commented to the effect that this action, if approved by the Council, represented long range planning on the part of the City in a continuing program to capture as much hydro-energy as possible at the local level. The Mayor said he and the Electrical Engineer have viewed this site, close to the Bonneville-Bingham County line and it appeared to be a natural for a low head dam. It was moved by Councilman Wood, seconded by Erickson, that the Mayor be authorized to sign this application as described and the Controller be authorized, also, to make disbursement as indicated, to accompany the application. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented and read aloud this petition with 79 signers, all employees within the downtown business area:

> Dear Mayor Campbell:
>
> We the undersigned employed in the downtown area of Idaho Falls, are concerned about the future parking problem that will exist shortly because of the new State of Idaho building to be located on South Avenue. We all park in the area under question, and request an answer for the question: "WHAT DOES THE CITY OF IDAHO FALLS HAVE PLANNED TO CORRECT THE PARKING PROBLEM FOR EMPLOYEES WHO MUST PARK IN THE DOWNTOWN AREA?"

The foregoing petition prompted the Mayor to make the following appointments to the recently re-organized Idaho Falls Parking Committee: Norman Top, Errol Tibbitts, Doug O'Brien, Joe Anderson, Wayne Blasius, Dean Argyle, Dale Andreason, Ken Savage and Councilman Clark, representing the City Council. The name of Ken Savage was volunteered by Mr. John Jensen who was present as an interested citizen in the downtown parking problem. It was moved by Councilman Erickson, seconded by Hovey, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Erickson, seconded by Clark, that the foregoing petition be referred to this newly re-organized parking committee and also the police committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1537

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

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.

Reference is made to page 144 in this book of minutes and, more specifically, a directive by the Council to City Attorney Smith that he proceed with the sale of a small piece of land to the U.S. Dept. of Energy. Said directive had prompted the preparation of the foregoing street and alley vacating ordinance. Pursuing that directive, Smith presented a warranty deed to the land in question, also in favor of D.O.E. It was moved by Councilman Freeman, seconded by Clark, that this deed be approved for delivery to D.O.E. and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Wood, that the meeting adjourn at 10:16 P.M., carried.

s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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