

FEBRUARY 9, 1978

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

Minutes of the last Regular Meeting held January 19th and a Special Meeting, held January 24th, 1978, were read and approved.

Noting from the agenda that an area to be known as the Marsden Williams property had been proposed for annexation this night, the Mayor asked that this explanatory memo from the Building Administration be read aloud:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: MARSDEN WILLIAMS PROPERTY – FINAL PLAT, ANNEXATION AND INITIAL ZONING

We request that the public hearing and all other action relating to this matter be recessed until the next regular meeting of the City Council, inasmuch as there is a discrepancy in the annexation agreement.

s/ Rod Gilchrist

Chairman Freeman, as Chairman of the Building and Zoning Committee, explained the reason for this request that annexation proceedings of the Marsden Williams property be recessed. He said it had to do with a stated charge in the Annexation Agreement pertaining to churches and church-owned property. Asked for comment, Public Works Director Lloyd appeared to point out that the Marsden Williams property was owned by the L. D. S. Church and was destined as a cannery site. He said there is a provision in the Bridge and Street Policy providing that church property be assessed only 25% of the regular rate but that the intent, at the time of the adoption of the Bridge and Street Policy was, that church property, per se, meant places of worship and that a cannery, although church owned and operated, did not qualify as a place of worship.

Mr. Willis Yost, member of the Building Committee for the proposed cannery, appeared before the Council to point out that the cannery operation would not be of a conventional commercial nature, but, instead, a part of the Church's welfare and charity program. He said that, to some degree at least, workers in the cannery would otherwise be on relief and that the cannery would, in part, be used by housewives who would do their canning at the location under proper supervision, rather than in the home. Mr. Yost said the church officials proceeded with their building plans in good faith and were willing to pay the 25% assessment, as stated in the Bridge and Street Policy, recognizing that said policy called for such a reduced assessment for churches or church owned property. On those grounds, Mr. Yost urged that the Council proceed with this annexation as proposed. Dr. Harold Hillam, another member of the Building Committee, appeared briefly to concur with the remarks of Mr. Yost, adding that time was of the essence because their building plans, by now, were firm and their architect and the church officials needed the assurance of annexation before proceeding.

Mr. Dave Benton, engineer for the cannery project, appeared briefly to say that he had prepared the annexation agreement and, to the best of his knowledge, had complied with all of the provisions of the Bridge and Street Policy as it was written. He said the City should feel fortunate because that part of Anderson Street had been improved by the County and street maintenance within the area in question would be minimized because of the type of the planned development. In view of these circumstances, concluded Benton, \$3,137.50 should be considered a fair and equitable contribution as assessment in connection with the annexation of this property. Referring specifically to section ten in the Bridge and Street Policy, Freeman emphasized the fact that, at the time said policy was adopted, the interpretation of "church property" was construed to mean a facility primarily used for worship and, this being the case, he said that, in his opinion, an exception could not be made in the case of this proposed cannery. Councilman Sakaguchi concurred and added that he had discussed this matter with the City Attorney who had indicated that this also, was his opinion when the policy was adopted. In answer to a question by Councilman Erickson, Mr. Yost said there would be nothing for sale at this cannery and that traffic, therefore, would be at a minimum. It was moved by Councilman Freeman, seconded by Councilman Clark, that annexation proceedings of the Marsden property be recessed until Tuesday, February 14th. The Mayor interceded at this point and commented to the effect that, according to his understanding on this motion, those Councilmen, if any, who might be opposed to the recess favored, instead, that annexation proceedings be considered this night. Roll call as follows: Ayes, Councilmen Freeman, Clark, and Sakaguchi; No, Councilmen Erickson, Wood, and Hovey. Noting a tie vote from the Councilmen, the Mayor proceeded to break said tie vote by voting "No" and declared the motion defeated.

Mrs. Judy Martell, 1140 Blaine, appeared briefly to register concern about the environment impact, particularly traffic, if this cannery were permitted. In answer to a question by a Councilman, Mr. Yost said that, in the early stages of development, all residents within 300 feet were contacted with no adverse reaction. Mr. James Cogar, 625 W. Shelley, then appeared to note that most residents within 300 feet were renters and, therefore, had no reason to object. Cogar said that, as a property owner, he was concerned about deterioration of property values if the cannery were constructed. Earlier, Building Administrator Gilchrist had displayed a preliminary plat of an area beyond the cannery site. Cogar said that, based upon what he had seen on said plat, it would appear that, if the cannery were permitted, the area beyond would be developed commercially. Gilchrist reported that the Planning Commission had considered this area and they were in agreement that, when proposed for annexation, they would be recommending it be zoned R-3. In answer to a final reservation registered by Mr. Cogar, Dr. Hillman re-appeared briefly to say that there should not be a substantial amount of offensive odors emitted into the air. In answer to a question by Mary Ann Sibel, a Jefferson Street resident, Public Works Director Lloyd said the cannery would be served with City water and he knew of no low pressure problems in that area. It was moved by Councilman Freeman, seconded by Clark, that the final plat of the Marsden Williams property be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmen Wood, Hovey and Erickson; No, Councilmen Clark, Sakaguchi, and Freeman. Noting another tie vote, the Mayor, recognizing that he would be obliged to break said tie vote, asked that he be allowed to explain his position. He said the annexation ordinance is always preceded by consideration of the final plat and also the annexation agreement which provided for an assessment of 25% of the normal charge, because it was considered as church property. The Mayor concurred with those who had earlier testified that the intent at the time of the adoption of the Bridge and Street Policy was that church property meant a place of worship and therefore, based upon intent, the property should be assessed at the rate of 100%. However, continued the Mayor, he was in sympathy with the developer who, in good faith, had planned this development

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with the understanding that it would be assessed only 25% because it was, in fact, church property. the Mayor then proceeded to vote "Yes", thus accepting the plat in question.

It was moved by Councilman Freeman, seconded by Clark, that the annexation agreement between the City and the Marsden Williams property developer be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, Councilmen Erickson, Wood, and Hovey; No, Councilmen Sakaguchi, Freeman and Clark. The Mayor proceeded to break this tie note by voting "Yes", thereby accepting the annexation agreement as written.

ORDINANCE NO. 1532

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. (MARSDEN WILLIAMS ADDITION)

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, 3; No, 3, the Mayor breaking the tie vote by voting Aye. 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, 3; No, 3, Councilmen Freeman, Clark and Sakaguchi voting No. The Mayor proceeded to break the tie by voting Aye and thereupon declared the motion as having passed, thereby annexing, by ordinance, the Marsden Williams property.

The Mayor announced that this was the time and the place, as advertised, to consider the initial zoning of the Marsden Williams property. There were none who appeared to protest or otherwise comment on the proposed zoning as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that this newly annexed area be initially zone I & M-1. Roll call as follows: Ayes, 6; No, none; carried.

According to the agenda, another area, to be known as the New Sweden Estates, Division No. 1, had been proposed for annexation this night. The Mayor asked that this explanatory memo from the Building Administrator be read aloud:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: NEW SWEDEN ESTATES, DIVISION NO. 1 - FINAL PLAT, ANNEXATION & INITIAL ZONING

We request that the annexation hearing and all other matters pertaining to this subject be recessed until the next Regular Meeting of the City Council. This request is being made inasmuch as there are some engineering problems that have not been solved at this point.

s/ Rod Gilchrist

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Mr. Julius Berreth, Route 4, Box 76, Bellin Road, appeared before the Council asking what requirements, if any, were necessary in order to annex lands into the City, particularly with reference to notification of near-by residents. It was explained to Mr. Berreth that no public hearing is required to annex property but, to zone same, a legally advertised public hearing must be conducted. It was moved by Councilman Freeman, seconded by Clark, that for the reason stated, annexation proceedings of the New Sweden Estates, Division No. 1, including the public hearing to consider its initial zoning in the event of annexation, be recessed until the next Regular Council Meeting on February 23rd, 1978. Roll call as follows: Ayes, 6; No, none; carried.

Preparatory to considering the annexation of certain unplatted property adjacent to Pancheri Drive, this introductory memo was presented:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ANNEXATION OF UNPLATTED PROPERTY ADJACENT TO
PANCHERI DRIVE

Attached is a copy of an annexation ordinance for the above described property. This property is adjacent to, and on the north side of Pancheri Drive and is at this time unplatted.

The annexation of this property provides for the extension of utilities and for the eventual annexation of the proposed New Sweden Estates Subdivision. The annexation of this property will make the proposed subdivision contiguous to the City limits of Idaho Falls.

The City Planning Commission recently reviewed this matter and at that time recommended annexation to the City and initial zoning of R-1.

Rod Gilchrist

ORDINANCE NO. 1533

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. (PROPERTY
ALONG PANCHERI DR. TO BELLIN RD.)

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.

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The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider the initial zoning of the foregoing annexed lands, described as unplatted property along Pancheri Drive to Bellin Road. Noting from the Building Administrator's memo that the Planning Commission was recommending R-1, Mr. Douglas Wenzel, a resident on Eldorado Street, outside the City of Idaho Falls, appeared before the Council and noted that an earlier preliminary plat of this area called for an RPA zone. Asked for comment, Gilchrist responded by saying the preliminary plat was prepared by the owner rather than a developer and that there are no immediate plans for development. Mr. Berreth then re-appeared briefly and urged that this area be zoned RPA as a precautionary measure, against high density development. There were no others who appeared for purposes of protesting or otherwise commenting on the initial zoning as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that this unplatted strip of property adjacent to Pancheri Drive be initially zoned R-1. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Administrator served to introduce annexation proceedings on an area to be known as the Keefer Addition:

City of Idaho Falls
February 9, 1978

MEMORANDUM

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

Attached is a copy of the annexation ordinance, annexation agreement, and final plat of the above described property. A portion of the property included in the final plat is presently inside the City limits and therefore, the annexation ordinance described approximately one-half of the area included in the plat.

The Planning Commission, at their regular meeting of January 10th, 1978 reviewed this proposal and at that time, recommended approval of the final plat, annexation to the City and initial zoning of R-3A.

s/ Rod Gilchrist

Recognizing that this area, when annexed would be the site for the proposed EG&G complex, Councilman Hovey announced that he was disqualifying himself from all voting action on these annexation proceedings on the grounds of possible conflict of interests. First to be considered was the final plat of the Keefer Addition. It was moved by Councilman Freeman, seconded by Clark, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

An annexation agreement between the City of Idaho Falls and the Keefer Addition developer was then submitted. It was moved by Councilman Freeman, seconded by Clark, that this annexation agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

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ORDINANCE NO. 1534

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. (KEEFER ADDITION)

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, 5; No, none; Councilman Hovey abstaining; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; Councilman Hovey abstaining; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider the initial zoning as proposed by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that this newly annexed area be initially zoned R-3A. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

The Mayor announced that this was the time and the place, as advertised, to consider a re-zoning petition on the portion of the Keefer Addition within the City limits prior to the foregoing annexation. This introductory memo from the Building Administrator was read aloud:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: KEEFER ADDITION – REZONING

This proposed rezoning refers to the portion of the Keefer Addition already within the City limits. The requested rezoning is from R-1 to R-3A.

The Planning Commission, at their regular meeting of January 10th, 1978, reviewed this request and at that time recommended approval of the rezoning. This department concurs with the recommendation of the Planning Commission, and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

There were none who appeared to protest or otherwise comment on this change of zoning as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that this area, as described, be re-zoned from R-1 to R-3A as requested. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

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With reference to all of the preceding zoning and re-zoning action, it was moved by Councilman Freeman, seconded by Clark, that the Building Official be directed to reflect said zoning and re-zoning action 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 request for a variance to construct mini-warehouses on certain lands within the Bel-Aire Addition. The City Clerk announced that there had been a request for a variance be withdrawn. Therefore, no public hearing nor Council action was considered necessary.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider a request for a variance for temporary placement of four mobile homes as explained more fully by this memo from the Building Administrator:

City of Idaho Falls
February 9, 1978

MEMORANDUM

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

Attached is a copy of a request for a variance submitted by EG&G, Idaho, Inc. requesting a temporary placement of four (4) mobile homes adjacent to the Union Pacific Depot, to be utilized as office space. EG&G is currently occupying the Union Pacific Depot and additional office space is needed until such time as the proposed new office building is constructed and ready for occupancy.

The request is for a period not to exceed 18 months. This department has no objection to the requested variance and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Again, because this request had been made by EG&G, Councilman Hovey announced that he was disqualifying himself from any action taken by the Council on the grounds that there could be a conflict of interest. There were none who appeared to protest or otherwise comment on this variance request. It was moved by Councilman Freeman, seconded by Clark, that this variance for an 18 month temporary placement of four mobile homes be granted. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey abstaining.

Attention is drawn to Page 120 in this book of minutes and, more specifically, a petition with 325 signers, all residents within an area be the subject of remedial attention to correct the inadequate sewer system. That petition prompted the following memo from the Public Works Director:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SCOTT'S ADDITION

In January 19, 1978, the Council received a petition by over 300 residents of the Scott's Addition requesting a solution of a sewage problem. This petition was referred to Public Works for review and comment. We have prepared a verbal and visual report with Ed Turner, Design Engineer explaining exactly what the problem is and Joe Laird, City Engineer will then offer suggestions to solve the problem.

Respectfully submitted,
s/ Don

By means of a map on the wall, Design Engineer Ed Turner pointed out the problem spots, most of which were within the Scott's Addition. Councilman Sakaguchi, a Chairman of the Public Works Council Committee, commented to the effect that there may be more problem locations than shown on the map because the areas as shown indicate only those known to the Engineering Department. He said there may be many others not known because the trouble was not reported. Continuing, Turner noted that this subdivision development started in 1937 and precaution had not been taken at that time to prevent surface drainage from entering the sanitary sewer. In the interim period, because growth and increased flow, sewer lines, particularly during heavy rains and spring run-offs, have been unable to carry the load, resulting in a mixture of surface drainage and raw sewage accumulating in residential basements. Continuing, Turner pointed out that the area in question was served by seven catch basins connected to a storm drain system, 35 catch basins connected to the sanitary sewer system plus four dry wells. In 1959, steel plates were placed over the catch basin grates to retard flow. Turner proceeded to explain that, in 1972, a further effort was made to remedy or correct this problem by welding down the catch basins, allowing only ½" to 1 ½" openings. This created street ponding which eventually caused street, curb, and gutter deterioration as well as continued basement flooding.

At the invitation of the Public Works Director, City Engineer Joe Laird then appeared to discuss alternate courses of remedial action. He said the first alternative and least attractive would be to do nothing but this would, obviously, be entirely unsatisfactory to the affected residents and the City. The second alternative, continued Laird, would be to further close the catch basins as mentioned by Turner but this would provide no satisfactory or acceptable solution, inasmuch as increased street ponding would accentuate the street maintenance problem and surface water would still eventually find its way to the sanitary sewer. Laird pointed out that any surface water reaching the sewage treatment plant poses a problem as it is expensive to treat. Under the City's grant from the Federal and State Governments for the recent expansion of the sewage treatment plant, a commitment was made that the City would do its best to eliminate storm water from the sanitary sewage system.

Laird then introduced Alternate No. 3 by saying that this course of action would necessitate the creation of an L.I.D. to install a storm drainage system that would take all storm water under the Idaho Canal to the June Avenue lift station at which point said storm and surface water would be pumped into the Idaho Canal. This alternative would correct the problem only within the Scott's Addition. Laird then revealed the following statistical data pertaining to costs: For an average 75' X 130' lot containing 9750 sq. ft., the cost would approximate \$780.00 per lot and at 7% amortized over a 15 year period, this would amount to \$56.00 per year.

Continuing with alternate No. 4, Laird said this would be a further expansion of alternate No. 3 and would incorporate all of that area served by the June Avenue lift station bounded by 9th Street, St. Clair, 21st Street and Holmes Avenue. If this alternate were pursued, certain laterals would be constructed to the existing 17th Street trunk line and then to the June Avenue lift station.

Finally, Laird introduced Alternate No. 5 which he described as still a further expansion of alternates No. 3 and 4 and would be bounded roughly, by 9th Street, Church Farm Road, 25th Street and St. Clair, excluding the Rose Nielson and Hall Park Additions, inasmuch as storm drainage was provided as these areas were developed. Under this alternate, storm drainage would flow to the Church Farm Road lift station, then pumped into Sand Creek. Laird noted that costs on this expanded project were not available at this time, but it could be assumed that costs per property owner would be less, due to the fact that administration, legal and engineering costs would be proportioned over a larger area. On the latter two expanded concepts, a public hearing could be scheduled for the Fall of 1978 with construction to start in the Spring of 1979. In answer to a question by Councilman Freeman, Laird noted that the agreement with the Canal Company allowing the City to pump storm drainage into the Idaho Canal expired in 1977 and a possibility exists that the agreement cannot be renegotiated due to Environmental Protection Agency restrictions. Sakaguchi interceded at this point to say that the Public Works Council Committee is attempting at this time to arrange a meeting with the Canal Company in this regard. Continuing, Laird pointed out that the City has been warned by the E.P.A. that the use of dry wells and french drains must be discontinued within the predictable future. Laird noted that consideration has been given to purchasing all of that presently underdeveloped area in the vicinity of the June Avenue lift station to be used as a combination park and storm drainage holding pond. This concluded Laird's presentation. It was moved by Councilman Sakaguchi, seconded by Hovey, that this issued be recessed until the next Regular Council Meeting, with the understanding that, hopefully, in the interim period, the meeting with the Canal Company may have been held so that the entire Council might learn the results of the findings of the Public Works Committee in this regard. Roll call as follows: Ayes, 6; No, none; carried.

For the benefit of those citizens present having a property owner interest on this drainage problem, Councilman Freeman, speaking in behalf of the Mayor and all Councilmen, noted that this recessing action should not be construed as an act of procrastination and it was the Council's serious intention that a constructive, remedial plan would ultimately be forthcoming for their consideration.

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 variance to allow the construction of mini warehouses within the Bel-Aire Addition. It was moved by Councilman Erickson, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also, continued the City Clerk, a legal notice was published without Council approval calling for a public hearing this night to consider a variance to allow temporary placement of four mobile homes at the Union Pacific Depot location. It was moved by Councilman Freeman, seconded by Clark, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Still another legal notice had been published without Council approval, according to the City Clerk; namely, for a public hearing on February 23rd to consider the initial zoning of an area to be known as the Kepler Addition, Division No. 1, providing said area was first annexed into the City. It was moved by Councilman Freeman, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters requiring Council ratification, the City Clerk presented an application for an auctioneer's license in favor of the Bee Be & Runyan Company which, in the interests of time, was issued on January 20th with the approval of the Police Chief but without the approval of the City Council. It was moved by Councilman Clark, seconded by Freeman, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

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

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT	\$ 359,409.29	\$ 31,996.12	\$ 14,778.14	\$ 118,697.22
SALARY	<u>329,382.14</u>	<u>18,383.96</u>	<u>8,035.74</u>	<u>36,618.73</u>
TOTAL	\$ 688,791.43	\$ 51,380.08	\$ 22,813.88	\$ 155,315.95
	<u>ELECTRIC</u>	<u>RECREATION</u>	<u>CAP IMPROVE</u>	<u>GEN LIBRARY</u>
SERV/MAT	\$ 313,021.35	\$ 3,759.09	\$ 22,120.00	\$ 3,302.94
SALARY	<u>54,768.00</u>	<u>5,191.89</u>	<u>.00</u>	<u>14,182.90</u>
TOTAL	\$ 367,789.35	\$ 8,950.98	\$ 22,120.00	\$ 17,485.84
	<u>REG LIBRARY</u>	<u>COM DEV</u>	<u>FLD DISASTER</u>	<u>CITY TOTALS</u>
SERV/MAT	\$ 177.66	\$ 9,006.26	\$ 113.01	\$ 876,381.08
SALARY	<u>609.00</u>	<u>702.40</u>	<u>.00</u>	<u>467,874.67</u>
TOTAL	\$ 786.66	\$ 9,708.66	\$ 113.01	\$1,344,255.84

Councilman Hovey explained all major expenditures. It was moved by Councilman Hovey, seconded by Erickson, that the bills be allowed and the Controller be authorized to issue checks or warrants 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 January, 1978, and, there being no questions nor objections, these were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for GROCERY STORE, Food-Fuel-Fun; RESTAURANT, Tam's Frostop Drive-In, Big Al's Karmelkorn; FOOD VENDOR, Food Vending (Carl & Terry Tom's Sales); ELECTRICAL CONTRACTOR, Electrical Enterprise, Robert E. Oyler, Bird Electric, G.C. Bird, Grant Gallup, Arthur Pugh Const. & Electric, Arthur T. Pugh, Jr., Arverd Hall Electric, Arverd J. Hall, Clifford Electric, Harold W. Clifford, Bill Whipple Electric, Bill Whipple, Jack M. Flynn, Ideal Electric, Thurman Babbitt Electric, Thurman Babbitt, Priest Electric, Vernon Priest; JOURNEYMAN ELECTRICIAN, T. Grant Gallup, David R. Lusk, Kenneth Wilson, John Lewis, Robert E. Ogler, G.C. Bird, Arthur T. Pugh, Jr., Loc Electric, Loyd H. Nelson, Arnold J. Hall, Harold W. Clifford, Vardell Tait, Bill Whipple, Gerald Iblings, Francis Irving Shearer, Thurman Babbitt, J. Vernon Priest, Jay Van Orden; APPRENTICE ELECTRICIAN, Jay Lyle Parker with Earl Nelson Electric, Clair L. Clayton with Eagar Electric, Joseph Barker with Arthur Pugh Construction and Electric, Joseph Portyrata with Arthur Pugh, Mike Mann with Loc Electric, Daniel B. Clifford, Clifford Electric, John W. Clifford with Clifford Electric, Gary Foster, Jr., with Clifford Electric, Richard D. Linger with Clifford Electric, Robert Persky with Clifford Electric, Raymond G. Born with Clifford Electric, Nathaniel G. Short with Edwards Electric, Burly Walker with Bill Whipple Electric, Leslie R. Wanlass, Jr. with Bill Whipple Electric, Gene Duran with Davis Electric, Derek M. Flynn with Flynn Home Builders, Jack M. Lynn with Flynn Home Builders; MASTER PLUMBER, Max Groom with Modern Plumbing & Heating; JOURNEYMAN PLUMBER, James NcNett, Don C. Fisby, Rex Rolfe, Max Groom; APPRENTICE PLUMBER, Brent K. Hall with American Plumbing & Heating, Joseph McMurtrey with Modern Plumbing & Heating, Blair Paulsen with Modern Plumbing & Heating, Randy Rolfe with Modern Plumbing & Heating, Randy Madsen with Modern Plumbing & Heating, Kent Rolfe with Modern Plumbing &

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Heating; CLASS B CONTRACTOR, GAS, WA, REF, Conan & Landon; CLASS D CONTRACTOR, WA, REF, Blaine E. Olsen; CLASS C CONTRACTOR, WA, & GF, Robert A. Scarr, with Robert A. Scarr Co.; CLASS C CONTRACTOR, WH, WA, Max A. Groom with Modern Plumbing and Heating; CLASS D CONTRACTOR, WA, Wendell Butler with Home Plumbing & Heating; CLASS D CONTRACTOR GF, Jim McNett with First St. Plumbing, Paul M. Ostler with Paul's Natural Gas Service; CLASS B JOURNEYMAN, G, WA, REF, Norman Conan with Conan & Landon, Max Conan with Conan & Landon; CLASS C JOURNEYMAN, Lowell Barnes, Ramon G. Landon, Waren Wyatt, Dorman G. Godfrey; CLASS D JOURNEYMAN, WA, Jami Walker; CLASS D JOURNEYMAN GF, James McNett, Gary Ostler, Paul M. Ostler; CLASS D JOURNEYMAN REF, Dennis Clayson, Blaines E. Olsen, Lovell Harrop; CLASS D APPRENTICE GF, Blair Nave with Paul's Natural Gas Service, Mike Ostler with Paul's Natural Gas Service, Mack Ostler with Paul's Natural Gas Service, Brent K. Hall with American Plumbing & Heating, James Samargis with Conan & Landon; SECOND HAND STORE, Edward Baum for the Elephant Farmer; PAWNBROKER, Ross Payne at Shamrock Coins II; PHOTOGRAPHERS, Jones & Presnell Studios, Photography by Larsen, HOTEL, Thelma Warren for Nelson Hotel; PRIVATE PATROL SERVICE, Robert S. Hammon for Idaho Courier & Security Service; PRIVATE PATROLMAN, Robert S. Hammon, Harry T. Mitchell with Idaho Courier & Security Services; BEER (canned, bottled and draught to be consumed on the premises), Dennis Child for Big Al's; TAXI OPERATOR, Arthur Hammer with Yellow Cab; BARTENDER John Key, Cynthia Newsome, Helen Gohr, Leonard Mitchell, Katy Snyder, Gail Freitas, Sandy P. Stant, Angela Wachter, Hazel G. Williams, Cora Pack, Carol Lee Cordon, JoAnn Jackson, Sheri Seal, Teri Wolfe, Scott Munder, Carol Taysom, Connie Hendersen, Stacy Savage, Joan Crandell, Elayne Jacobson, Michele Sparkhawk, Pat Wilcox, Rhonda Mays, Terry Caudle, Renee Callister, Beverly Paschalk, Helen Susan Beardall, Becky Hammon, Earl Wochner, Linda Fowler, Harvey Roberts, Karen Tam, Susanne Mate', were presented. It was moved by Councilman Erickson, 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.

The City Clerk presented a five year extension rider to U.P. Agreement No. L & T 11983 covering certain railroad owned land within Pedersen Park. It was moved by Councilman Hovey, seconded by Erickson, that this extension rider be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller came this memo:

City of Idaho Falls
February 8, 1978

MEMORANDUM

TO: Mayor Thomas Campbell and City Council
FROM: John D. Evans, Controller
SUBJECT: LEASE-PURCHASE AGREEMENT - IDAHO FIRST NATIONAL BANK COMPUTER EQUIPMENT

Authorization is hereby requested to enter into a Lease-Purchase Agreement with the Idaho First National Bank for computer equipment, listed as follows:

IBM 3344/BO2 Disk Facility
Core increase to 224K
3 Communications Ports

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Lease period is 2/78 thru 2/82 and payments scheduled as listed.

One payment of \$15,000.00 payable February, 1978
Four annual payments of \$12,396.45 ea.

I have attached the Agreements for execution by the Mayor and City Clerk.

s/ John D. Evans

It was moved by Councilman Hovey, seconded by Erickson, that this lease-purchase agreement, as described, be approved and the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Treasurer was reviewed:

City of Idaho Falls
January 30, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Lorna Coughlin
SUBJECT: ABRAHAM SIMPSON SEWER ASSESSMENT IN LID #23

Mr. Simpson, age 78, has property which has been tax deeded by the City, in Local Improvement District #23. The bonds were paid in full in 1961 and the books closed.

Through a misunderstanding, he thought his assessment was being paid and was now paid in full. But at this late date he finds that he must pay the assessment to get his property cleared up.

I recommend that the City Treasurer be given permission to accept \$396.35 which includes principal, bond interest, penalties, certificate fees and 10 years accrued interest on all four years, and that the City Attorney be directed to issue a City redemption tax deed which the Mayor and City Clerk be authorized to sign.

s/ Lorna Coughlin

It was moved by Councilman Hovey, seconded by Erickson, that \$396.35 be accepted from Mr. Simpson to cover the various obligations as listed under LID #23, that a City redemption tax deed be then prepared by the City Attorney after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

By memo, the General Services Director requested authorization to advertise for bids for the 1978 electrical conductor requirements. It was moved by Councilman Erickson, seconded by Sakaguchi, that authorization be granted to advertise for bids for the material as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the General Services Director was presented, to-wit:

City of Idaho Falls
February 2, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-78-11, CAB & CHASSIS (2) WITH DUMP BOXES

It is the recommendation of the General Services Division that the City Council accept the low bid of Stoddard-Mead Ford, Inc. to furnish two (2) cab and chassis' with dump boxes at \$13,441.15 each with trade and add alternates of frame and dump body reinforcements.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the low bid of Stoddard-Mead Ford be accepted for two cab and chassis' and dump boxes with trade as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Also, this memo from the General Services Director was forthcoming:

City of Idaho Falls
February 2, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID IF-78-12, FUELS

It is the recommendation of the General Services Division that the City Council accept the low bids to furnish motor fuels, lubricants, and heating oil as follows:

Gasoline	Ray Groth Company
Diesel	Anthony and Rowan
Motor Oil	Exoil Petroleum
Heating Oil	Exxon Distributing

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that in each instance, the low bid for the petroleum products, as indicated, be accepted from the vendors as recommended. Roll call as follows: Ayes, 6; No, none; carried.

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

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City of Idaho Falls
February 3, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: NINETEENTH HOLE CAFÉ LEASE

Attached are copies of a proposed lease between the City of Idaho Falls and John W. and Genice Stoffel for the Nineteenth Hole Café at Pinecrest Golf Course. The lease had been reviewed by the City's legal department and signed by Genice Stoffel. The General Services Division respectfully requests approval of the lease by the City Council and authorization for the Mayor and City Clerk to sign the lease.

Thank you,
s/ Chad Stanger

Councilman Erickson said this new lease with the Stoffels included some minor but acceptable modifications having to do with time of opening and health specifications. It was moved by Councilman Erickson, seconded by Sakaguchi, that this lease 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 Public Works Director was submitted:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: STATE-CITY COOPERATIVE AGREEMENT

We are hereby submitting two (2) copies of the Cooperative Agreement with the Idaho Transportation Department for the construction of Yellowstone Avenue, Anderson Street north to the Idaho Canal and Lincoln Road, from Yellowstone east. This has been reviewed by the Public Works Committee and the appropriate departments and we recommend that the Mayor and City Clerk be authorized to sign the agreements. A warrant or check in the amount of \$29,673.82 as the City's share must accompany the executed contracts.

Respectfully submitted,
s/ Don

The foregoing memo served to introduce the following resolution having to do with a cooperative agreement between the City and the State of Idaho Transportation Department for Federal Aid Highway Projects F-6501(16) and M-7046(004) for the construction of a portion of Yellowstone Avenue and, also, Anderson Street, north to the Idaho Canal and Lincoln Road, from Yellowstone, east:

R E S O L U T I O N (Resolution NO. 1978-03)

WHEREAS, the Idaho Transportation Department, Division of Highways, has submitted a Cooperative Agreement stating obligations of the State and City of Idaho Falls, and including plans for the relocation and construction of U.S. Highway 26 and a connection to Lincoln Road, portions of which are within the corporate limits of the City of Idaho Falls, Bonneville County, Idaho, as described in the cooperative agreement and shown on the aforementioned plans, which improvements are to consist of grading, draining, base, plant mix, curb-gutter, storm sewer, structure, irrigation, sidewalk, lighting and signalization, to be constructed adjacent to and within the City under Federal Aid Highway Projects No. F-6501(16) and M-7046(004);

WHEREAS, the allotment of Federal and State funds for the improvements area contingent upon compliance with the laws governing State Highways and State Highway traffic, availability of necessary right of way, adequate provision for the maintenance of the completed improvement, and the establishment of traffic control measures and means of enforcing them.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement for Federal Aid Highway Projects F-6501(16) and M-7046(004) are hereby accepted and approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City of Idaho Falls.
3. That duly certified copies of this Resolution shall be furnished the Idaho Transportation Department, Division of Highways, and Federal Highway Administration.

It was moved by Councilman Sakaguchi, seconded by Hovey, that this resolution be adopted and passed and the Controller be authorized to make payment in the amount of \$29,673.82 as the City's share on these projects. Roll call as follows: Ayes, 6; No, none; carried. It was noted that, by passage of the foregoing resolution, the Mayor and City Clerk were authorized to sign the cooperative agreement as described.

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

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: COOPERATIVE MAINTENANCE AGREEMENT – STATE

We are submitting herewith two (2) copies of the Cooperative Agreement with the State Department of Transportation for the Maintenance of State Highways in the City. This agreement has been reviewed by the Public Works Committee

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and the appropriate Departments and we recommend that the Mayor and City Clerk be authorized to sign the agreement to be returned to the State Department of Transportation for final execution.

Respectfully submitted,
s/ Don

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

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

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: COOPERATIVE AGREEMENT FOR BRIDGE INSPECTION

We are submitting two (2) copies of a State and Local Agreement for the inspection of bridges on the Local Federal Aid Highways within the City. Through Federal Participation, the State can make the bridge inspections for the City with the City Participation amounting to \$388.00. The Public Works Committee and the Engineering Department have reviewed this Agreement and have determined this to be the most economical method of making the mandatory inspections. We recommend that the Mayor and City Clerk be authorized to sign the documents to be returned to the Department of Transportation for further processing.

Respectfully submitted,
s/ Don

It was moved by Councilman Sakaguchi, seconded by Hovey, that this cooperative agreement for bridge inspection on the Local Federal Aid Highways within the City be approved 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
Inter-Office Memo

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: BRIDGE AND STREET POLICY

A question has arisen on the interpretation of item No. 10 of the amended Bridge and Street policy. The Public Works Committee has requested the City Attorney to prepare a re-write of this item for clarification. His suggested substitution is as follows:

No. 10 Church property being used or designed primarily for worship or church school purposes shall be assessed 25% of the calculated Bridge and Street Fee for the zone in which the property is situated. All church property used or designed for other purposes shall be assessed on the basis set forth in Paragraph 6 of this policy.

Respectfully submitted,
s/ Don

Councilman Hovey questioned the inclusion of "church schools" as being qualified for assessment at the rate of 25% of the calculated Bridge & Street fee. He said that, in his opinion, this, within future years, could encompass a broad field of privately operated church schools and/or seminaries that were not primarily designed for worship. By unanimous Council concurrence, the words "or church school purposes: were stricken from this proposed amendment. Reflecting this deletion, it was moved by Councilman Sakaguchi, seconded by Hovey, that this amendment be made to the Bridge and Street policy. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Administrator was submitted:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VACATION OF A PORTION OF AN EASEMENT - EAST VIEW
ADDITION, DIVISION NO. 4 (FIRST AMENDED PLAT)

Attached is a copy of a legal description which provides for the vacation of 10 feet of an existing 20-foot wide walkway between Lots 18 and 19, Block 16 of the subject subdivision. This walkway provides access through one tier of residential lots from East View Drive to the Falls Valley School property. A 10-foot walkway is adequate to serve the proposed area and this Department recommends that the request be granted.

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

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that the City Attorney be directed to prepare an appropriate vacating ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Building Administrator was reviewed, as follows:

City of Idaho Falls
February 9, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VACATION AND RELOCATION OF EASEMENT – EASTVIEW
ADDITION, DIVISION NO. 4 (FIRST AMENDED PLAT)

Attached is a copy of a request to vacate an easement between Lot 5 and 6, Block 3 of the above described subdivision, and a copy of an easement agreement providing for a new easement between Lot 4 and 5, Block 5 of the same addition.

This requested action will move the easement for a street light from one side of the street to the other. The Electric Light Department has indicated that the new easement would be in a preferred location as it places the light closer to the primary lines.

This department requests that this request be granted and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that the City Attorney be directed to prepare a vacating ordinance and other appropriate documents as deemed necessary for Council consideration. Roll call as follows: Ayes 6; No, none; carried.

This memo from the Director of Aviation was submitted:

City of Idaho Falls
February 3, 1978

INTER-OFFICE MEMO

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: AIRPORT LEASES

The Airport presents herewith a new lease for inter-community bus service, extension of two airport farm leases, and a new lease for custom haying for the property adjacent to runway/taxiway system at the airport.

- (1) The inter-community bus service lease and concession agreement is between the City of Idaho Falls and Moody Trans, Inc., dba Teton-Star Valley-Jackson Stages who serve the airport with charter bus service. The agreement is for the calendar year of 1978 and provides the City a remuneration of \$540.00.
- (2) The E.T. Dickson farm lease for 71 acres on the southwesterly side of the airport proper is extended for three years at 42% increase in rent to the amount of \$1,953.00 per year.

- (3) The Bill Dixon farm lease for approximately 130 acres farm land, lying in the west and northwest portion of the airport, is extended for a period of five years at an increase of 75% in rent to the amount of \$4,546.00 per year.
- (4) The taking of hay on approximately 342 acres with City furnished irrigation equipment. Such haying to be in strict accordance with Airport Safety Regulations. The lessee is Mr. Dennis M. Bateman. The lease is for a period of three years for an annual remuneration to the City of \$5,650.00.

These agreements have received the approval of the City Attorney office and the Airport Committee.

Mitigating circumstances causes the difference in rental rates between farm lease (2) and (3). The property contained in lease #2 has been disturbed and boundaries changed account of the extension of Grandview Drive which requires considerable land work to again bring the disturbed portion and exchange acreage under sprinkler irrigation and cultivation.

The Airport Committee recommends that the City Council approve these agreements and authorize the Mayor and City Clerk to execute them on behalf of the City.

s/ Pete Hill

First to be considered was a five year extension to the Bill Dixon airport farm lease with an increased rental as indicated. It was moved by Councilman Clark, seconded by Wood, that this lease extension be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Next to be reviewed was a three year extension to the E.T. Dickson airport farm lease with an increased rental fee as indicated. It was moved by Councilman Clark, seconded by Wood, that this lease extension be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The Dennis Bateman airport hay lease was then reviewed. In answer to a question by Councilman Clark, City Attorney Smith said that, in his opinion, it is not illegal to enter into this type of contract with a City employee. It was moved by Councilman Clark, seconded by Wood, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes 6; No, none; carried.

Finally, the Teton-Star Valley-Jackson Stages lease and concession agreement was submitted. Asked for comment, Director of Aviation Hill said a new lease was necessary, even though the City presently had a lease and concession agreement with this company, inasmuch as the principal officials of said company were now different. It was moved by Councilman Clark, seconded by Wood, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The following letter and the body of the following petition with 102 signers were presented and read aloud:

FEBRUARY 9, 1978

1241 Atlanta
Idaho Falls, Idaho

Mayor Campbell
Idaho Falls, Idaho

Dear Sirs:

I am writing to see if there is anyway you could help us do something about the terrible road conditions of Colorado & Atlanta Streets. People are complaining bitterly about driving over these roads. Enclosed are name, etc. of these people. In these two roads are four businesses so you see there is a lot of traffic. Names are listed below:

1. Warehouse Furniture Store
2. Yellowstone Glove Factory
3. Westside Daycare Center
4. Paramount Supply

Sincerely,
s/ Mrs. Irene Griffith-
Daycare Center

PETITION
IDAHO FALLS STREET DEPARTMENT

We, the undersigned, residents and users of the road known as Atlanta in the County of Bonneville, State of Idaho, respectfully petition the Idaho Falls Street Department, of the City of Idaho Falls, to repair and maintain the street-road known as Atlanta, Colorado in the area known as "Happyville" in Bonneville County. The reason for this petition is that said road is in a deplorable condition and urgently needs immediate repair.

Councilman Sakaguchi explained that the condition of these streets is caused, in part, by drain water that ponds. He said the Public Works Division is investigating the possibility of pumping. Councilman Freeman noted that, in the interim period, road grading is taking place, offering some temporary remedial relief. It was moved by Councilman Sakaguchi, seconded by Hovey, that this be referred to the Public Works Council Committee for study and recommendations. Roll call as follows: Ayes, 6; No, none; carried.

This letter from Messrs. Stephen Barton and Jack Smith was presented:

February 9, 1978

Idaho Falls City Council
City Building
Idaho Falls, Idaho

Gentlemen:

It is our desire to purchase Lots 19, 19A, 20, 21, & 22, Block 32, Highland Park Addition, to the City of Idaho Falls, Bonneville County, Idaho for the purpose of building some rental units. Currently Idaho Falls City is the owner of these lots, though in the past they were set aside for the Housing Authority. It seems probable that the Housing Authority will not want this small of tract. Therefore, we request the right to have these lots placed up for bid.

This letter is in response to suggestions by the City Attorney, Mr. Art Smith, and the City Treasurer, Mrs. Lorna Coughlin.

We would appreciate your assistance in this matter.

Sincerely,
s/ K. Stephen Barton
s/ C. Jack Smith

Asked for comment as to the interest shown by these gentlemen in these lots, City Treasurer Coughlin said they were realtors and that other realtors had shown a similar interest. She reminded the Council that these lots had previously been set aside for use by the Local Housing authority if desired. Councilman Erickson reported that, to date, a decision had not been forthcoming from the Housing Authority Officials. It was moved by Councilman Erickson, seconded by Hovey, that this letter be referred to the Local Housing Authority for study and recommendation. Roll call s follows: Ayes, 6; No, none; carried.

The Mayor made the following appointments and re-appointments as members to the Board of Adjustment:

Appointment:

Keith Bentzen	5 Years
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Re-appointments:

Don Ellsworth	4 Years
Glen Westergard	3 Years
Ken Cunnington	2 Years
Ken Richart	2 Years

It was moved By Councilman Freeman, seconded by Clark, that these appointments and re-appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Sakaguchi reported that, due primarily to over-time paid to move Fire Department dispatch equipment to the new City- County Law enforcement Complex, overtime pay will cause the Fire Department payroll budget to be in jeopardy. Asked for comment, City Controller Evans said another problem exists, inasmuch as their Department is not up to full complement, man-power-wise. Relaying a word from the Fire Chief, Sakaguchi said it might be necessary to curtail or discontinue certain schooling and training within the Department. Sakaguchi said this report was only for purposes of making the Councilmen aware of the problem but citizens could rest assured that basic services to the public would not be endangered.

The City Attorney presented a City Redemption Tax Deed in favor of A. Lowell Cramer, accompanied by this resolution:

RESOLUTION (Resolution No. 1978-04)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 17, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 17th day of June, 1975, recorded as instrument No. 480433 in the records of Bonneville County, Idaho, acquire title to and possession of the following-described real property, to-wit:

Lot 3, Block 7, in the Riverside Addition to the City of Idaho Falls, County of Bonneville, State of Idaho, per the recorded plat thereof.

WHEREAS, A. LOWELL CRAMER 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 assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

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

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

APPROVED BY THE MAYOR this 9th day of February, 1978.

s/ Thomas Campbell
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

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

Referring to the City of Portland vs BPA lawsuit, City Attorney Smith advised that an Oregon legal firm, Stoll and Stoll, was representing 50 to 60 B.P.A. preferential customers in the intervention and February 15th was the deadline for advising this legal firm as to whether or not this City intended to join these group participants in said intervention. Smith noted that this suit would challenge the BPA net billing agreement and would cost somewhere between the full amount of the 1978 PPC dues and three times that amount. It was moved by Councilman Wood, seconded by Hovey, that the City Attorney be authorized to employ Stoll and Stoll to represent the City in this regard, along with the other group participants. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman reminded the Council that, at an earlier date, under a different administration, a Sand Creek Rodeo Advisory Committee had been created. It was moved by Councilman Freeman, seconded by Erickson, that creation of the Sand Creek Rodeo Advisory Committee be re-affirmed, that its purpose be defined to establish policies and procedures for operating, maintaining, programming and developing the rodeo grounds and facilities at Sand Creek Park and that the Mayor be authorized to appoint certain

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members to that Committee at the next Regular Council Meeting. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 11:00 P.M., carried.

ATTEST: s/ Roy Barnes
City Clerk

s/ Thomas Campbell
Mayor