

AUGUST 18, 1977

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, August 18, 1977, at 7:30 p.m. in the City Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Paul Hovey, Tom Campbell, Jim Freeman, Mel Erickson, Ralph Wood and Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last Regular Meeting, held August 4, 1977, were read and approved.

Noting from the Agenda that the Sunnyside-Holmes Addition was scheduled for annexation this night, Councilman Campbell reported that there were unresolved problems and, therefore, said area was not yet ready for annexation. It was moved by Councilman Campbell, seconded by Erickson, that Annexation Proceedings of the Sunnyside-Holmes Addition, including consideration of the Final Plat, the Annexation Agreement, and the Annexation Ordinance be recessed until the next Regular Council Meeting. Roll call as follows: Ayes, 6; No, none; carried. It was then moved by Councilman Campbell, seconded by Erickson, that the public hearing to consider the initial zoning of the Sunnyside-Holmes Addition be recessed until the next Regular Council Meeting, with the understanding that said hearing will only be conducted if the area in question is annexed at that time. Roll call as follows: Ayes, 6; No, none; carried.

Noting from that agenda that an area, to be known as the R & V Park Addition was to be annexed this night, the Mayor asked Councilman Campbell to conduct said proceedings. First to be reviewed was the final plat. It was moved by Councilman Campbell, seconded by Erickson, that the final plat of the R & V Park Addition be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The annexation agreement between the City and the R & V Park Addition developer was then considered. It was moved by Councilman Campbell, 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. 1512

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. (R & V PARK ADDITION, DIV. #1)

* CITY CLERK' NOTE: SEE IMMEDIATE SUBSEQUENT COUNCIL ACTION WHERE PASSAGE OF THIS ORDINANCE WAS RESCINDED RCB

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

The R & V Park Addition having been annexed, the Mayor announced that this was the time and the place, as advertised, for a public hearing to consider its initial zoning. Mr. Rod Blossom, representing the Benton Engineering Company, engineer for the

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developers, appeared before the Council to report that said developers had not, as yet, signed the annexation agreement. Asked for an explanation, Mr. Jim Ririe, Attorney for the R & V Park Addition developers, appeared before the Council. When asked why this was not made known at the time the annexation agreement was presented, Mr. Ririe said the entire annexation proceedings was handled so rapidly, he wasn't aware that such action had been taken. Asked why the annexation agreement had not been signed, Ririe said the developers objected to the parking charge as a condition of annexation. He said the developers were prepared to sign the agreement if said charge were stricken. Recognizing that the parking charge was an outgrowth of the street and bridge policy, Ririe asked if said policy was to be considered or discussed this night. Councilman Karst answered in the negative. Karst continued by saying that the annexation agreement must be accepted in its entirety or not all, and that no annexation ordinance is considered or passed on undeveloped land unless or until the City is in possession of an annexation agreement, duly signed by the developer. He said the Councilmembers were of the opinion the agreement was signed or annexation proceedings would not have been on the agenda. Asked for comment, Public Works Director Lloyd said he had received assurance that the agreement would be signed by the time the Council Meeting convened this night. In view of these circumstances, it was moved by Councilman Campbell, seconded by Erickson, that action just taken, passing the ordinance that would have annexed the R & V Park Addition, be duly rescinded. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Campbell, seconded by Erickson, that the foregoing action taken on the final plat be duly rescinded. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Ririe then re-appeared before the Council to protest the street and bridge policy and the parking charge as being an arbitrary and capricious action against the new developer. He said the City must favor growth and it is by virtue of these new developments that growth is accomplished. Mr. Ririe continued by saying that some charge is probably in order, although it would be difficult to arrive at a charge that was completely fair and equitable. He said he had heard some discussion concerning a street and bridge policy but that the fair approach would be to have it thoroughly aired and passed by ordinance in the Fall of the year after this Summer's building season was completed. He said developers who have recently become victims to this charge already have a substantial investment in their proposed developments. He said the policy, when finally approved and accepted, should be a predictable instrument. Ririe protested the concept that such a costly charge be, without warning, assessed after development plans and costs have already started to accrue, said costs not being a part of the original cost. He said the new developer that promotes growth should not be discriminated against as he is assessed with new, unplanned commitments. Ririe concluded his comments by saying that in the case of the R & V Park Addition, this was planned as a HUD financed development and the problem at hand should be resolved by the next regularly scheduled Council Meeting.

Councilman Karst objected to the reflection that the Council was acting hastily. He said the Public Works Director was acting in good faith that the City was in possession of a signed annexation agreement. He said the consulting engineers representing the R & V Park Addition developers had knowledge of the street and bridge policy for the past several months.

In the absence of further comment, it was moved by Councilman Campbell, seconded by Erickson, that the entire annexation proceedings of the R & V Park Addition, including the initial zoning in the event said area is annexed, be recessed until the next Regular Council Meeting. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a variance request from School District No. 91, as more fully explained by this memo from the Building Administrator:

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City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VARIANCE REQUEST - PLACE TWO MOBILE
HOMES AT ETHEL BOYES ELEMENTARY
SCHOOL

Attached is a copy of a request from School District No. 91 requesting placement of two additional trailers at Ethel Boyes Elementary School, 1875 Brentwood Drive, to be utilized as temporary classrooms. This request, if granted, would provide for a total of four (4) mobile homes on this property.

The attached drawing shows the proposed placement of these trailers.

Inasmuch as there is a severe need for additional classrooms at this facility, this department recommends approval of the request on a temporary basis.

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

s/ Rod Gilchrist

There were none who appeared to protest or otherwise comment on this request as described. It was moved by Councilman Campbell, seconded by Erickson, that this request be granted for the school year 1977-1978. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to pages 622 and 623 in this book of minutes and, more specifically, annexation proceedings for an area to be known as the Ashment Addition, Division No. 1. It was noted that said annexation proceedings did not materialize at that time for the reason that there was no annexation agreement duly signed by the developer and, therefore, the entire proceedings were recessed until this night. The Council learned that, in the interim period, an annexation agreement had been properly signed by the developer and that its terms and conditions met with the approval of the City Engineer and so it appeared in order for said annexation proceedings to be reconvened at this time.

Being aware that the Ashment Addition was planned for multiple housing, Mr. Greg Ferguson, address unknown, appeared before the Council. Mr. Ferguson registered concern about the growth of the City, particularly as it affected and created the need for multiple housing. Asked for comment, Building Administrator Gilchrist commented to the effect that Ferguson may have been referring to a limited growth plan which has received some publicity in other areas. Gilchrist said such a plan has not been considered for this City. Councilman Campbell commented to the effect that orderly growth of this City can be expected and is needed.

Mr. Jed Weiner, local TV reporter, appeared briefly on the same subject. In answer to his question as to whether or not the School District had ever recommended a limited growth plan to the Council because of over crowded conditions in the schools, Campbell answered in the negative.

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The final plat of the Ashment Addition Division No. 1 was then presented. It was moved by Councilman Campbell, seconded by Erickson, that this plat be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The annexation agreement between the City and the Ashment Addition developer was then submitted. It was moved by Councilman Campbell, seconded by Erickson, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1512

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. (ASHMENT ADDITION, DIVISION #1)

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

The Ashment Addition, Division No. 1 having been annexed, the Mayor announced that this was the time and the place, recessed from August 4th for a public hearing to consider its initial zoning. Councilman Campbell noted that R-3 zoning had been recommended to permit multiple dwellings such as 4-plexes and that this seemed appropriate because of the area's proximity to the Eastern Idaho Vocational School. There were none who appeared to protest this recommendation. It was moved by Councilman Campbell, seconded by Erickson, that this addition be initially zoned R-3 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.

Mr. Ferguson then re-appeared before the Council to oppose R-3 zoning for the Ashment Addition on the grounds that this would create another high density area within the City and that such areas should be discouraged by the City Council. Ferguson moved that this zoning action be rescinded. Councilman Campbell informed Ferguson that this City has not, as yet, initiated a policy of limited growth and that if the developer elects to speculate in this manner, the City Council does not interfere. The Mayor advised Mr. Ferguson that his action was out of order on the grounds that motions are not recognized from the Floor of the Council Chamber, plus the fact that the public hearing on the initial zoning of the Ashment Addition had been conducted and concluded.

The Mayor announced that this was the time and the place for a public hearing, recessed for the fifth time, to consider a re-zoning petition on a parcel of ground located North of the John's Hole Bridge between the Porter Canal and the Snake River. It was noted that the Attorney for the petitioner, Mr. Reg Reeves, had been notified that this zoning matter would not be recessed beyond this meeting. It was also noted that, if this petition were denied, there would be, by code, a six months waiting period before another re-zoning petition could be honored on this same parcel of land. Campbell said this should receive favorable consideration. Asked for comment, the City Attorney said that, if it was

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the will of the Council, the six month waiting period, by Council action, could be waived. Councilman Karst commented to the effect that, in his opinion, the needed property should have been acquired before the petitioner applied for a rezoning petition. It was moved by Councilman Campbell, seconded by Erickson, that this re-zoning petition be denied but that the six months waiting period be waived so that the petitioner, when ready, be allowed to apply for another re-zoning petition on the same property. Roll call as follows: Ayes, 4; no, 2. Councilmen Karst and Hovey voting no; carried.

Mr. Bill Colson, of the Colson Sign Company, appeared before the Council to further pursue the subject of wooden signs, initiated at the last Regular Council Meeting. Mr. Colson asked why the City had an ordinance prohibiting wooden signs within the downtown area. He said a wooden sign is not as likely to cause a fire as an electrical sign. He suggested that the ordinance be amended to permit the Building Official to use his own discretion, depending on the location and other circumstances. He said that there is no prohibition on such signs in Salt Lake City. Councilman Freeman reminded Colson that the City is directed in this regard by the Uniform Sign Code which has been adopted by reference. Asked for comment, Building Administrator Gilchrist said the Council could, by Council action and/or by ordinance, make an exception to this particular provision of the Uniform Building Code. Also asked for comment, Fire Chief Corcoran appeared briefly to say that a wooden sign could become a fire hazard because of exposure, depending on location. Corcoran admitted that the wooden sign issue might, justifiably, be the subject of further study. Colson noted that present with him in the Council Chambers this night were several who desired to have wooden signs installed and asked for Council action that would permit said installation, subject to the approval of the Building Official. Councilman Campbell reminded Colson that this could not be accomplished, inasmuch as it would require drafting of an amendatory ordinance. Campbell proposed, with general Council concurrence, that this matter be discussed at an informal meeting, that said meeting be attended by all responsible and affected City Officials and that Mr. Colson also be invited to attend. With that understanding, then it was moved by Councilman Campbell, seconded by Freeman, that this matter be referred to the Building and Zoning Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Rue Stears, 1235 Bannock Avenue, appeared before the Council pertaining to the dog licensing program as recently outlined by the Humane Society. Mr. Stears did not criticize said program except to say that, in his opinion, it was not sufficiently broad enough in scope to be completely effective. He said the neutering of dogs, in itself, would not provide adequate control and proposed that dogs that leave the animal shelter also be branded for purposed of identification. He said that modern technology has devised a means of handling that is virtually painless and cannot be seen on a dogs body. He said that many dog owners tire of their dog and allow it to stray and a neutered dog, if unattended, is just as likely to stray as one that is not neutered. Councilman Erickson expressed appreciation for this suggestion and said he was also speaking for the officials of the Humane Society who are receptive to any and all ideas to make their dog control program more effective. It was moved by Councilman Erickson, seconded by Karst, that this suggestion be referred to the Police Committee and the Humane Society for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that a legal notice was in the process of being published, calling for a public hearing on September 8th to consider the initial zoning of the Melbourne Park Addition, Division No. 10, subject to said area being annexed at that meeting and that this was without benefit of formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

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Another matter requiring ratification, according to the City Clerk, was a legal notice in the process of being published, calling for a public hearing on September 8th to consider a re-zoning petition and that said notice was being published without formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk noted that a legal notice had been published on August 14th, calling for a public hearing this night to consider a variance request from School District No. 91 and that said notice was published without formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Continuing with matters requiring Council ratification, this explanatory memo from the City Controller was presented:

City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council
FROM: John D. Evans, Controller
SUBJECT: ADVANCED FUNDING - OBLIGATION AND REVENUE BONDS

Requesting ratification of Council action covering advanced refunding of the General Obligation Bonds and Revenue Bonds as approved at an informal Council Meeting of August 11, 1977 and authorize the Mayor and City Clerk to sign the attached agreements with Kirchner Moore and Company. The Idaho First National Bank will be acting as Fiscal Agent.

s/ John D. Evans

Councilman Karst noted that the G.O. Bond issue was in the amount of \$3,468,000 and the Revenue issue was in the amount of \$1,545,000. It was moved by Councilman Karst, seconded by Freeman that the Council ratify the action of the Mayor and City Clerk in the signing of these agreements as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Also, under matters requiring Council ratification, this explanatory memo from the Fire Chief was submitted:

City of Idaho Falls
August 16, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen, Members of the City Council
FROM: Les Corcoran, Fire Chief
SUBJECT: APPROVAL OF FIRE STATION PLANS AND RATIFICATION OF ACTION PREVIOUSLY TAKEN TO AUTHORIZE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH CITIZEN'S DEVELOPMENT, INC.

Citizen's Development, Inc. has proposed to construct a fire station on Lincoln Road near Woodruff Avenue to be leased jointly to the Bonneville County Fire Protection District and the City of Idaho Falls over a 5 year period.

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Plans and specifications have been prepared by architect Earl Booth. We ask that these plans and specifications be approved by the City Council so that the constructed facility will be acceptable by the City for lease purposes and that you ratify your previous action authorizing the Mayor and City Clerk to sign an agreement with Citizen's Development, Inc. and the Bonneville County Fire Protection District so that Citizen's Development, Inc. may advertise for bids on the construction of the station allowing work to begin as soon as possible.

s/ Les Corcoran

Councilman Freeman noted that the Building plan on the new fire station could not be approved at this time, inasmuch as the Council had not seen said plan in its final design. It was moved by Councilman Freeman, seconded by Wood, that Council ratification be granted for the action of the Mayor and City Clerk in signing the agreement as indicated. Roll call as follows: Ayes, 6; No, none; carried.

It was then moved by Councilman Freeman, seconded by Wood, that the final plans and specification of the new Fire Station be referred to the Fire Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk reported that a legal notice was in the process of being published, in the form of invitation for bids for certain water replacement and that this was done without formal Council approval. It was moved by Councilman Karst, seconded by Campbell, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters requiring Council ratification, this damage claim was presented:

NOTICE OF CLAIM

TO THE CLERK OF THE CITY OF IDAHO FALLS OF THE STATE OF IDAHO

Please take notice that Michael Hulse, who resides at 177 Colorado Avenue, Idaho Falls, Idaho 83401, claims damage against the City of Idaho Falls and against Harold Barnes, David Forrest, Clyde Burgess and Harold Jorgensen, Police Officers of the City of Idaho Falls, for assault, battery, false arrest, false imprisonment, and violation of rights guaranteed under the United States Constitution including the right against unreasonable search and seizure, the right to be informed of the charges against him, and the rights to due process, and equal protection of the law.

The damages to Michael Hulse occurred on several different occasions.

Between April 30, 1976 and May 3, 1976, Officer Harold Barnes confronted Michael Hulse at several different locations in Idaho Falls. Officer Barnes harassed Hulse and threatened to issue a traffic ticket to Hulse, although, Officer Barnes had not seen Hulse commit a traffic offense. Barnes' only purpose in issuing the ticket was to assure that Hulse's driver license would be revoked. Hulse's license was revoked for a period of thirty days.

On May 4, 1977, at the Skyway Bar parking lot, Lindsay Boulevard, Police Officer David Forrest searched the automobile and person of Michael Hulse in a violent manner without a search warrant or probable cause. Hulse was arrested by Officer Forrest and was imprisoned and held in the jail of the City of Idaho Falls. There was no lawful reason for this imprisonment. Hulse was released on bail, but was not informed that he would be required to return to

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court at a later time. On June 9, 1977, Officer Clyde Burgess arrested Hulse at his home pursuant to an unsigned and undated bench warrant for failure to appear in court on May 5, 1977. Hulse had not been informed that he had to appear on that date.

Hulse was held in the Idaho Falls jail without bond.

Hulse was released on June 10, 1977, after it was determined by Judge Mildred McClure, Magistrate Court, that he had been unlawfully arrested.

THEREFORE, Michael Hulse feels that he has been substantially damaged by these acts and requests that the City of Idaho Falls honor and pay the claim for damages which claim for damage will be submitted in the near future.

Dated this 1st day of July, 1977.

s/ Gordan W. Jenkins

The City Clerk noted that, in the interest of time, this was referred to the City's liability insurance carrier on August 11th without Council approval. It was moved by Councilman Erickson, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

City license applications for CONCESSION (SNOW CONES), Victoria I. Allen for Ruth's Circle of First United Pentecostal Church; CLASS C JOURNEYMAN, GAS FITTING, WARM AIR, Clair Layton; CLASS D JOURNEYMAN, GAS FITTER, Duane G. Sibbett; CAB DRIVER, Brian Wayne More; BARTENDER, Richard Napier, Eileen White, Phillip Mah, Lela M. Selberg, Jo Elg, Tom Nick, Paochinda Suchati, James L. Heward, Warren Gordan, Stuart Greene, Jewel Thomson, Steven Harramen, T. Dean Blankenship, Dorothy Lancaster, Manuel Benson, Dortha Baker, Boyd Roberts; ELECTRICAL CONTRACTOR, Homer P. Johnson for Johnson Solar Electric; JOURNEYMAN ELECTRICIAN, Thayle Dean Monson, Homer P. Monson; JOURNEYMAN PLUMBER, Herman F. Baker were presented. It was moved by Councilman Erickson, seconded by Karst, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk was a Redemption Tax Deed in favor of D. Arland Rasmussen, accompanied by this resolution:

R E S O L U T I O N (Resolution No. 1977-06)

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 10th day of November, 1972, recorded as instrument No. 439898 in the records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots 7-10 inclusive, Block 24, Highland Park Addition, Bonneville County, to the City of Idaho Falls, Idaho, according to the recorded plat thereof.

WHEREAS, D. ARLAND RASMUSSEN, 966 Lincoln Rd., Idaho Falls, Idaho, 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;

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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 D. Arland Rasmussen a quit claim deed to said property, pursuant to the provisions of Section 50- 1751, Idaho Code.

PASSED BY THE COUNCIL this 18th day of August, 1977.

APPROVED BY THE MAYOR this 18th day of August, 1977.

s/ S. Eddie Pedersen
Mayor

ATTEST:
s/ Roy C. Barnes
City Clerk

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

From the City Controller this memo was presented:

City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council
FROM: John D. Evans, Controller
SUBJECT: BRIDGE AND ARTERIAL STREET FUND

I request the approval of the City Council to create a fund called BRIDGE AND ARTERIAL STREET FUND TO provide for proper accounting and recording of all receipts and expenditures of said fund.

s/ John D. Evans

It was moved by Councilman Karst, seconded by Freeman, that authorization be granted to create a Bridge and Arterial Street Fund as requested. Roll call as follows: Ayes, 6; No, none; carried.

Noting from the agenda that the City Controller was, by memo, asking for authorization to publish certain legal notices including a notice of public hearing for consideration of the 1977-78 annual budget, it was moved by Councilman Karst, seconded by Freeman, that said budget in the amount of \$18,356,974 be tentatively adopted. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Controller was then submitted:

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City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council
FROM: John D. Evans, Controller
SUBJECT: PUBLIC NOTICE - 1978 CITY BUDGET, ANTIRECESSION
FISCAL ASSISTANCE AND REVENUE SHARING

Requesting your adoption of the attached proposed 1978 budget in the amount of \$18,356,974.00 and authorization to publish notice of public hearing. Hearing to be September 8, 1977.

Also, requesting authorization for the City Clerk to advertise public notice for public participation in the antirecession fiscal assistance and revenue sharing budgets. Said hearings to be September 1, 1977.

s/ John D. Evans

It was moved by Councilman Karst, seconded by Freeman, that authorization be granted to publish legal notices as required by law, for these various public hearings as indicated. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-17 COAL

It is the recommendation of the General Services Division that the City Council jointly with School District #91 accept the low bid of Doug Andrus & Sons, Inc. to furnish coal for the year 1977-1978 at \$35.35 per ton.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the low bid of Doug Andrus & Sons be accepted, subject to joint acceptance by the School District, for coal for the 1977-1978 winter season. Roll call as follows: Ayes; 6; No, none; carried.

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

City of Idaho Falls
August 9, 1977

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-14, BRAIDED PULLING ROPE

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It is the recommendation of the General Services and Electrical Divisions that the City Council accept the low bid of WESCO to furnish 12,000 feet of continuous double braided pulling rope at \$5781.00 as per specifications Bid #IF-77-14.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman that the low bid of Westinghouse Electric Supply Company be accepted, as recommended, for 12,000 feet of double braided pulling rope. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services, came this memo:

City of Idaho Falls
August 12, 1977

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID # IF-77-16, STREET FLUSHER TRUCK

It is the recommendation of the General Services Division that the City Council reject all bids on Bid #IF-77-16, because of budget considerations.

s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that all bids received on the street flusher truck be rejected for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was submitted:

City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: FENCING AT SAND CREEK GOLF COURSE

The plans and specification are nearly complete for the fencing project at the Sand Creek Golf Course. The project involves approximately 12 L.F. of 6' chain link fence and 10,500 L.F. of woven wire fence.

We would request authorization to advertise this project.

s/ Don Lloyd

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Councilman Erickson explained that the Sand Creek Golf Course has been seeded and the fence in question is needed to protect the course. It was moved by Councilman Erickson, seconded by Freeman, that authorization be granted to advertise for bids on the project as described. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
August 11, 1977

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PEDESTRIAN RAILROAD CROSSING SOUTH OF LIBRARY

We are submitting herewith two copies of Agreement LD No. 23831 covering the pedestrian railroad crossing south of the library. The original agreements included insurance requirements which were unacceptable to the City. The railroad has subsequently modified these arrangements and are now found by our City Attorney to be acceptable. We would recommend that the Mayor and City Clerk be authorized to sign the City's approval.

Sincerely,
s/ Don Lloyd

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

Preceding the following memo prepared by the Public Works Director, this letter, also prepared by the Public Works Director, was presented and read aloud:

City of Idaho Falls
August 18, 1977

Mr. Frank Jensen
3570 South Yellowstone
Idaho Falls, Idaho

Dear Mr. Jensen:

This letter will confirm our conversation on August 17th concerning the sanitary sewer, you plan to install during this month.

You intend to construct a sanitary sewer along the west side of the South Yellowstone Highway starting from the existing manhole on Enterprise Street and extending north along the highway to point in front the your property from which you will service your trailers. This sanitary sewer construction is entirely at your own expense. Accordingly, any future sanitary extensions requested or constructed by other property owners to the north will not be your obligation or responsibility. Further, the City will not place any sewer construction assessments against your property for the extension of this sanitary sewer.

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Should you have any questions please contact this office.

Sincerely,
s/ Don Lloyd

This memo from the Public Works Director was then submitted:

City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: JENSEN TRAILER PARK

I have attached hereto a letter prepared for Mr. Frank Jensen concerning future Sanitary Assessments. I am requesting authorization to mail this letter to Mr. Jensen.

Respectfully submitted,
s/ Don Lloyd

It was explained that this letter, if approved, would constitute a quasi-contract and was requested by Mr. Jensen as written assurance that he would not be assessed at some future date for the same sewer project. It was moved by Councilman Karst, seconded by Campbell that approval be granted for the mailing of this letter to Mr. Frank Jensen of the Jensen Trailer Park. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Administrator came this memo:

City of Idaho Falls
August 18, 1977

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: VACATION OF LITTLETON STREET IN THE MELBOURNE PARK ADDITION

We have been requested by the developer of Melbourne Park Addition to vacate the existing one-half block of Littleton Street, between Lot 7, Block 5, and Lot 1, Block 6 of the subdivision. There are no utilities located in this street and the Engineering Department has concurred with the request.

The Developer of Melbourne Park Addition, Division No. 5 has agreed to remove the existing curbs, gutters and sidewalks and replace with new curb, gutters and sidewalks and eliminate the physical features of Littleton Street.

This department recommends that the request be granted and the matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

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It was moved by Councilman Campbell, seconded by Erickson, that the City Attorney be directed to prepare a vacating ordinance for the street as indicated, that the ordinance, when prepared, be passed on all three readings and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This notice of claim was presented by the City Clerk:

NOTICE OF CLAIM

TO: S. EDDIE PEDERSEN, HONORABLE MAYOR OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO; ROBERT POLLOCK, CHIEF OF POLICE, CITY OF IDAHO FALLS, IDAHO; CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION AND ROY BARNES, CITY CLERK; AND TO TOM CAMPBELL, PAUL HOVEY, GIL KARST, JIM FREEMAN, MELVIN ERICKSON AND RALPH WOOD, CITY COUNCILMEN

NOTICE IS HEREBY GIVEN pursuant to Idaho Code #6-901, et seq., that the undersigned claims general and special damages for loss of business profits and mental anguish in the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00), as a direct and proximate result for the wrongful eviction and violation of civil rights of the undersigned which resulted from the acts and/or omissions, both joint and separate, of S. EDDIE PEDERSEN, Mayor of Idaho Falls, ROBERT POLLOCK, Chief of Police, ROY BARNES, City Clerk, TOM CAMPBELL, PAUL HOVEY, GIL KARST, JIM FREEMAN, MELVIN ERICKSON, AND RALPH WOOD, City Councilmen of the City of Idaho Falls, Bonneville County, Idaho. Said acts and/or omissions having been committed within the scope and course of the employment of the above named governmental employees more particularly describe as follows:

That on or about the 6th day of May, 1977, the undersigned was forceably, wrongfully and unlawfully evicted from the Page One Restaurant and Lounge, Fanning Field, Idaho Falls, Idaho, pursuant to Order of the City Council and Mayor by Chief of Police Robert Pollock, under color of law; that said premises were then and there lawfully occupied and possessed by the undersigned under the terms and conditions of a lease agreement with the City of Idaho Falls; that said eviction was without proper cause, without notice and was otherwise in violation of the terms and conditions of the lease agreement between the City of Idaho Falls, Idaho, and the undersigned and was otherwise unlawful.

That said actions as above described constituted a tortuous and malicious taking of the undersigned's property without due process of law and otherwise constituted a wanton disregard of the undersigned's rights.

That at the time of aforementioned acts, the undersigned resided at 220 North Fanning, #18, Idaho Falls, Idaho, and has resided at said address for more that six (6) months prior to the date of this claim, that the undersigned now resides at Baltimore, Maryland, and can be contacted through the law offices of St. Clair, Hiller, Benjamin, Wood, and McGrath, Chartered, P.O. Box 29, Idaho Falls, Idaho 83401.

That in addition to the above claim made pursuant to the Idaho Tort Claims Act, the undersigned also claims said damages by virtue of the aforementioned acts and/or omissions constituting a breach or breaches of the

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terms and conditions of the existing lease and other agreements between the undersigned and the City of Idaho Falls and nothing herein contained shall be considered a waiver of any of the rights of the undersigned to pursue any and all remedies he may otherwise have for said contractual breaches.

Dated this 25th day of July, 1977.

s/ Stanley Linkowski

It was moved by Councilman Karst, seconded by Freeman that no Council action be taken on the foregoing claim. Roll call as follows: Ayes, 6; No, none; carried.

This letter was then presented and read aloud by the City Clerk:

St. Clair, Hiller, Benjamin,
Wood & McGrath
August 15, 1977

Mayor S. Eddie Pedersen and City Council
City of Idaho Falls
308 C. Street
Idaho Falls, Idaho

RE: CONTRACT FOR SALE OF LAND FOR PRIVATE
REDEVELOPMENT BY AND BETWEEN THE CITY OF IDAHO FALLS, IDAHO
ASSIGNEE OF THE IDAHO FALLS COMMUNITY REDEVELOPMENT
COMMISSION AND H.K.H. INVESTMENT COMPANY, A PARTNERSHIP

Dear Mayor and Councilmen:

As you are aware, our law firm represents H.K.H. Investment Company relative to the purchase of certain lands from the former Idaho Falls Community Redevelopment Commission. You had graciously allowed an extension of time within which our clients would be allowed to provide their construction plans and that deadline is now near.

As I am sure you are probably aware, Mr. Heath, one of the members of H.K.H. Investment Company was involved in a very serious automobile accident during the summer which has not only incapacitated him for a period of time but further brought additional problems for the other members of the partnership in terms of the routine business affairs of Tandy & Wood, Inc.

As a result of this tragic event, it now appears that our clients will be unable to meet the extended deadline for submitting the construction plans and hereby respectfully pray for an addition period of up to thirty (30) days within which to complete and submit these construction plans.

Your thoughtful consideration of this matter is greatly appreciated.

Yours very truly,
s/ Stephen J. McGrath

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It was moved by Councilman Karst, seconded by Freeman, that this 30 day extension on the contract for sale of land as described be approved for the reason as indicated. Roll call as follows: Ayes, 6; No, none; carried.

This letter of commendation was presented and read aloud by the City Clerk:

KIWANIS CLUB
August 4, 1977

The Honorable S. Eddie Pedersen &
Members of the Idaho Falls City Council
308 C. Street
Idaho Falls, Idaho 83401

Dear Mayor Pedersen and Councilmembers:

We, as members of the Board of Directors of the Idaho Falls Kiwanis Club, want to let you know that we fully support your action concerning the removal of alcoholic beverages from the City parks in Idaho Falls.

We commend you for this action and feel that this has resulted in making our parks a place where families can be comfortable while utilizing the facilities for picnics, family reunions and other activities.

We encourage you to stand beside your decision and to continue to support those programs which make facilities available to families and the so called "silent majority".

Sincerely,
s/ Tom Tucker
President

s/ Darryl Harris
President Elect

No Council action was considered necessary. The Mayor expressed appreciation to the Kiwanis Club for this written expression and directed the City Clerk to enter said letter in the official book of records.

Councilman Erickson officially introduced Mr. Ben Inman to all City Officials around the Council table, noting that, for the past two months he has been acting in the capacity of Assistant to Building Administrator Gilchrist. The Mayor welcomed Ben as a City employee.

City Attorney Smith reported that he had received several phone calls from those asking whether or not consumption of beer at Sand Creek Park was permissible. Smith said his answer to these calls was in the affirmative, inasmuch as Sand Creek is outside the City limits, beyond the jurisdiction of the ordinance banning the consumption of alcoholic beverages in City parks.

Councilman Campbell drew attention to a recent news article covering the installation of bulb turbine generators at a location on the Columbia River in the near vicinity of Wenatchee, Washington. Campbell commended new reporter Dave Wilson on the article and preceeded to present a brief report on a trip to that project location, made by several City Officials.

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There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 9:30 P.M., carried.

s/ Roy Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor