

MAY 19, 1977

The City Council of the City of Idaho Falls met in regular meeting, Thursday, May 19, 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. Absent: Councilmen Gil Karst and Ralph Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last regular meeting, held May 5th, 1977, were read and approved as amended.

Noting from the agenda that a public hearing had been scheduled on a proposed annexation of the Growth Center Addition, Division No. 2, the Mayor asked for annexation proceedings at this time. First to be considered was a final plat of said area. It was moved by Councilman Campbell, seconded by Erickson, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

An annexation agreement between the City and the Growth Center developer was then submitted. 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, 4; No, none; carried.

ORDINANCE NO. 1501

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 (Growth Center Add., Div. #2)

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, 4; 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, 4; No, none; carried.

The Growth Center Addition, Division No. 2 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. There were none who appeared to protest said initial zoning as recommended by the Planning Commission. It was moved by Councilman Campbell, seconded by Erickson, that this area be initially zoned as follows: I&M-1: Lot 6, Block 1, Lot 5, Block 2; GC: Lot 4, Block 2, Lot 1, Block 3. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a rezoning request for Lots 5 through 8, Block 10, Home Ranch Addition, Division No. 7, as more fully explained by this memo from the Building Administrator:

City of Idaho Falls
May 19, 1977

MEMORANDUM

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TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING – HOME RANCH ADDITION, DIVISION NO. 7, LOTS 5 THROUGH 8,
BLOCK 10

This rezoning has been initiated by the City inasmuch as at the time of annexation and initial zoning of this Division, through an administrative error, the correct recommendation of the Planning Commission was not transmitted to the City Council. The original request was for R-2 zoning on the four lots described above and the rezoning petition calls for rezoning from RP-A to R-2 of the subject lots. Two objections to the rezoning have been received from property owners in the area.

The Planning Commission recommended approval of the original request, and this Department concurs with this recommendation. This rezoning is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

The City Clerk presented and read aloud this petition of protest, signed by 34 Home Ranch residents, representing 20 parcels of property:

May 13, 1977

TO: Honorable S. Eddie Pedersen, Mayor
City Councilmen
Zoning Board

The following individuals respectfully request that the request to zone four lots in Home Ranch, Division 7 from RPA be denied. We feel if this zoning request is approved it will not only reduce our property value but greatly reduce the desirability of the Home Ranch area as a nice residential area.

By having four lots zoned R-2 on a cul-de-sac it will increase the traffic through RPA areas, either by way of Hartert or Higbee Streets. We do not believe this is needed or particularly safe. This would create a similar traffic problem as a kindergarten located in the home would cause; a request which was turned down for the Home Ranch area some time ago.

Some of us who purchased lots were informed that possibly Sunnyside would be requested as R-2 zoning in the future and took this into consideration before purchasing. We certainly never thought about the request being made for Holmes also. It must be considered if these four lots are zoned R-2, the same zoning, or more might be requested at a future time for all the lots along Holmes and Sunnyside; thus surrounding the area on two sides with multiple family dwellings. This would not be particularly eye appealing, would create increased traffic through a residential area and could certainly be a shame for this entire area of residential homes in Home Ranch area. We urge the City Council to consider that future zoning requests may be made if this is approved.

Thank you.

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Mr. Luke Boyle, representing the developer, appeared before the Council to explain that the lots in question were not as desirable as the rest of Division No. 1, due to the fact that they are elevated due to a canal along Holmes which is also the reason that there is no access from Holmes. Boyle assured those present that planned development of these lots would be limited to attractive duplexes. Boyle reminded the Council that, inasmuch as this is a new subdivision, there is presently no one living within 400 feet of these lots. He said that, as lots are sold, the buyers will be advised as to the zoning and planned development of these four lots. In answer to a question, Boyle said these lots would be for sale at the same price as any other lot within the Division and the only reason for the rezoning request was to make them more saleable. In answer to a question by Councilman Erickson, Boyle said the building requirements for these lots would be written into the protective covenants. He said there is not yet a development plan for the rest of the area fronting on Holmes. Councilman Hovey said it appeared likely to him that there would be future requests for similar rezoning to build additional duplexes because of the grade problem. Boyle said this was not yet known.

Mrs. Sally Kellogg, 2745 Surrey Lane, appeared before the Council as one of the protesting petition signers. In answer to a question by Mrs. Kellogg, Boyle said the Hartert Company would not be engaged in construction; only the selling of the lots. Mrs. Kellogg said her protest was on the grounds that R-2 zoning would depreciate values throughout this subdivision and would be precedent setting, especially in view of the fact that there are five or six more lots where a similar request for R-2 zoning was rather apparent. In answer to another question by Mrs. Kellogg, Boyle said he questioned that these lots, zoned R-PA would be easily saleable. Mrs. Kellogg said another basis for concern was the increased traffic which would be created by tenants of rental units.

Mrs. Erlene Davis, 2756 Surrey Lane, appeared briefly and questioned whether or not it was good planning to have an R-2 zone as a buffer to an R-PA zone. Boyle said the architectural committees for development within the Home Ranch Addition consisted of himself, his brother and his father. He said this committee was responsible for a substantial investment within these additions and, therefore, they would not be permitting any type of construction that would be degrading to the area. Asked for comment, Building Administrator Gilchrist appeared briefly to say that there are several known instances of such zoning throughout the City. Mrs. Davis said she didn't have too much confidence in restrictive covenants as these could be subject to revision from time to time. Councilman Campbell said that, having seen all the development to date within the Home Ranch Addition, he couldn't conceive that attractive design would not be continued on these four lots.

Mr. Frank Sanchez, 301 Hartert, appeared briefly and proposed that any rezoning action be tabled this night on the grounds that there were many more Home Ranch residents that would protest this proposed rezoning and should be heard. Campbell reminded Mr. Sanchez that this issue had received much publicity and had been advertised for two public hearings. Earlier, an architect's sketch of the proposed duplexes had been viewed. In answer to a question by Councilman Hovey, Boyle said there was no guarantee that the duplexes, when constructed, would be replicas as displayed on the sketch but that, generally speaking, from the standpoint of attractive design, that plan would be followed. Using the expensively constructed homes on Sunnyside for purposes of illustration, Hovey said he could see no justification for a lower zone for these four lots than that which has been established for the entire area. In the absence of further comment, it was moved by Councilman Campbell, seconded by Erickson, that Lots 5 through 8, Block 10, Home Ranch Addition, Division No. 7 be rezoned from R-PA to R-2. Roll call as follows: Ayes, 3; No, one; carried. Councilman Hovey voting no.

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The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a rezoning request for 7,359 square feet within Block 29 of the Highland Park Addition, located at the southeast corner of the intersection of Bear Avenue and Anderson Street. The Mayor asked that this explanatory memo from the Building Administrator be presented and read aloud:

City of Idaho Falls
May 19, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING – HIGHLAND PARK ADDITION, BLOCK 29

Attached is a copy of a petition to rezone the west 7,359 square feet of vacated Anderson Street, located in Block 29 of the Highland Park Addition. This property is located at the southeast corner of the intersection of Bear Avenue and Anderson Street.

The request is to rezone the property from R-1 to R-2 to permit the construction of a second single family house on the lot. This request was originally submitted in April 1975. At that time, the City Planning Commission recommended denial and the request was withdrawn. The petition was recently resubmitted and the request changed to R-2. The Planning Commission, at their recent meeting, considered this request and at that time recommended denial by a split vote.

This Department concurs with the Commission's recommendation and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Also read aloud by the City Clerk was this petition of protest to the above described proposed rezoning with 11 signers, all residents on Bear and Bannock Avenues:

PETITION

WE, THE UNDERSIGNED BEING OWNERS WITH 300 FEET OF THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF ANDERSON AND BEAR AVENUES WITHIN THE CITY OF IDAHO FALLS, IDAHO, SAID PROPERTY BEING ZONED R-1, DO HEREBY PROTEST THE PROPOSED CHANGE OF SAID PROPERTY TO R-2 ZONE. THE REASON BEING THAT THE SAID PROPERTY IS NOT LARGE ENOUGH TO ACCOMMODATE MORE THAN ONE FAMILY DWELLING; ESPECIALLY SINCE THIS PROPERTY IS ADJACENT TO SCHOOL AREA, THERE WOULD NOT BE ENOUGH SPACE FOR ADEQUATE OFF-STREET

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PARKING, THEREBY CAUSING A HAZARD TO SMALL CHILDREN CROSSING TO THE SCHOOL. THIS AREA IS BEING BUILT UP AND IMPROVED UPON AND WE REQUEST THAT THE ZONE CONTINUE AS R-1, WHICH REQUIRES A MINIMUM OF 6,000 SQUARE FEET FOR A RESIDENT.

Mr. Reji Peterson, the petitioner, appeared before the Council. Councilman Campbell reminded Peterson that, to satisfy the requirements in an R-2 zone, 6,000 square feet would be needed for each single family dwelling. Peterson said his understanding was that 6,000 feet would be needed for the first unit and 1,000 for the second. Asked for comment, the City Attorney said that a duplex or an attached apartment could be constructed with 7,000 square feet. Referring back to the foregoing petition, Campbell said the Council was obliged to pay close attention to all protests from residents within 300 feet. Two of the petition signers, Mr. Veldon Adus, 1290 Bear, and Mr. Ellis Hemsley, 1280 Bear, were present in the Council Chamber. Mr. Hemsley appeared briefly to say that, if this rezoning is permitted, there would be several others within the immediate area making the same rezoning request. It was moved by Councilman Campbell, seconded by Erickson, that this rezoning be denied. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to consider a rezoning petition covering a parcel of ground located north of the John's Hole Bridge, between the Porter Canal and the Snake River, as more fully explained by this memo from the Building Administrator:

City of Idaho Falls
May 19, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING – METES AND BOUNDS DESCRIPTION

Attached is a copy of a petition to rezone a parcel of ground located north of the John's Hole Bridge, between the Porter Canal and the Snake River. This property is now zoned R-3A and the request is to zone a portion of it HC-1. The developers are proposing to build a motel complex on the property, which is permitted in the R-2A zone. Included in their development plan are a restaurant and a lounge, which are not permitted in this zone. They are requesting a rezoning on that portion of the property which would house the restaurant and lounge.

The City Planning Commission recently considered this request, and at that time recommended denial of the petition due to access problems. At that time, the development plan showed all access to the property coming from the off-ramp at the interchange. The Planning Commission has stated that if primary access could be found from Lindsay Boulevard rather than the off-ramp they would have no objections to the rezoning.

This Department concurs with this opinion and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

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Mr. Reginald Reeves, Attorney for the developer, appeared before the Council. He drew attention to the fact that, by definition and interpretation, a full service motel would provide a place to eat and drink; not just a place for rest and sleep. Councilman Campbell reminded Reeves that, according to his information, an access problem exists, caused by the freeway off-ramp. Reeves replied by saying that, at one time, the State had given assurance that, when needed, that agency would widen the existing off-ramp and construct a left turn bay.

Mr. Brent Frank, assistant District Engineer for the Idaho Highway Department, appeared briefly to say that there were no restrictions on the type of use for the approach to this off-ramp; however, this commitment, as mentioned by Reeves, was only casually mentioned and is not being actively considered by his Department. Reeves then presented an alternate plan which would provide access directly to Lindsay Boulevard, adjacent to the KOA complex. On this latter proposal, there was general discussion relative to a "right turn only" access from the ramp to the property in question. Reeves admitted that property needed for Lindsay Boulevard access had not yet been acquired and there was even a question as to whether or not it could be acquired. Campbell commented to the effect that, in his opinion, of these access proposals, only the Lindsay Boulevard access route would be considered. The City Attorney advised that, before rezoning is finalized, there should be supporting evidence submitted to the Council such as a purchase option. Councilman Erickson registered concern about both access proposals because of the safety factor. It was moved by Councilman Campbell, seconded by Erickson, that no rezoning action be taken this night and that this portion of the public hearing be recessed until the next regular Council meeting on June 9th, 1977. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to consider a request from Clawson that, as a matter of long-standing precedent, such variances, if favorably acted upon by the Council, are seldom if ever, allowed for a period exceeding six months. It was moved by Councilman Campbell, seconded by Erickson, that this variance be approved for a six month period. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
May 19, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE – MOBILE HOME OFFICE, HOMER COMMERCIAL ADDITION

Attached is a copy of a request for a variance, submitted by Gerald E. Peterson, requesting permission to establish a food preparation plant in a mobile home located on Lot 6, Block 3 of the Homer Commercial Addition. He is requesting approval to manufacture and distribute a jumbo scone. The request is to manufacture, freeze and distribute the product from this location.

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Inasmuch as the City Council's policy has been to permit mobile homes to be used as commercial uses only on a temporary basis, I would recommend that if this request is granted, it will be for a period of not to exceed six months.

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

s/ Rod Gilchrist

Mr. Gerald Peterson, the petitioner, was present in the Council Chamber. Asked by Councilman Campbell how long he needed this mobile home location, Mr. Peterson said he would like it for two years or one year at the least, explaining that this was the beginning of a permanent food preparation business venture and he wished to avoid the expense of building construction until said business proved itself. Campbell advised Mr. Peterson that such variances, if in fact granted, are allowed by the Council for a period not to exceed six months. Asked by Campbell if such a variance would be of any value, Peterson said he would accept it as a last resort. Campbell suggested to a permanent location, other than the mobile home. It was moved by Councilman Campbell, seconded by Erickson, that this variance be granted for a period of six months. Roll call as follows: Ayes, 4; No, none; carried.

Recognizing several citizens present in the Council Chambers interested in a Traffic Safety recommendation pertaining to one way traffic on First and Lomax after the Lomax couplet is completed and recognizing, further, that said recommendation was on the agenda for Council consideration this night, the Mayor asked that this issue be presented at this time and be introduced by said recommendation which was read aloud by the City Clerk, as follows:

2. Suggested that upon completion of the Lomax couplet that 1st Street be one-way eastbound and Lomax be one-way westbound between the couplet and Yellowstone Highway and both be posted 25 MPH. (One objector to one-way on First Street is Val Middleton, North Highway Drug)

The Mayor invited Councilman Erickson, as Chairman of the Police Committee, to conduct this portion of the meeting. Erickson, in turn, invited Ed Turner, Design Engineer, to describe the proposal with any alternates that might be available. Turner, by use of two aerial photography maps, revealed the first plan which would provide for one-way traffic eastbound on First and one-way traffic westbound on Lomax. Turner then referred to the TOPIC study, prepared in 1970 by consulting engineers. After briefly describing said study as to what it was designed to accomplish for the City, traffic wise, Turner noted that this one way grid was one of said study's recommendations at that time. He said First Street, particularly, has a high accident history, even mid block, due to traffic conflicts such as driveways. Turning to the second plan, Turner explained that this proposal would provide for two lanes of eastbound traffic on First Street as well as one lane of west bound traffic with the south lane, only, reserved for parking. Lomax would have two lanes of west bound traffic, one lane of east bound traffic with the north lane reserved for parking. Turner concluded his presentation by noting that if this latter plan were approved, the intersection at First and Yellowstone would be signed for a right turn only for all westbound traffic. In answer to a question by Councilman Hovey, who registered concern about traffic backup on Holmes caused by traffic signalization at both First Street and Lomax intersections, Turner noted that these would be synchronized to avoid this problem.

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Mr. Steve Brumley, representing the Dora Erickson P.T.A., appeared briefly, registering concern about speed limits on First Street, once the couplet is completed. He was advised by Erickson that the pedestrian crosswalk which was installed for the benefit of Dora Erickson school children will in no way be affected after the couplet is completed.

Mr. Leonard Wright, First Street property owner, appeared before the Council and protested both plans. He said that, to his knowledge, there had been no study made as to how a change in traffic grid would affect the First Street merchant. He said traffic should be studied in relation to the existing business establishments.

With reference to the right turn only proposal at First and Yellowstone, Mr. Val Middleton, manager of the North Hiway Drug was asked for comment. He confirmed that the property owner, Mr. Russell Fogg, would donate sufficient right-of-way to make such a turn possible, even though it would require the moving of a large sign.

Mr. Earl Grant, owner and operator of the Earl's Food Store, appeared before the Council. He said this issue was raised as long ago as 1961 at which time one-way traffic was advocated. He said, at that time, 97% of the First Street businessmen protested and, in his opinion, those same merchants still feel the same way. Earl proposed that the City accept Mr. Fogg's offer and, otherwise, leave the traffic grid unchanged for the time being on the grounds that the two streets in question be construed as feeder streets. Mr. Earl then took this opportunity to invite comment from Mr. Jack Holladay who, at the time this issue was first initiated, was a First Street merchant. Mr. Holladay responded by first noting that he was no longer directly affected except that Lomax west bound traffic has convenient access to his store, located at the corner of Yellowstone and E. Street. Holladay said that, in his opinion, there was very little more traffic on First Street than there was in 1961, due primarily to the construction of shopping malls throughout the City. Holladay advocated that, except for the right turn only at First and Yellowstone, the traffic grid remain unchanged.

Erickson briefly reviewed the history of the First and Yellowstone intersection. He said that, according to his recollection, a decision was made several years ago to put this regulation into effect and expressed wonderment as to why this was never accomplished. Erickson also expressed concern about the First and Lomax intersection when the couplet is opened to traffic. He said that, in his opinion, merging of traffic at this intersection should be avoided. Hovey proposed a no left turn regulation from Holmes to First Street.

Mr. Elmore Holmgran, 1220 Nixon, appeared briefly and suggested that a left turn arrow at that intersection would be beneficial.

Mr. Devon Ivie of the Taco Bandido restaurant appeared briefly, objecting to the proposition that would provide for two lanes of east bound traffic on First. He said this would make it difficult for a west bound vehicle to make a left hand turn.

Councilman Campbell drew attention to the substantial growth east of the City which, he said, is creating about 1% per month more traffic on First Street.

Mr. Fuller Martin of Martin's Gallery appeared briefly to say that, in his opinion, there is no traffic problem on First Street except at night. There was some general discussion about the night traffic problem on First Street, including young people who congregate and use private parking areas. Erickson agreed that this poses a problem to the Police Department unless said private parking areas are properly signed, prohibiting private parking except during business hours.

Throughout the hearing, there were other First Street property owners and/or merchants who appeared for purposes of protesting both of these plans, as presented, and who advocated

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leaving the traffic pattern unchanged except for the right turn only proposal at First Street and Yellowstone. These men were Messrs. Milt Tate, Alex Creek and Wayne Olson.

In the absence of further comment, it was moved by Councilman Erickson that, upon completion of the Lomax couplet, the traffic pattern remain unchanged except for the right turn only at the intersection of First and Yellowstone; also, that Lomax, from First to Fanning be limited to one way west bound traffic. This motion died for want of a second.

It was then moved by Councilman Freeman, seconded by Campbell, that Plan II be approved, providing for two lanes of east bound traffic and one lane of west bound traffic on First Street with the south lane to be used for parking; also, that there be two lanes of west bound traffic and one lane of east bound traffic on Lomax, with the north lane being reserved for parking; also, that the right turn only regulation be placed into effect at First and Yellowstone; also, that there be one way west bound traffic only from First to Fanning on Lomax; all of this to be effective when the Lomax couplet is completed and open to traffic. Roll call as follows: Ayes, Councilman Freeman, Councilman Campbell; No, Councilman Erickson and Councilman Hovey. Noting a tie vote, the Mayor cast his no vote, thus defeating the motion.

After a brief recess, the Mayor reconvened the meeting. It was moved by Councilman Erickson, seconded by Campbell, that his earlier motion be re-introduced and again presented for Council consideration, limiting said regulatory action to one year on a trial basis and subject to reconsideration at the end of that period. Roll call as follows: Ayes, 4; No, none; carried.

Mr. Martin Shurtliff of Marv's Barber Shop appeared briefly to commend the Council on this action. He agreed that, if this traffic pattern proved un-workable after one year, then it should be reconsidered by the First Street merchants and the Council.

Mr. Milt Adam, 1438 S. Woodruff, appeared before the Council to discuss electric consumption during this period of energy conservation. Noting a recent news release revealing that the City's electric consumption was up 6 ½% over the previous year, he asked several questions including to what extent said increase reflected increased customers due to annexation and what, if anything, the City was doing to curtail said annexation and/or building permits. Turning the question around, Adam said that, in his opinion, if it were not for annexations and customer transfers there would be a strong likelihood that the 6 ½% might be down close to zero. On the latter issue having to do with customer transfers from Utah Power & Light, Adam said he had recently written a letter to the editor of the local newspaper asking for answers to certain questions and expressed disappointment that no one had answered him. He said that he resented the fact that Utah Power & Light was being paid by the City for the purchase of their customers who were then entitled to a lower electric rate when served by the City and still it was costing him, as a taxpayer, his pro-rata share on such a transaction. He said that, in view of the pending energy shortage, it would be more practical if said customers paid the City to be served at a lower rate. Adam said he has noted other news articles where the City was either contemplating or making it a practice to charge new customers for a sewer connection or to be served by a bridge. He said there should be consistency in these philosophies. Adam proposed an immediate moratorium on such a customer exchange program, at least during the pending energy shortage. Councilman Campbell said the City does not solicit this type of business and is obligated to serve all customers within the City upon request, even though they previously have been served by Utah Power & Light. He said, based upon the present formula, the cost of purchasing an electric customer is defrayed in five years after which the City makes a profit on that customer which is beneficial to all other users within the City. Asked for comment, City Attorney Smith reminded Adam that the City does not have complete control on rates due to the B.P.A. contract whereas there is complete control of water

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and sewer rates. Smith continued by saying that the customer transfer formula can be justified, as it is not uncommon for the City, when effecting said exchange, to pay for existing facilities such as poles, lines, transformers, etc. Councilman Freeman commented to the effect that time did not permit answers to all of Adams questions this night and invited him to confer with the Electrical Engineer in this regard.

A final plat and development plan covering the Parkwood Addition was introduced by this memo from the Building Administrator:

City of Idaho Falls
May 19, 1977

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PARKWOOD ADDITION – FINAL PLAT & DEVELOPMENT PLAN

Attached is a copy of the final plat, the development agreement and the development plan for the Parkwood Addition. This property has been within the City limits and zoned RSC-1 (residential shopping center) for a number of years. This zoning requires the development plan to be approved by the Planning Commission and the City Council prior to the issuance of a building permit.

The Planning Commission recently reviewed the development plans and the final plat and at that time recommended approval. This Department concurs with that recommendation, and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

First to be considered was the final plat. It was moved by Councilman Campbell, seconded by Erickson, that this plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

Next to be presented was the development plan. Mr. Max Call, 1845 John Adams Parkway, appeared before the Council with several questions pertaining to this development. Mr. Mike Krugley, representing Price Rentals, the developer, was invited to confer with Mr. Call in this regard. After a closed conversation, Mr. Call returned back to the Council table and registered concern about future phases of this development, particularly as it pertained to landscaping and other beautification. Mr. Call asked and received assurance that the Building and Planning Division would keep him advised. It was moved by Councilman Campbell, seconded by Erickson, that this development plan be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk drew attention to the fact that a legal notice, calling for a public hearing this night to consider the granting of a variance for temporary placement of a mobile home at 715 Lindsay Blvd., had been published without formal approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 4; No, none; carried.

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Also, according to the City Clerk, a legal notice had been published calling for a public hearing this night to consider the granting of a variance for placement of a mobile home on Lot 6, Block 3, of the Homer Commercial Addition and that this was without benefit of formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk presented these damage claims:

NOTICE OF CLAIM UNDER IDAHO TORT CLAIMS ACT

TO: Roy Barnes, City Clerk of Idaho Falls, Idaho
RE: Sewage and Water Damage
Date: April 7, 1977 and May 3, 1977
Place: 371 Homestead Lane, Idaho Falls, Idaho

David A. Gietzen and Marsha A. Gietzen, husband and wife, citizens and residents of Idaho Falls, Bonneville County, Idaho, hereby make this written claim and demand against the City of Idaho Falls, a municipality, State of Idaho, and its employees pursuant to Idaho Code 6-901, et seq. and advises and states and represents as follows:

1. Claimants' home is located at 371 Homestead Lane, Idaho Falls, Bonneville County, Idaho, and received property damage to carpet, paneling, plaster, paint, miscellaneous household goods, insulation, and required certain labor and clean up on April 7, 1977, and again on May 3, 1977, and required certain professional plumbing services all to their special and general damage in the sum of \$2,500.00.
2. That said damage to Claimant's home and property was caused by the negligence of the City of Idaho Falls, Bonneville County, Idaho, when water and sewer lines were obstructed, causing water, sewer, mud, etc. to back up into claimant's basement.
3. The claimants are residents and citizens of Idaho Falls, Idaho, and have been for six (6) months prior to the time their claim arose. Claimants' address is 371 Homestead Lane, Idaho Falls, Idaho.

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

Dated this 9th day of May, 1977.

s/ David A. Gietzen
s/ Marsha A. Gietzen

NOTICE OF CLAIM UNDER IDAHO TORT CLAIMS ACT

TO: Roy C. Barnes, City Clerk, City of Idaho Falls, Idaho
RE: Automobile Accident
Date: 2/21/77
Place: 17th Street and Holmes Avenue, Idaho Falls, Bonneville County, Idaho

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Gregory and Gwen Schwartzberger, a married couple, citizens and residents of Idaho Falls, Bonneville County, Idaho, hereby make this written claim and demand against the City of Idaho Falls, a municipality, State of Idaho, and its employees pursuant to Idaho Code 6-902, et. seq. and advises and states and represents as follows:

1. Claimants' 1972 Volkswagen automobile was damaged in a collision at the intersection of 17th Street and Holmes in the City of Idaho Falls, Idaho in the sum of approximately \$1,000.00 in a collision on February 21, 1977, with an automobile driven by Kathleen Marie Lattimore.
2. That at said time and place, Claimants' vehicle was involved in a collision with the Lattimore vehicle through the negligence of the City of Idaho Falls in maintaining defective signal devices, and/or through the negligence of Kathleen Marie Lattimore, or either or both of them contributing to said property damage.

Claimants believe and are informed that said traffic control devices at the intersection of 17th and Holmes Avenue may have been defective and concurring with the negligence of Kathleen Marie Lattimore may have contributed to or may have been the entire fault of said accident and resultant damages.

Claimants believe and therefore allege that at the accident, City employees whose names are unknown to Claimants, were working on said traffic control devices.

3. That Claimant Gwen Schwartzberger received bodily injuries, the scope and nature of which are not known at this time and for that reason claimant alleges and claims bodily injury in the amount of \$10,000.00.
4. That as a result of negligence and the accident, the Claimants have been without the services of their automobile, all to the general damage in the amount of \$1,000.00 and said vehicle has been stored at Lindsay Automotive, Idaho Falls, Idaho, at a storage fee of \$2.00 per day since February 21, 1977, and said \$2.00 per day storage has been accruing and will continue to accrue until sufficient sums are made available to claimants to repair said vehicle, and claim for said storage is hereby made at the rate of \$2.00 a day until paid.
5. That claimants are residents and citizens of Idaho Falls, Bonneville County, Idaho, and have been for six (6) months prior to the time their claim arose. Claimants' address is 484 W. 19th Street, Idaho Falls, Idaho.

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

Dated this 5th day of May, 1977

s/ Gregory Schwartzberger
s/ Gwen Schwartzberger

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It was explained that, in the interests of time, these had been forwarded to the City's liability insurance carrier on May 10th without formal Council approval. It was moved by Councilman Freeman, seconded by Campbell, that this action be ratified. Roll call as follows: Ayes, 4; No, none; carried.

Finally, under matters requiring Council ratification, this explanatory memo from the Electrical Engineer was submitted:

City of Idaho Falls
May 18, 1977

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: CITY-ERDA COOPERATIVE AGREEMENT

The Electric Division requests Council ratification of previous action regarding agreement between the City and ERDA for joint participation in the bulb turbine project.

The Mayor and Clerk need authorization to sign this agreement.

s/ G.S. Harrison

It was moved by Councilman Campbell, seconded by Hovey, that this action be ratified. Roll call as follows: Ayes, 4; No, none; carried.

License applications for FOUNTAIN & CONFECTIONS, Karmel Korn Shop; MOBILE FOUNTAIN, Ice Cream Bike; ELECTRICAL CONTRACTOR, Universal Service, Terry Brunson; JOURNEYMAN ELECTRICIAN, Harold Butler, Melvin Danielson, Terry Brunson; MASTER PLUMBER, Bingham Mechanical Inc.; CLASS A CONTRACTOR, GAS, WARM AIR, WET HEAT, REFRIGERATION, Bingham Mechanical, Inc.; PHOTOGRAPHY, Lisle Ramsey Studios, Eaton's Studio & Gallery; PRIVATE PATROLMAN, John E. Cowden; PUBLIC CONVEYANCE VEHICLE, Development Workshop; CAB OPERATORS, Joseph Antony, Robert Cohen; BARTENDER, Kurt Doney, Sally Richardo Tice, Ray Wilkerson, Harvey A. Keldsen, JoAnna Jo Carlsen, Ron Dumont, Nancy Hodges, Patricia Ruth Coffman, were presented. It was moved by Councilman Erickson, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 4; No, none; carried.

Presented by the City Clerk was an application from Craig Thiele for a bartender permit, carrying a recommendation from the Police Chief that it not be granted. It was moved by Councilman Erickson, seconded by Campbell, that this recommendation be upheld and this permit be respectfully denied. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk requested authorization to publish legal notice calling for a public hearing on June 9th to consider a rezoning petition from the First Church of Nazarene. It was moved by Councilman Campbell, seconded by Erickson, that authorization be granted to publish legal notice as indicated. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the City Clerk was presented:

City of Idaho Falls
May 19, 1977

MEMORANDUM

MAY 19, 1977

TO: Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

The Police Department has advised that a sufficient amount of unclaimed and impounded vehicles and merchandise has accumulated to warrant an auction sale.

We ask authorization to conduct said sale at the usual time and places on Saturday, June 4, 1977, and that the City Clerk be authorized to publish legal notice accordingly and that a professional auctioneer be retained to conduct the sale.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Campbell, seconded by Freeman, that authorization be granted, as requested, to conduct an auction sale at the time and places and under the conditions as stated. Roll call as follows: Ayes, 4; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
May 12, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-9

It is the recommendation of the General Services Division and the Golf Course Superintendent that the City Council accept the sole bid of Boyd Martin Company, Salt Lake City, Utah, to furnish one (1) Compost/Shredder at \$8,966.00 as per Bid #IF-77-9.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that Boyd Martin Company be awarded the bid for the Compost/Shredder as recommended. Roll call as follows: Ayes, 4; No, none; carried. Another memo from the General Services Director was presented, as follows:

City of Idaho Falls
May 12, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-10 VEHICLES

MAY 19, 1977

It is the recommendation of the General Services Division that the City Council accept the sole bid of Smith Chevrolet to furnish one (1) mid-size sedan with trade at \$3,995.00; one (1) compact pick-up at \$3,735.00; one (1) ½ ton pickup at \$4,720.00; and one (1) ½ ton pickup with trade at \$3,355.00. All units are accepted as per Bid #IF-77-10.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the bids of Smith Chevrolet be accepted for the vehicles as indicated. Roll call as follows: Ayes, 4; No, none; carried.

Still another memo from the General Services Director was submitted, as follows:

City of Idaho Falls
May 12, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-11 – CONDUCTOR

It is the recommendation of the General Services Division and Electric Division that the City Council accept the low bid of Amfac Electric Supply Company of Salt Lake City, Utah, to furnish 12,000 feet of conductor at \$7,251.00 as per Bid #IF-77-11.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the low bid of Amfac Electric Supply be accepted for 12,000 feet of conductor, as recommended. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
May 12, 1977

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-77-12 – ONE 750 KVA TRANSFORMER

It is the recommendation of the General Services and Electrical Divisions that the City Council accept the low bid of Spokane Transformer in the amount of \$5,545.00 to furnish one (1) 750 KVA Transformer as per Bid #IF-77-12.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that Spokane Transformer be awarded the bid for the transformer as recommended. Roll call as follows: Ayes, 4; No, none; carried.

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This memo from the City Controller was submitted:

City of Idaho Falls
May 11, 1977

MEMORANDUM

TO: S. Eddie Pedersen, Mayor and City Council
FROM: John D. Evans, Controller
SUBJECT: LEASE PURCHASE AGREEMENT – SAVIN PHOTO COPY MACHINES

Requesting your approval of a lease-purchase agreement with the Idaho First National Bank and Yost Office Systems to lease two Savin Photo Copy machines - (1) Model #770 and (1) Model #780. The amount of the lease is \$11,256.06 with installments to be paid as follows:

June	1977	\$2,000.00
October	1977	4,628.03
October	1978	4,628.03

A copy of the lease is attached for your review, as well as an estimate of savings.

s/ John D. Evans
Controller

It was moved by Councilman Freeman, seconded by Erickson, that this lease purchase agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
May 12, 1977

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PER FOOT ASSESSMENTS FOR INTERCEPTOR SEWERS

In February this year, City Council passed an Ordinance requiring that direct connections to Interceptor Sewers would require a payment of \$6.00 per front foot. It is generally accepted that each property pays the cost of a lateral sewer, and this Ordinance was an attempt to achieve equity by causing properties abutting an Interceptor to pay an equal share.

In about 1970, the East Interceptor was constructed across private property where easements were required. In consideration for these easements, the City offered a free sewer with the only cost being that of the normal connection charge.

The property across which this interceptor was constructed is now being developed into housing and the developers are requesting that they be excused from the recently enacted per foot assessment. Because of the unique circumstances and the previous commitments

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on the part of the City, we are requesting this charge for the segment of the East Interceptor between 17th Street and 1st Street be waived.

Sincerely,
s/ Don

It was moved by Councilman Campbell, seconded by Freeman, that for the reasons as described, the \$6.00 per front foot charge for interceptor sewer connections be waived for the segment of the East Interceptor between 17th Street and 1st Street. Roll call as follows: Ayes, 4; No, none; carried.

The Electrical Engineer submitted this memo:

City of Idaho Falls
May 18, 1977

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: UTAH POWER & LIGHT COMPANY CUSTOMER TRANSFER

The Electric Division requests a temporary moratorium on electric customer transfers. The budget for this item has essentially been depleted for this budget period. The Division will attempt to provide monies in the October budget to continue this service.

s/ G. S. Harrison

It was moved by Councilman Campbell, seconded by Freeman, that this temporary moratorium, as described, be approved as recommended. Roll call as follows: Ayes, 4; No, none; carried.

The City Clerk presented and read aloud this letter:

St. Clair, Hiller, Benjamin,
Wood & McGrath
May 13, 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:

Our law firm represents H.K.H. Investment Company relative to their purchase of the following described real property from the former Idaho Falls Community Redevelopment Commission by contract dated March 1, 1977, to-wit:

Beginning at the southeast corner of Lot 9, Block 1, original town site of Eagle Rock, now the City of Idaho Falls, Idaho and running thence

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N28°49'23" a distance of 169.67 feet to a point on a 710.29 foot radius curve (concave to the southwest whose 157.33 foot chord bears N54°45'42" W) said curve is 12.50 feet southwesterly from and parallel to the centerline of the Oregon Short Line Railroad Track, thence along said curve a distance of 157.65 feet, thence N61°07'13" W a distance of 32.36 feet to a point on a 470.00 foot radius curve on the easterly right of way line of Park Avenue (said curve is concave to the southeast whose 126.23 foot chord bears S13°23'17" W) thence along said curve a distance of 71.36 feet, thence S61°10'37" E a distance of 127.06 feet to the TRUE POINT OF BEGINNING and containing 29,622.8 square feet.

Under the terms and conditions of the aforementioned contract, it is our understanding that our clients were to submit to the City of Idaho Falls, an Assignee of the Idaho Falls Community Redevelopment Commission, its "Construction Plans" within 90 days of the date of the agreement. Please be advised that while our clients have retained the services of an architect for purposes of designating and preparing the necessary construction plans that the plans now received from the engineer contain certain oversights and in particular lack adequate provisions for parking on the subject premises. Accordingly, these plans will now have to be completely revised and it is now apparent that it will be impossible for our clients to meet the aforementioned construction plan deadline of June 1, 1977.

We therefore respectfully request a ninety-day (90) extension within which to resubmit these plans to appropriate architectural engineers in order to eliminate oversights and allow new construction plans to be completed which would be more compatible with not only the needs of our clients but the overall tenor of the redevelopment plan.

Your cooperation and assistance in granting this extension of time we feel would be not only the best interest of our client but in the best interest of the City of Idaho Falls. Your thoughtful consideration of this matter is greatly appreciated.

Very truly yours,
s/ Steve J. McGrath

It was moved by Councilman Freeman, seconded by Erickson, that this 90 day extension, as described, be approved for the reasons as stated. Roll call as follows: Ayes, 4; No, none; carried.

Another letter was presented and read aloud, to-wit:

City of Ammon
May 19, 1977

The Honorable S. Eddie Pedersen
Mayor of Idaho Falls
Idaho Falls, Idaho

Dear Mayor Pedersen:

MAY 19, 1977

As you know, the City of Ammon is extremely interested in the platting of the Russ Wallace sub-division. Our interest stems from the fact that this sub-division borders City limits for approximately 1,000 feet. While Ammon has no intention of annexing this sub-division at this time, we must insist its development be compatible with our plans.

Idaho Code, Section 50-1306 and 50-1308 clearly establishes that platting of this sub-division requires approval of the City of Idaho Falls by reason of the fact that where the jurisdiction of two cities overlap, then the jurisdiction shall be assumed by the larger City. Apparently, the fact that the proposed sub-division adjoins the smaller City makes no difference in assignment of responsibility. This certainly points out the need for revising the law.

Since we cannot immediately correct this inequity of the law, the City of Ammon respectfully requests that the City of Idaho Falls refrain from approving this sub-division until we can be assured of its compatibility. If possible, we would like our approval to be noted on the plat before it is accepted for record by the County recorder.

If I can be of any help in clarifying our position, please contact me.

Very truly yours,
s/ George Wehmann
Mayor of Ammon

It was moved by Councilman Campbell, seconded by Erickson, that this matter be referred to the Zoning and Planning Committee for study and consideration. Roll call as follows: Ayes, 4; No, none; carried.

Finally, under the heading of communications, this letter was presented:

V-1 Oil Company
May 12, 1977

Idaho Falls City Council
City Hall
308 C. Street
Idaho Falls, Idaho

RE: Tautphaus Park Ban on Liquor

Gentlemen:

We have held our annual company picnic at Tautphaus Park for the past eleven years.

We ask the City Council for consideration as to a variance, or some type of refundable deposit for companies, groups, and etc.

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We suggest a refundable deposit if the park used by the companies is left in a clean and orderly manner. The deposit could range from \$75.00 to \$150.00.

Thank you for your consideration.

Sincerely yours,
s/ Mark J. Bennion

It was moved by Councilman Erickson, seconded by Freeman, that this request be respectfully denied and the City Clerk be directed to advise Mr. Bennion accordingly. Roll call as follows: Ayes, 4; No, none; carried.

Several traffic recommendations from the Traffic Safety Committee were submitted by this memo:

May 18, 1977

TO: Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: TRAFFIC RECOMMENDATIONS

1. Relocate the support pole for traffic signals to the inside of sidewalk at northwest corner of Elm at Boulevard (Corner Avenue).

This is to assist turning radius of approximately thirty buses daily along with trucks southbound on Blvd. going west on Elm.

2. Suggested that upon completion of the Lomax couplet that 1st Street be one-way eastbound and Lomax be one-way westbound between the couplet and Yellowstone Highway and both be posted 25 MPH.

(One objector to one-way on First Street is Val Middleton, North Hiway Drug).

3. Post Colorado Street 25 MPH within the City limits. (The country portion is posted 25 MPH).
4. Remove one parking space on each side of Placer Avenue immediately south of Elm Street to improve traffic flow.
5. Referred from last Council meeting was a request for NO TRUCK TRAFFIC on Cemetery Drive.

Traffic Safety Committee reviewed and suggested that in their opinion to restrict truck traffic on Cemetery Drive would force the traffic through a more dense residential area and not reduce hazards.

6. Improve the south side of "F" Street as per drawings to include guard rail between Yellowstone and Shoup.

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7. Initiate plans for sidewalk south from 21st Street along Boulevard and in particular the removal of trees and shrubs at southwest corner of 21st and Boulevard. Engineering plans submitted.
8. The Traffic Safety Committee is opposed to use of the existing ingress-egress of the Old Porter Rest Home on the north off ramp to Lindsay Boulevard from U.S. 20 Freeway by the proposed Motel, Café, and Lounge. They could develop an access not to Lindsay Blvd. alleviating a potentially dangerous accident hazard.

s/ R.D. Pollock
Chairman of Traffic
Safety Committee

It was noted that recommendation Numbers 2 and 8 had been resolved at this meeting, needing no further consideration at this time.

With reference to Item No. 1, it was moved by Councilman Erickson, seconded by Freeman, that Colorado Street within the City limits be posted 25 MPH as proposed. Roll call as follows: Ayes, 4; No, none; carried.

With reference to the next recommendation, it was moved by Councilman Erickson, seconded by Freeman, that approval be given to remove one parking space on each side of Placer Avenue immediately south of Elm Street for the reason as stated. Roll call as follows: Ayes, 4; No, none; carried.

Also, with reference to the foregoing recommendation, it was suggested by Councilman Freeman that Placer Street between Elm and Maple be converted to one-way traffic. It was moved by Councilman Freeman, seconded by Erickson, that this matter be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 4; No, none; carried.

Recommendation No. 5 was then studied. It was moved by Councilman Erickson, seconded by Freeman, that the Traffic Safety Committee recommendation be upheld and this request that there be no truck traffic on Cemetery Drive be respectfully denied for the reason as stated. Roll call as follows: Ayes, 4; No, none; carried.

With reference to recommendation No. 6 it was moved by Councilman Erickson, seconded by Freeman, that the south side of F Street be improved in line with a previous decision, when funds are available. Roll call as follows: Ayes, 4; No, none; carried.

Finally, recommendation No. 7 was presented. It was moved by Councilman Campbell, seconded by Freeman, that plans be initiated for a sidewalk south from 21st Street along Blvd. to include the removal of trees and shrubs at the southwest corner of 21st and Blvd. Roll call as follows: Ayes, 4; No, none; carried.

Councilman Hovey drew attention to certain informal action taken by the Council at an earlier date, approving completion of an additional 10,000 feet of space in the new library to be leased to E.G.& G. for a technical library. It was moved by Councilman Hovey, seconded by Freeman, that this action be duly ratified and the City Attorney be directed to prepare or have prepared an appropriate lease in this regard. Roll call as follows: Ayes, 4; No, none; carried.

It was then moved by Councilman Hovey, seconded by Freeman, that a change order in the library construction contract in the amount of \$103,939.09 be approved and the Mayor be authorized to sign said change order to provide the additional construction work, as above mentioned, for the E.G.& G. technical library. Roll call as follows: Ayes, 4; No, none; carried.

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There being no further business, it was moved by Councilman Freeman, seconded by Campbell, that the meeting adjourn at 11:25 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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