

**DECEMBER 22, 1977**

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The City Council of the City of Idaho Falls met in Regular Meeting, December 22<sup>nd</sup>, 1977, at 7:30 P.M. in the Council Chamber in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Jim Freeman, Mel Erickson, Ralph Wood, Gil Karst, Paul Hovey, and Tom Campbell. Also present: Velma Chandler, Deputy City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last Regular Meeting, held December 8, 1977 were read and approved.

The following memo served to introduce annexation proceedings of an area to be known as Old Fashion Way, Division No. 1:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: OLD FASHION WAY, DIVISION NO. 1 – FINAL PLAT, ANNEXATION AND INITIAL ZONING

Attached is a copy of the annexation ordinance, annexation agreement and final plat of the Old Fashion Way, Division No. 1. This plat was considered at a recent meeting of the City Planning Commission, and at that time it was recommended that the final plat be approved, annexed to the City of Idaho Falls, with the initial zoning of R-1, except for the three large lots adjacent to Broadway which are recommended to be zoned R-3A.

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

s/ Rod Gilchrist

Mr. Douglas Wenzell, Rt. #4, Box 76, appeared before the Council, stating that he had several questions he would like answered in connection with this proposed annexation. City Attorney Smith advised that, due to the current law suit Mr. Wenzell has against the City, any discussion on this issue should be limited to the confines of the court.

Continuing, then, with annexation proceedings on the area to be known as Old Fashion Way, Division No. 1, a final plat of said area was presented. 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, 6; No, none; carried.

An annexation agreement between the City and the Old Fashion Way, Division No. 1 developer was reviewed. 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, 5; No, none; carried.

**ORDINANCE NO. 1526**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (OLD FASHION WAY, DIV. #1)

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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 foregoing area having been annexed, the Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider the initial zoning of the Old Fashion Way Addition, Division 1. There were none who appeared to protest or otherwise comment on the proposed zoning, as recommended by the Planning Commission. It was moved by Councilman Campbell, seconded by Erickson, that the Old Fashion Way Division No. 1 be initially zoned R-1 except for the three large lots adjacent to Broadway and that those be zoned R-3A, as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The following memo from the Building Administrator served to introduce annexation proceedings for the Park-St. Clair Addition:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: PARK/ST. CLAIR ADDITION - FINAL PLAT, ANNEXATION & INITIAL ZONING

Attached is a copy of the final plat, annexation ordinance and annexation agreement for the Park-St. Clair Addition, Division No. 2. The Planning Commission recently considered this plat and at that time recommended approval of the plat, annexation to the City, and initial zoning of RP-A.

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

s/ Rod Gilchrist

The final plat of said area was then considered. It was moved by Councilman Campbell, seconded by Freeman, that the plat be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. Councilman Erickson abstaining.

An annexation agreement between the City and the Park-St. Clair Addition was reviewed. It was moved by Councilman Campbell, seconded by Freeman, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. Councilman Erickson abstaining.

An annexation agreement between the City and the Park-St. Clair Addition was reviewed. It was moved by Councilman Campbell, seconded by Freeman, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried. Councilman Erickson abstaining.

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**ORDINANCE NO. 1527**

AN ORDINANCE ANNEXING CERTAIN LANDS TO  
THE CITY OF IDAHO FALLS: DESCRIBING SAME A  
PART OF THE CITY OF IDAHO FALLS, IDAHO.  
(PARK-ST. CLAIR ADDITION, DIVISION #2)

The foregoing ordinance was presented in title. It was moved by Councilman Campbell, seconded by Freeman, 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. Councilman Erickson abstaining.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider the initial zoning of Park-St. Clair Addition, Division #2. There were none who appeared to protest or otherwise comment on the initial zoning as proposed by the Planning Commission. It was moved by Councilman Campbell, seconded by Freeman, that this area be initially zoned R-PA as recommended. Roll call as follows: Ayes, 5; No, none; carried. Councilman Erickson abstaining.

The following memo from the Building Administrator served to introduce annexation proceedings on Pancheri Addition, Division #3:

City of Idaho Falls  
December 22, 1997

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: PANCHERI ADDITION, DIVISION NO. 3 - FINAL PLAT,  
ANNEXATION AND INITIAL ZONING

Attached is a copy of the final plat, annexation ordinance, and annexation agreement for the Pancheri Addition, Division No. 3. The City Planning Commission, at a recent meeting, considered this subdivision and at that time recommended approval of the final plat, annexation to the City and initial zoning of R-1.

The department concurs with the recommendation of the Planning Commission and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

First to be considered was a final plat of said area. It was moved by Councilman Campbell, seconded by Freeman, that this plat be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

An annexation agreement between the City and the Pancheri Addition, Division #3 developer was reviewed. It was moved by Councilman Campbell, seconded by Erickson, that this agreement between the City and the Pancheri Addition, Division #3 developer was

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reviewed. 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. 1528**

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. (PANCHERI ADDITION, DIVISION #3)

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 foregoing area having been annexed, the Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider its initial zoning. There were none who appeared to protest or otherwise comment on the proposed zoning, as recommended by the Planning Commission. It was moved by Councilman Campbell, seconded by Erickson, that the Pancheri Addition, Division #3 be zoned R-1 as recommended. Roll call as follows: Ayes, 6; No, none; carried.

With reference to any and all of the foregoing initial zoning action, it was moved by Councilman Campbell, seconded by Freeman, that the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Administrator was presented:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: FINAL PLAT, ANNEXATION & INITIAL ZONING OF HATCH ADDITION, DIVISION NO. 8, AND THE REZONING OF A PORTION OF HATCH ADDITION, DIVISION NO. 7

This office requests that the public hearing on these two subject items be recessed until the next regular Council Meeting, as the final plat and annexation agreement are not complete at this time.

s/ Rod Gilchrist

Inasmuch as a legal notice had been published calling for a public hearing this night to consider the initial zoning of the Hatch Addition, Division No. 8, subject to its having first been annexed into the City. It was moved by Councilman Campbell, seconded by Erickson, that said public hearing be recessed until January 5<sup>th</sup>, 1978 with the understanding that it be conducted said night only if the Hatch Addition, Division No. 8 is first annexed into the City. Roll call as follows: Ayes, 6; No, none; carried.

With reference to the above mentioned rezoning of a portion of the Hatch Addition, Division No. 7, it was moved by Councilman Campbell, seconded by Erickson, that this public hearing be recessed until January 5<sup>th</sup>, 1978. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to consider certain amendments to zoning Ordinance No. 1115, recommended by the Planning Commission as follows:

1. Page 78, Sec. 5-8-G. "The Board of Adjustment (shall) hold a public hearing..."
2. Page 16, Sec. 3-2-B. (4<sup>th</sup> line from bottom) - "The Planning Commission (shall) call a public hearing before submitting its recommendations to the City Council. The hearing procedure shall be in accordance with Section 3-2-D of this ordinance."
3. Page 17, addition to Sec. 3-2-D. Additional notice shall be provided by mail to property owners and residents within the land being considered; three-hundred (300) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Commission.

Asked for comment, City Attorney Smith explained that, without benefit of ordinance but in line with internal policy as a service to the public, the Planning and Zoning Division had, in the past, followed the procedure as outlined in the foregoing proposed amendments. Recommendation No. 1 was first presented. There were no protests. It was moved by Councilman Campbell, seconded by Erickson, that this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 2 was then considered. There were no protests. It was moved by Councilman Campbell, seconded by Erickson, that this recommendation also be approved. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Recommendation No. 3 was introduced. Mrs. David Bybee, 2198 S. Woodruff, appeared before the Council, stating that, sometime in the not too distant past, her mother had been notified in writing as to a re-zoning hearing. However, continued Mrs. Bybee, the notice was dated on a Friday, mailed on a Monday and received on a Tuesday, the day of the hearing. She suggested that notices be sent earlier, thus giving the recipient more time to consider its contents. There were no protests registered pertaining to recommendation No. 3. It was moved by Councilman Campbell, seconded by Erickson, that this recommendation be approved and, with respect to all three of these proposed amendments, the City Attorney be directed to include them in the next amendatory ordinance to Ordinance No. 1115. 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 request for a variance as explained in this memo from the Building Administrator:

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City of Idaho Falls  
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MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: REQUEST FOR VARIANCE - TEMPORARY PLACEMENT OF  
MOBILE HOME

Attached is a copy of a request for a variance submitted by EG&G to place a mobile home in the bus parking lot adjacent to 2<sup>nd</sup> and Freeman. This mobile home is to be used as a bus drivers standby office and bunkhouse.

This office has received no objections from adjacent property owners and we recommend approval on a temporary basis. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

There were none who appeared to protest or otherwise comment on this variance request. It was moved by Councilman Campbell, seconded by Erickson, that this variance be granted for a six month period. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY STORE, Grand Central, Inc., Midget Market, Village Market, Speedi Mart, Elm Street Jiffy Mart, Oscar's, KOA, Ray's Minit Market, Holiday Market; RESTAURANT, Reids Pizza Haus, Pocket's Inc., Sandpiper, Westbank, Coffee Shop, Inc., Cowboy Spud, Scotty's Drive In, Lantern Pizza Shoppe; ELECTRICAL CONTRACTOR, Max J. Storer Electric, Whipple Electric, JOURNEYMAN ELECTRICIAN, Wilford L. Whipple, Walter L. Whipple, Weldon L. Whipple, James D. Kondel, Max J. Storer, APPRENTICE ELECTRICIAN, Richard M. Storer with Max Storer Electric; MASTER PLUMBER, Lewis Thompson for Thompson Plumbing; JOURNEYMAN PLUMBER, Lewis Thompson, Richard Clark; CLASS D CONTRACTOR, WA, Walter L. Whipple; CLASS D CONTRACTOR, GAS & WH, CLASS C, Adrian N. Dekramer; CLASS D JOURNEYMAN, GF, Jay Rawley with AMCOR; CLASS D JOURNEYMAN REF, Darrel D. Smith; CLASS D JOURNEYMAN, WA, Walter L. Whipple; DANCE HALL, Westbank Coffee Shop; HOTEL, Janet McCormick, for Grand Hotel; BEER (canned and bottled, not to be consumed on the premises), Holiday Market, KOA, Save Fast Gas, Jerold D. Epperly, Elm Street Jiffy Mart, Edwards Farmer Market, Nave's Conoco, Midget Market, Skaggs Drug Center, Grand Central, Inc., Speedi Mart; BEER (canned, bottled, to be consumed on the premises), Russetts Lions Club; BEER (canned, bottled and draught to be consumed on the premises), Ford's Bar, Oscar's Fraternal Order of Eagles, Grand Bar, Inc., Westbank Coffee Shop, Sandpiper, Pocket's, Reid's Pizza Haus, Lantern Pizza Shoppe; BARTENDER, Karen Thornick, Sidney Dixon, Vicki Mooney, Yolanda Evensooky, Mickey Clancy, Renee Cooper, Teresa E. Ellingford, Mary Kay Evans, Margaret E. Moneyhun, Roger Paul Dixey, C. C. Hendricks, Gary Elg; LIQUOR, Pocket's, Rapon Invest, dba /Sandpiper, Westbank Coffee Shop, Inc., Janet P. McCormick dba Grand Bar, Inc., Fraternal Order of Eagles, James & Merrill Inglestrom, & Ralph Ingram for Ford's Bar, 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.

The City Clerk noted that a legal notice had been published, without formal Council approval, calling for a public hearing, held this night, to consider the granting of a variance to permit the temporary placement of a mobile home at Freeman and 2<sup>nd</sup> Street. It

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was moved by Councilman Campbell, seconded by Erickson, that this action by the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented this damage claim:

State Farm Mutual  
Automobile Ins.  
December 7, 1977

City of Idaho Falls

Gentlemen:

RE: Claim No. 12154 428  
Our insured: Joseph Hawkins  
Date of Accident: August 3, 1977  
Amount of Loss: \$395.88

We are writing to you with reference to the damage to a vehicle owned by the above named on the date indicated. As a result of the accident, it was necessary to repair the damage to the vehicle and the repairs have been completed for the above amount.

The information in our file and the facts that have been reported to us indicated that you are responsible for this accident. If you have insurance, please refer this letter to your insurance company for discharge of your obligation, and inform us as to your insurer's name, its address, and your policy number. If you do not have insurance, please forward your remittance for the above amount to satisfy this account.

Please use the enclosed self-addressed envelope then replying so that your payment will receive prompt acknowledgement.

Your very truly,  
s/ William Snead  
Property Damage  
Supervisor

It was noted that, in the interest of time, said claim had been forwarded to the City's liability insurance carrier on December 16<sup>th</sup> without formal Council approval. It was moved by Councilman Karst, seconded by Freeman, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was presented:

December 22, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Roy C. Barnes, City Clerk

Gentlemen:

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From this time of the year through December 31<sup>st</sup>, the City Clerk's office is besieged with routine 1978 license renewal applications. Many of these, particularly beer and liquor, are wanted and needed badly by the applicant, prior to January 1<sup>st</sup>. We are requesting that your office be authorized to issue said licenses after they are approved by the appropriate Division Director but before they are presented to the Council. If this request is granted, we would then present them to the Council for ratification after the first of the year.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Erickson, seconded by Karst, that, during the period as indicated, the City Clerk be authorized to issue licenses as applications are submitted after being approved by the appropriate Division Director and that this action be subject to ratification by the Council at a later date. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Treasurer was presented:

City of Idaho Falls  
December 20, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Lorna Coughlin  
SUBJECT: LOCAL IMPROVEMENT DISTRICTS ON PORTION OF LOT 7,  
BLOCK 99, RIVERSIDE

The City of Idaho Falls has assessed a piece of property in L. I. D. No.'s 19, 21, 37. This property is in the name of Bonneville County. It is a few feet of land adjacent to Lot 8, Block 99, Riverside Addition. The County is going to deed it to the adjacent property owner. The owner wishes to clear the land from all liens. Because District's 19 and 21 have been closed out of the City books and all the bonds have been paid in full, I recommend that the City issue redemption deeds in these two districts. I will collect the total amount due on the property in District No. 37 and the City will need to issue a redemption deed for this district. At this time, I need Council approval to waive the amounts owed in District No. 19 and 21.

s/ Lorna  
Lorna Coughlin  
City Treasurer

It was moved by Councilman Karst, seconded by Freeman that, in accordance with the City Treasurer's recommendation, amounts owed in Districts No. 19 and 21 be waived for the reason as stated and that issuance of City redemption deeds be authorized in these districts. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Librarian was reviewed:

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I.F. Public Library  
December 21, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jeanne Goodrich, City Librarian  
RE: BIDS ON AUTOMATED CIRCULATION SYSTEM, BID NUMBER IF-78-9

It is the recommendation of the Idaho Falls Public Library Board of Trustees that the Idaho Falls City Council accept the bid made by C. L. Systems, Inc. as the low bid meeting specifications for an automated circulation system.

C. L. Systems, Inc. was the only bidder and bid two options, depending upon capacity. It is the recommendation of the Library Board that Option II, for a Model 14 system, be accepted. The cost of this system is \$120,000, plus \$1,000 for shipping, for a total cost of \$121,000. It is our feeling that this system will meet present and future needs, while the Option I, Model 12 system would meet only present needs, with no capacity for future growth in bookstock or circulations. There is adequate money remaining in the building project budget to purchase the recommended system. Delivery is expected within thirty days of our order.

s/ Jeanne Goodrich

It was moved by Councilman Hovey, seconded by Freeman, that the bid of C. L. Systems, Inc. be accepted for the project as described and the General Services Director be authorized to make necessary arrangements for delivery. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Administrator, came this memo:

City of Idaho Falls  
December 21, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Councilman Karst  
SUBJECT: URBAN RENEWAL PROJECT

The City of Idaho Falls has recently received the approved close-out agreement for HUD. This is the final document necessary to officially close out the Community/Redevelopment Commission office and transfer those functions to the City of Idaho Falls. The City now has the authority to transfer deeds to purchasers of the remaining parcels of property in the Urban Renewal project.

I request the Mayor and City Council authorize the City Attorney to draw up the deeds on Parcels A and G-1, and take the necessary action to complete the sale of these two remaining properties.

s/ Rod Gilchrist

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It was moved by Councilman Karst, seconded by Freeman, that the City Attorney be directed to prepare the deeds as described for the reason as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Also from the Building Administrator came this memo:

City of Idaho Falls  
December 2, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: OFFICIAL DETERMINATION TO ACQUIRE PROPERTY

According to Community Development Block Grant regulations, the City Council must take official action to show intent to acquire property and authorize the proper City Officials to proceed. This action should be taken relative to two items included in the 1977 C-D program;

1. Acquisition of the Senior Citizens Center, and
2. Neighborhood Park in the Bel-Aire Area

s/ Rod Gilchrist

It was moved by Councilman Campbell, seconded by Karst, that official action be approved by the City Council, indicating intent to acquire the properties as indicated and that the appropriate City Officials be authorized to proceed with said acquisition as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller, this memo was submitted:

City of Idaho Falls  
December 20, 1977

MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council  
FROM: John D. Evans, Controller  
SUBJECT: LEASE-PURCHASE AGREEMENT - IDAHO FIRST NATIONAL BANK GOLF COURSE EQUIPMENT

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

- |   |                              |         |             |
|---|------------------------------|---------|-------------|
| 1 | F133 Tractor 67675, SN #1922 |         |             |
| 1 | Battery                      |         |             |
| 1 | 67681 2 Gang Rollers         |         |             |
| 1 | 69048 Fenders                |         |             |
| 1 | 69048 Dual Wheels            |         |             |
| 1 | 71531 7 Gang Fairway Frames  |         |             |
| 7 | 71105 Fairway Mowers         |         |             |
| 7 | 70097 Semi Pneumatic         | Wheels, | SN #183803, |
|   | 183804,183802, and 183801    |         |             |

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1 62219 Jackson Greens King, SN # 7125  
3 68527 Grooved Rollers  
1 WFR Lely Spreader with Remote Control, Sand and Salt  
Ejector Disc. Hopper Extension  
1 John Deere Tractor, SN #2040A266709L  
1 Gyramor Mower  
1 Loader  
1 Sickle Mower

Payment for the above will consist of 1 annual payment of \$8,000.00 and 4 annual payments of \$5,028.24 due during the month of December each year.

Requesting the Mayor and Clerk execute the attached documents covering this agreement.

s/ John D. Evans

It was moved by Councilman Karst, seconded by Freeman, that the Mayor and City Clerk be authorized to sign the lease-purchase agreement as described for golf course equipment. Roll call as follows: Ayes, 6; No, none; carried.

Also from the City Controller, came this memo:

City of Idaho Falls

December 22, 1977

MEMORANDUM

TO: Mayor and Council  
FROM: John D. Evans

Authorization is hereby requested for the Mayor to sign the attached proposal to lease computer equipment with the Idaho First National Bank and I.B.M. This equipment lease was provided for in the 1977-78 budget.

Installation of this equipment is scheduled for March 1978, at which time the bank will prepare the necessary lease documents for execution by the Mayor and Clerk.

Proposal covers the following:

| Equipment                 | Purchase Cost    |
|---------------------------|------------------|
| 64K memory                | \$ 7,000.00      |
| 3 CRT communication ports | 1,455.00         |
| Larger disk storage 3344  | <u>49,500.00</u> |
| TOTAL                     | \$57,955.00      |

s/ John D. Evans

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It was noted by Councilman Karst that the county has approved this lease. It was moved by Councilman Karst, seconded by Freeman, that the Mayor and City Clerk be authorized to sign the necessary lease documents as indicated. Roll call as follows: Ayes, 6; No, none, carried.

Next, from the City Controller came this memo:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Mayor and Council  
FROM: John D. Evans

I hereby request your authorization for the fiscal committee to solicit proposals from two National C.P.A. firms to perform the necessary audit of City Accounts for the proposed electric revenue bond.

s/ John D. Evans

Councilman Karst noted that it was necessary to have nationally recognized C.P.A.'s to perform this audit. It was moved by Councilman Karst, seconded by Freeman, that the fiscal committee be authorized to solicit proposals for audit of City accounts. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the General Services Director was then presented:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: FEDERAL SURPLUS PROPERTY

The General Services Division respectfully requests authorization for the Mayor, as chief administrative officer of the City of Idaho Falls, to sign eligibility application papers for the Federal Surplus Personal Property Program. This signed application being on file with the State of Idaho Bureau of Surplus Property will permit the City to participate in the acquisition of Federal Surplus Property.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the Mayor be authorized to sign the eligibility application papers as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the General Services Director came this memo:

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City of Idaho Falls  
December 13, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: AUTHORIZATION TO ADVERTISE

The General Services Division respectfully requests authorization to advertise for bids for motor fuels, heating oils, and lubricants for the year 1978.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the General Services Director be authorized to advertise for bids for motor fuels, heating oil, and lubricants for the year 1978. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls  
December 20, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: BID #ID-78-6, BACKHOE-LOADER

It is the recommendation of the General Services Division that the City Council accept the low bid of Case Power and Equipment Company to furnish one (1) Backhoe-Loader at \$27,432.00 with trade as per Bid #IF-78-6.

Thank you,  
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Freeman, that the low bid of Case Power & Equipment for one Backhoe-Loader be accepted for the equipment and the amount as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the General Services Director, came this memo:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger  
SUBJECT: BID # IF-78-7, VEHICLES

It is the recommendation of the General Services Division that the City Council accept the low responsive bids to furnish the following vehicles as per Bid #IF-78-7.

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|                                       |  |   |
|---------------------------------------|--|---|
| Ellsworth Brothers<br>Idaho Falls, ID | Three (3) ½ ton pickups w/trade<br>One (1) ¾ ton pickup w/trade<br>One (1) cargo van w/trade<br>One (1) sedan w/trade<br>One (1) sedan w/trade | \$14,278.00<br>5,119.00<br>5,094.00<br>4,624.00<br><u>5,128.00</u><br>\$34,243.00 |
| Smith Chervolet<br>Idaho Falls, ID    | One (1) ½ ton pickup w/trade<br>Two (2) vans w/trade   | 4,647.00<br><u>12,020.00</u><br>\$16,667.00                                       |

Imperial Motors, Inc. of Idaho Falls provided low bid on the sedans, but their bid bond was inappropriate, consequently the recommendation, in that case, is in favor of the next low bidder.

Thank you,  
s/ Chad Stanger

Mr. Terry Clark, representing Imperial Motors appeared briefly to protest the awarding of the bid to Ellsworth Dodge. He said that the City had previously accepted personal checks as a bid bond and he felt that since said check had not been returned, theirs was a valid bid. City Attorney Smith explained that checks are usually held until the bid is awarded and then returned. He said that one of the provisions of the bid specifications was that it be accompanied by a cashiers check or bid bond, not a personalized check. It was moved by Councilman Hovey, seconded by Freeman, that, in each instance, bids for the equipment as indicated be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

At this time the Mayor declared a brief recess, occasioned by the appearance of the following: Messrs. Bob Bybee, N.D. (Andy) Anderson, Bert Musselman and Kent Just, also, Mrs. Mary Rutz and Mrs. Ruth Landseth. In the form of a roast, these civic minded citizens commended the Mayor for his extremely popular and successful administration during his past fourteen year career as the Chief Executive of the City of Idaho Falls.

Mr. George Wehman, Mayor of the City of Ammon, Idaho, then appeared in behalf of himself and the City of Ammon and presented Mayor Pedersen with a plaque of tribute and appreciation for the united cooperative effort from the City of Idaho Falls in behalf of Ammon during his administration.

After the meeting was reconvened, this memo from the Director of Aviation was presented:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Airport Committee  
SUBJECT: AIRPORT INDUSTRIAL PARK LEASE

Reference: Our memo October 10, 1977

In accordance with the reference memorandum subsequently passed by the City Council, the City Attorney was instructed to draw up a lease with Measurements, Inc. for Lots 4,5,6 and 7, Block 6, Division 3, of the Airport Industrial Park. This has now been accomplished. We request that the City

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Council again authorize the Mayor and City Clerk to execute this agreement on behalf of the City.

s/ H.P. Hill

It was moved by Councilman Wood, seconded by Karst, that the Mayor and City Clerk be authorized to execute the Agreement as recommended. Roll call as follows: Ayes, 6; No, None; carried.

Also, from the Director of Aviation, this memo was submitted:

City of Idaho Falls  
December 20, 1977

MEMORANDUM

TO: Mayor and City Council  
FROM: Airport Committee  
SUBJECT: AMENDMENT TO GRANT AGREEMENT ON PREVIOUS ADAP PROJECT

The Federal Aviation Administration proffers an Amendment to the Grant Agreement on Airport Development Aid Project No. 8-16-0018-03 accepted by the City on August 22, 1974. This Amendment increases the amount of the Grant by \$15,887.50 for a total amount of \$449,571.50.

The subject project was completed upon adjudication of the property condemnation suit (the City vs. Messrs. Rigby, Clayton, et. al.). Acceptance of the Amendment by the City allows the FAA to participate in 90% of the overage occasioned by the judgement.

The Airport recommends that the City Council authorize the Mayor, City Attorney, and City Clerk to accept and execute this Amendment on behalf of the City.

s/ Harold P. Hill

The foregoing memo served to introduce the following resolution which was introduced by Councilman Wood, read in full, considered and adopted:

**RESOLUTION (Resolution No. 1977-13)**

A Resolution of the City of Idaho Falls, Idaho, accepting the Grant Offer of the United States of America through the Federal Aviation Administration in the maximum amount of \$499,571.50 to be used under the Airport Development Aid Program Project No. 8-16-0018-03 in the development of Idaho Falls Municipal Airport; and

Be it resolved by the members of the City Council of the City of Idaho Falls, Idaho, as follows:

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- Sec. 1 That the City of Idaho Falls shall accept the Grant Offer to the United States of America in the maximum amount of \$499,571.50 for the purpose of obtaining Federal Aid under Project No. 8-16-0018-03 in the development of Idaho Falls Municipal Airport; and
- Sec. 2 That the Mayor of the City of Idaho Falls is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Part II-Acceptance) on behalf of the City of Idaho Falls, and the City Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the City of Idaho Falls on the aforesaid statement of Acceptance; and
- Sec. 3 A true Copy of the Grant Offer referred to herein is attached hereto and made a part hereof.

It was noted that, by passage of the foregoing resolution, the Mayor and City Clerk were authorized to sign Amendment #1 to the F. A. A. Grant Agreement having to do with Project No. 8-16-0018-03.

This memo from the Public Works Director was read and considered:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SOLID WASTE

Earlier this year the Cities of Idaho Falls and Pocatello entered into a Joint Resolution of Intent covering the investigation of solid waste disposal. We have now proposed to expand this Resolution on Intent to include the three counties of Bannock, Bingham, and Bonneville and the City of Blackfoot. The Public Works Committee would recommend that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,  
s/ Don

The foregoing memo served to introduce the following resolution:

**JOINT RESOLUTION OF INTENT  
FOR THE DISPOSITION OF SOLID WASTE  
(Resolution No. 1977-14)**

WHEREAS, in keeping with the National Policy, there is a need for continuous energy and resource conservation: and

WHEREAS, resource recovery is a form of energy conservation consistent with State and National goals; and

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WHEREAS, officials of Bannock, Bingham, and Bonneville counties, together with officials of the three principal Cities, Pocatello, Blackfoot, and Idaho Falls have expressed keen interest in conservation; and

WHEREAS, solid waste generated by the three cities and counties is at present being disposed of in sanitary landfills with no effort to recover the resources of said landfills; and

WHEREAS, solid waste must be considered a resource;

NOW, THEREFORE BE IT RESOLVED that the three cities and counties jointly agree to provide the leadership to institute a region-wide investigation in order to determine the economic feasibility of solid waste disposal incorporating resource recovery. More specifically, the cities and counties:

1. Agree to seek funding from all available sources which may be used for investigations, feasibility studies, and the implementation of such programs.
2. Authorize and create a steering committee, comprised of one elected official from each member entity in order to pursue the stated objectives.

IN WITNESS THEREOF, the following entities affix their signatures:

\_\_\_\_\_  
Chairman, Bannock County Commissions

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman, Bingham County Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman, Bonneville County Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Mayor, City of Pocatello

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor, City of Blackfoot

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
s/ S. Eddie Pedersen  
Mayor, City of Idaho Falls

ATTEST:

\_\_\_\_\_  
s/ Roy C. Barnes  
City Clerk

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

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Also, from the Public Works Director came this memo:

City of Idaho Falls  
December 20, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: HIGHLAND PARK SANITARY SEWER

|                       |             |
|-----------------------|-------------|
| Porter Construction   | \$40,059.00 |
| H-K Contractors, Inc. | 42,754.00   |
| Grover Construction   | 47,521.00   |
| Engineer's Estimate   | 45,293.00   |

Each of these bids have been reviewed and we would recommend that the City award the contract to the low bidder Porter Construction, Rt. 1 W. Siphon Road, Pocatello, Idaho in the amount of \$40,059.00.

Respectfully submitted,  
s/ Don  
Donald F. Lloyd

It was moved by Councilman Karst, seconded by Campbell, that the low bid of Porter Construction, in the amount of \$40,059.00 be accepted for the project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: AMENDMENT TO COOPERATIVE AGREEMENT WITH  
BONNEVILLE COUNTY

We are attaching hereto an Amendment to the Cooperative Agreement for the development of the Hitt-Hackman Road which had been executed by Bonneville County. This Amendment ensures that both entities will participate an equal share in the development of this road. The Public Works Committee would recommend that the Mayor and City Clerk be authorized to sign approval.

s/ Don Lloyd

It was moved by Councilman Karst, seconded by Campbell, that the Mayor and City Clerk be authorized to sign this amendment to the cooperative agreement between the City and the County for development of the Hitt-Hackman Road. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, this memo was submitted:

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City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: DRY WELL APPLICATIONS

During the time from the last City Council Meeting two additional dry wells have been located on the west side and applications have been prepared for a permit. In the interest of time, the Mayor has signed these applications and we are now requesting authorization for his signature.

s/ Don Lloyd

It was moved by Councilman Karst, seconded by Campbell, that the action of the Mayor in signing these applications be duly ratified. Roll call as follows: Ayes, 6; No, none; carried. Finally from the Public Works Director, this memo was submitted:

City of Idaho Falls  
December 22, 1977

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: UTAH AVENUE RAILROAD CROSSING

We are attaching hereto three copies of a construction agreement and resolution for the Utah Avenue Railroad Crossing Project in Idaho Falls. This project is estimated to cost \$66,000 of which 90% will be Federal participation, while the City's cost is \$4,601. We would recommend that the Mayor and City Clerk be authorized to sign the City's approval.

s/ Donald Lloyd

The foregoing memo served to introduce this resolution:

**R E S O L U T I O N (Resolution No. 1977-15)**

WHEREAS, the Idaho Transportation Department, Division of Highways, herein after called the State, has submitted a Cooperative Agreement stating obligations of the State and the City of Idaho Falls, Idaho, for installation of automatic railroad crossing signals lighting, signing and pavement markings at DOT 812-394K under Federal-aid Project RRP-7076(001); and,

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

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

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement for Federal-Aid Project RRP-7076 (001) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Cooperative Agreement on behalf of the City.
3. That duly certified copies of the resolution shall be furnished the Idaho Transportation Department, Division of Highways.

It was moved by Councilman Karst, seconded by Campbell, that this resolution be adopted and passed. Roll call as follows: Ayes, 6; No, none; carried. It was noted that, by passage of the foregoing resolutions, the Mayor and City Clerk were authorized to sign the construction agreement for project No. RRP-7076 (001) for certain improvements on Utah Avenue between Broadway and Houston Streets.

This memo from the Electrical Engineer was presented:

City of Idaho Falls  
December 21, 1977

MEMORANDUM

TO: Mayor & Council  
FROM: Steve Harrison  
SUBJECT: REQUEST FOR COUNCIL AUTHORIZATION

- A. The Electric Division recommends that the City Council pass a resolution setting the bulb turbine bond election for Tuesday, February 21, 1978.
- B. The Division also requests that the bonding procedure ordinance be prepared and presented at the January 5, 1978 Council Meeting.
- C. The Division further recommends that the ordinance contain provisions that the City shall be authorized to sell revenue bonds to the extent of \$46,00.00.

s/ Steve Harrison

It was moved by Councilman Wood, seconded by Campbell, that the City Attorney be directed to prepare a resolution setting February 21<sup>st</sup>, 1978 as the date to conduct a bulb turbine revenue bond election and that the Bond Attorney be authorized to prepare a bond ordinance as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Also, this memo was presented from the Electrical Engineer:

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City of Idaho Falls  
December 21, 1977

MEMORANDUM

TO: Mayor & Council  
FROM: Steve Harrison  
SUBJECT: A-E FIRM PROPOSALS

The Electrical Division requests authorization to solicit proposals from several A-E firms to design, inspect and manage the bulb turbine project. The proposed agreement with DOE provides that the selection of the A-E firm shall be competitive.

s/ Steve Harrison

Councilman Wood noted that the Department of Energy required that more than one firm be solicited for proposals. It was moved by Councilman Wood, seconded by Campbell, that the Electrical Engineer be authorized to solicit proposals for the type of engineering services as described on the bulb turbine project. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Electrical Engineer, came this memo:

City of Idaho Falls  
December 16, 1977

MEMORANDUM

TO: Mayor and Council  
FROM: Steve Harrison  
SUBJECT: BULB TURBINE AGREEMENT WITH ERDA

The definition phase agreement signed by the City and ERDA (now DOE) provided that all subcontractors also agree to certain federal requirements.

Since IECO is a City subcontractor, they have provided amendments for the three agreements that we have with them. These amendments incorporate into the City-IECO agreements those certain federal requirements.

The Mayor and City Clerk need authorization to sign.

s/ Steve Harrison

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

The City Clerk then read aloud this letter:

November 28, 1977

Mayor S. Eddie Pedersen  
City Building, Box 220  
Idaho Falls, Idaho 83401

DECEMBER 22, 1977

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Dear Mayor:

In connection with our recent conversations, I would appreciate it very much if you would accept my resignation from the Idaho Falls Library Board. I have appreciated the experience of working for the citizens of Idaho Falls and, particularly working with the Council, the other members of the Board, the staff, and in particular all of those who contributed to the successful completion of the new Idaho Falls Library.

My sincere best wishes to you in your retirement.

Best personal regards,  
s/ William F. Rigby

It was moved by Councilman Hovey, seconded by Freeman, that the Council accept the resignation of William F. Rigby as a member of the Library Board and that the Mayor be instructed to write a letter of appreciation to Mr. Rigby for services rendered in this capacity. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk reported that a card of appreciation had been received from the Ed Simmerman family as a result of the expression of sympathy by the City in connection with the recent death of Mr. Simmerman. The Mayor asked that this be made a matter of record.

The Mayor requested Council ratification in having appointed Mrs. Claire Bowling to the Library Board of Trustees and Jake Cordova as a member of the Board of Adjustments. It was moved by Councilman Freeman, seconded by Hovey, that these appointments, by the Mayor, be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 79 in this book of minutes and, more specifically, a directive by the Mayor that General Services Director Stanger prepare a historical background pertaining to property acquisition and/or transfer in connection with the original Salvation Army premises. By use of slides so that all present could see, Stanger presented the following:

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Director of General Services  
SUBJECT: SALVATION ARMY LEASE

During the City Council Meeting, Thursday, December 8, 1977, the General Services Division was directed to prepare a historical outline of events leading up to and including the City's decision to lease the Old Public Library at 200 Eastern Avenue to the Salvation Army.

The outline presented below as per this request represents to my knowledge the best information available at this date.

December 2, 1919

Salvation Army of Idaho Falls purchased Lots one (1) and two (2) Holmes Subdivision of the Railroad Addition to the town of Eagle Rock now the City of Idaho Falls.

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Purchased from P.H. Moreland of Gooding, Idaho for a sum of \$10,750.00.

April 3, 1920                      Deed issued to correct previous deed of December 2, 1919—changing deed to read from Salvation Army of Idaho Falls to Salvation Army of New York.

March 5, 1920                      City Council approved erection of tent on above referenced property subject to approval of adjoining property owners.

March 3, 1938                      Lot two (2) of Holmes Subdivision Railroad Addition to the City of Idaho Falls was sold by the Salvation Army to the City of Idaho Falls for one (1) dollar and other valuable consideration.

1938-1939                          A building was erected on Lot two (2) of above described property with WPA or PWA monies. The Salvation Army in turn was allowed use of this building.

September 7, 1975                The City of Idaho Falls indicated intent to contribute Lot two (2) of above described property and attached building to the construction plans of the Bonneville County and City of Idaho Falls Joint Law Enforcement Facility. Bonneville County indicated intent to purchase Lot one (1) of same property for same intended use.

March 3, 1976                      Letter from William E. McHarg, Divisional Secretary, Portland, Oregon—requesting acquisition of the Public Library Building for Salvation Army use.

April 16, 1976                      Letter from Dale O. Vilen, Captain, Idaho Falls—requesting formal City action in assigning Library Building to Salvation Army.

August 26, 1976                      Board of Directors of Salvation Army met with the City Council. City Council agreed to allow Salvation Army use of entire building.

August 18, 1977                      Salvation Army occupied Library Building.

s/ Chad Stanger

**DECEMBER 22, 1977**

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Councilman Karst commented to the effect that, throughout the years, the Salvation Army had performed unique civic services for the City of Idaho Falls and the entire community by assisting transient and down trodden citizens regardless of race, creed or color and that, in his opinion, any reasonable consideration given that agency at this time is justified because of that singular type of services rendered.

Also, at the last Council Meeting on December 8<sup>th</sup>, the City Attorney was directed to render a legal opinion in connection with an anticipated lease whereby the Salvation Army could legally occupy the old library premises. Following, then, is said legal opinion which was presented and read aloud:

City of Idaho Falls  
December 22, 1977

TO THE MAYOR AND CITY COUNCIL:

The undersigned has been asked for an opinion as to the legality of the city's furnishing to the Salvation Army a building to house its activities. This opinion must necessarily indulge in certain presumptions, which may or may not prove to be justified when all the facts are known, because there is no fast rule in law either granting or denying an Idaho City the right to lease its property to a private organization under all circumstances. Some of these circumstances might be outlined as follows:

- (a) Leasing of municipal property to a private organization for a period of time, even for a private purpose, is not unlawful provided the property is not for the time needed for City purposes and provided a fair compensation be paid for the use. Leasing of the auditorium to a private group is an example.
- (b) Leasing of municipal property to a private corporation for a period of time purely for a public purpose, provided the property is not then needed for City purposes, has usually been upheld by the courts even though no compensation has been received by the city and provided the use does not destroy or diminish the value of the property. Leasing to a Boy Scout troop may be an example.
- (c) A donation of property for particular public purpose, especially if such purpose is calculated to advance the municipal interests of the locality, has usually been upheld by the courts. In Idaho the statutes have limited such gifts of real property to subdivisions of government. Thus, Idaho Falls may deed a tract of land to the State of Idaho or to the County without consideration.
- (d) A lease of property not needed at the time for City purposes might properly be made to a private organization in payment of a debt owned to the private corporation, but in such case, some care should be taken to see that the fair value of the lease is not in excess of the debt owed. Material over payment of the debt would, of course, be a donation, and if not for a purely public purpose, ultra vires.

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- (e) Any city donation which tends to furnish support, or tends to discriminate for or against, any religion is, of course, unlawful. It is sufficient to cite the First Amendment to the Federal Constitution and Article 1, Section 4, of the Idaho Constitution to support the proposition.

The Salvation Army, as I have been able to determine, is a "private religious, charitable" organization. Accordingly, a City may not donate money or property to it. Idaho Falls may lease the old library to it upon terms which constitute the repayment of a debt (to the extent an indebtedness is found to exist). Any material value passing to the Salvation Army above the amount of the indebtedness would constitute a donation.

Sincerely yours,  
s/ A. L. Smith  
City Attorney

Councilman Hovey advised that a lease between the City and the Salvation Army has not, to date, been drawn and/or accepted by either party although, informally, possible or probable terms have been discussed. It was moved by Councilman Hovey, seconded by Freeman that, in light of the foregoing legal opinion, this matter be again referred to the General Services Committee for further study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson reminded the Council that an agreement between the City and the County was needed pertaining to the joint central dispatch system and that certain details were still unresolved and should be considered at a work session. Asked about the time element as to when the Police Department would be re-located, Police Chief Pollock advised said date would be approximately January 13<sup>th</sup>, 1978.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 9:45 P.M., carried.

s/ Velma Chandler  
Deputy City Clerk

s/ S. Eddie Pedersen  
Mayor