

MAY 20, 1976

The City Council of the City of Idaho Falls met in regular meeting, Thursday, May 20, 1976, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor ProTem Jim Freeman; Councilmen Mel Erickson, Paul Hovey, and Tom Campbell. Absent: Mayor S. Eddie Pedersen, Councilmen Ralph Wood, Gill Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lee Mundell, Personnel Director; Chad Stanger, General Services Director; Steve Harrison, Electrical Engineer; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Don Lloyd, Public Works Director; Lorna Coughlin, City Treasurer.

Minutes of the last regular meeting, held May 6th, 1976, were read and approved.

Acknowledging a Government class from the Idaho Falls High School in the Council Chambers, the Mayor thanked them for their presence and their interest in local government.

Mr. Monte Mason, local Postmaster, appeared before the Council for the purpose of introducing Mr. Lorenzo "Spike" Palagi, Customer Service Representative, U.S. Post Office, Pocatello, Idaho, who explained he had asked for an audience with the Mayor and City Council to discuss the new post office regulations pertaining to residential mail delivery service. It was learned that the post office will no longer deliver mail to the door within new residential developments. He said deliveries would be made only to the curb. Mr. Palagi continued by saying this directive is one of many being issued as a means of keeping costs to a minimum. Mr. Palagi was reminded by City Attorney Smith that the City of Idaho Falls has an ordinance prohibiting obstruction on the sidewalk. Smith continued by saying that, because of said ordinance, if a mailbox were placed on the sidewalk, this being considered a public right-of-way, and if there were an injury by virtue of said placement, the City would be held liable. Councilman Erickson concurred and said that, in his opinion, if mail boxes were permitted on the sidewalk, this would be in direct violation of the City Ordinance. Councilman Campbell said it was difficult for him to understand how a Federal regulation could be issued in conflict with or superseding a local ordinance. He said that, in his opinion, it is a sad day when a Federal Agency can dictate policy to a city in this manner. Mr. Palagi said there had been court cases in this regard in other areas and the courts had upheld the Postal Department. However, from the standpoint of liability, Palagi said there was an alternate which would eliminate the liability factor as far as the City was concerned. Explaining further, Palagi said the Postal Department would permit a mail box being placed next to the sidewalk on private property, providing said mail box was one of a cluster of three or more. He said if there were less than three so placed, they would not be served and the mail would be taken back to the post office and placed in General Delivery where the recipient could pick it up. Mr. Mason re-appeared briefly to say that this procedure is recommended by his department as a means of coping with the liability problem.

Mr. Delwin Mecham, 2705 Homestead Lane, appeared briefly to ask, in lieu of this location directive as a means of cutting expenses, if mail might be delivered fewer times than once a day. Palagi agreed this would save money but there had been no regulation on the grounds of discrimination, inasmuch as said regulation will now result in some receiving mail delivery at the door. Palagi admitted that this had created some discontent. Mayor Freeman reminded Palagi the Council was particularly concerned on this issue, inasmuch as some of the finer residential areas would be aesthetically affected. Palagi acknowledged that a program of this nature cannot be initiated without some adverse reaction, concluding his remarks, however, by saying that this system has been placed into effect in Pocatello and, to-date, no problems have been experienced.

The Mayor thanked Mr. Palagi for this presentation.

Mr. Tom Jones, 2160 Monticello Drive, appeared before the Council representing himself and three neighbors who had recently received a replica of this letter from Mr. Dave Benton, local engineer:

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Benton Engineering
May 6, 1976

Tom Jones
2160 Monticello Drive
Idaho Falls, Idaho

Dear Mr. Jones:

We are going to be installing a 5 foot sidewalk through the 10 foot walkway easement adjacent to the northwesterly side yard of your property as instructed by the City of Idaho Falls.

Construction will be starting on this walk within the next few weeks. Your fences, flower beds, trees or shrubbery within this easement must be removed before we start construction on this sidewalk. Any obstructions within this 10 foot easement that are not removed by May 24, 1976 shall be removed along with the sidewalk excavation.

s/ David E. Benton

It was learned that this walkway, when constructed, would extend from Monticello to Balboa Drive. Asked by Councilman Erickson as to why the City was involved, Public Works Director Lloyd explained that this was a sidewalk that was supposed to have been constructed by the developer. It was included in the final plat and the annexation agreement, both of which were approved by the City Council. Lloyd continued by saying that this should have been completed by the developer many months ago. This being the case, the Public Works Council Committee were recently asked whether or not this matter should be perused and the answer was in the affirmative. Therefore, the City Engineer had written a directive letter accordingly to the developer and, as a result, the foregoing letter to the affected residents had been prepared by Mr. Benton, engineer for the developer.

Mr. Jones re-appeared to say there was no longer any need for the walkway, inasmuch as the children had been assigned to the Teresa Bunker School. Meanwhile, continued Jones, the easement for the walkway had been planted to flowers, shrubs, etc. and it would now result in a hardship to the affected residents if the walkway were constructed. Councilman Hovey registered an opinion to the effect that this was an obligation of the developer and not a City problem. Lloyd said if the Council decided a walkway was not needed, the easement could be vacated or converted into a utility easement. It was moved by Councilman Erickson, seconded by Campbell, that this matter be referred to the Public Works Committee and the Planning Commission for reconsideration and that, in the interim period, the developer be contacted and directed that a temporary postponement by the City Council had been declared and approved. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
April 22, 1976

ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: MUNICIPAL PARKING LOT CONTRACT AWARD

MAY 20, 1976

On April 13, 1976, we received three bids for the construction of a Municipal Parking Lot & Landscaping Project on Shoup Avenue. The bids were as follows:

Beco Inc.	\$39,633.80
Arthur Landscaping	48,933.52
Early Bird Landscaping	53,568.75

The Engineer's estimate for the project was \$51,666.50. We have reviewed the bids and are recommending award of the contract to the low bidder, Beco Inc. Please authorize the Mayor and City Clerk to formulate the contract.

Respectfully submitted,
s/ Donald F. Lloyd

The City Clerk drew attention to the fact that, on May 13th, the City Council had, by informal action, awarded the contract, as above described, to the low bidder, Beco, Inc., in the amount of \$39,633.80. It was moved by Councilman Campbell, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 4; No, none; carried.

License applications for RESTAURANT, Fords Café, Sambo's, Town House; APPRENTICE ELECTRICIAN, Glenn McCormick with Hansen Electric; PHOTOGRAPHER, Staker Photography, D & M Photo Service, Melville's Studio, Kolorkraft Classic Portraits; MOTEL, North Hiway Motel; SUNDAY MOTION PICTURE, Centre Theatre, Rio Theatre; CAB DRIVER, William Swift with Yellow Cab Company; BARTENDER, Edward Foley, Marcie Warren, Lyle M. Peterselie, Ray Wilkerson, Linda Sue Lewis, were presented. It was moved by Councilman Erickson, seconded by Hovey, 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.

Several license applications were submitted, as follows:

<u>NAME</u>	<u>TYPE OF LICENSE</u>	<u>DATE OF APPLICATION</u>
Alden B. Staker	Apprentice Electrician	February 3, 1976
Dave Martin	Taxi Operator	October 8, 1975
Stephen Pefley	Taxi Operator	October 24, 1975
Bea L. Moyer	Bartender Permit	October 31, 1975
Brent Messervy	Bartender Permit	January 5, 1976

It was noted that, in the instance of the apprentice electrician application, it carried a recommendation from the Electrical Inspector that it not be granted because the applicant indicated his employer as a non-licensed electrical contractor. In the instances of the cab drivers and bartenders applications, these carried a recommendation from the Police Chief that they not be granted because the applicants had never appeared for purposes of finger printing. It was moved by Councilman Erickson, seconded by Campbell, that these recommendations be upheld and, in each instance, the license be denied. Roll call as follows: Ayes, 4; No, none; carried.

This memo from the City Clerk was presented:

City of Idaho Falls
May 20, 1976

To the Honorable Mayor and City Council
Idaho Falls, Idaho

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Gentlemen:

The Police Department has advised that there is now a sufficient quantity of impounded or unclaimed merchandise and vehicles to warrant an auction sale.

We therefore, request that a City sponsored auction sale be scheduled for 1:00 P.M., Saturday, June 19th, 1976 at the usual locations, and that Kent Just be retained as auctioneer to conduct said sale.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Campbell, seconded by Hovey, that a City sponsored auction sale be authorized at the time and place as indicated and that the licensed auctioneer be retained as recommended. Roll call as follows: Ayes, 4; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
May 19, 1976

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

The General Services and Electrical Division respectfully request authorization to advertise for bids for electrical conductor, insulators and miscellaneous hardware.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Campbell, that authorization be granted to advertise for bids on the electrical material as described. 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 20, 1976

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

The General Services Division respectfully requests authorization to advertise for bids for the sprinkler system at Sand Creek Golf Course.

Thank you,
s/ Chad Stanger

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It was moved by Councilman Hovey, seconded by Erickson, that authorization be granted to advertise for bids on the sprinkling project as indicated. Roll call as follows: Ayes, 4; No, none; carried.

Still another memo from the General Services Director was submitted, to-wit:

City of Idaho Falls
May 19, 1976

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

The General Services and Public Works Divisions respectfully request for authorization to advertise for proposals for overhauling and re-designing the City's Snow Loader.

s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Campbell, that authorization be granted to advertise for proposals for overhauling and re-designing the snow loader, as recommended. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
May 18, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: LEASE AGREEMENT

Attached is a copy of a lease agreement between the City of Idaho Falls and Mr. George Hartwell for approximately 280 acres of City owned land west of Idaho Falls at \$320.00 per year. The General Services Division respectfully requests authorization for the Mayor and City Clerk to sign the lease.

Thank you,
s/ Chad Stanger

It was noted that this land was limited in use for purposes of grazing. It was moved by Councilman Hovey, seconded by Campbell, that this lease agreement be accepted 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 20, 1976

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: 1976 SEAL COATING

The plans and specifications are nearly completed for the annual street seal coating.

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We are requesting authorization for the City Clerk to advertise for competitive bids.

Respectfully submitted,
s/ Don

It was moved by Councilman Campbell, seconded by Erickson, that authorization be granted to advertise for bids on the seal coating project as indicated. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls
May 20, 1976

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: LINCOLN ROAD WATER MAIN

Plans and specifications are now complete for a water main on Lincoln Road. This project is partially funded with CD Funds and we are requesting authorization for the City Clerk to advertise for competitive bids.

Respectfully submitted,
s/ Don

It was moved by Councilman Campbell, seconded by Hovey, that authorization be granted to advertise for bids on the water main project as indicated. Roll call as follows: Ayes, 4; No, none; carried.

Another memo from the Public Works Director asked for authorization to advertise for bids on a water main and sewer extension for an undeveloped portion of Lomax Street. It was moved by Councilman Campbell, seconded by Erickson, that authorization be granted to advertise for bids on this project as indicated. Roll call as follows: Ayes, 4; No, none; carried.

Tabulation of bids on a 20" water main from Well No. 13 to Woodruff Avenue were presented in memo form, as follows:

City of Idaho Falls
May 20, 1976

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: 20" WATER MAIN FROM WELL 13 TO WOODRUFF AVENUE

Bids were opened on April 27, 1976 for the construction of a water main from Well No. 13 to Woodruff Avenue, as follows:

H-K Contractors, Inc.	\$48,643.75
R.V. Burggraf Company	52,900.90
The Engineer's estimate was	\$51,594.00

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These bids have all been reviewed and we are recommending the contract be awarded to the low bidder, H-K Contractors in the amount of \$48,643.75.

Respectfully submitted,
s/ Don

At the request of Public Works Director Lloyd, it was moved by Councilman Campbell, seconded by Erickson, that this matter be tabled and that no Council action be taken on this matter this night. Roll call as follows: Ayes, 4; No, none; carried.

Reference is made to page 349 in this book of minutes and, more specifically, a letter from Gene Bush, representing Stoddard-Mead Ford, asking for a continuous curb cut for a truck shop building on Denver Street. This memo from Public Works Director Lloyd served to re-introduce the subject:

City of Idaho Falls
May 20, 1976

ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ANDERSON-LEWISVILLE

The engineering firm of Stevens, Thompson & Runyon, Inc. were the consultants on the Yellowstone-Lewisville project and have submitted many claims for additional compensation. Through the last two years most of these claims have been denied and ultimately reached the Highway Board where a final settlement has now been reached.

The City's share of this final settlement is \$663.40. The Public Works Committee would recommend that the Council authorize the signing of the supplemental engineering agreement and payment of \$663.40 as final payment for engineering services.

Respectfully submitted,
s/ Don

It was moved by Councilman Campbell, seconded by Erickson, that this supplemental engineering agreement be approved, that the Mayor be authorized to sign and the Controller be directed to make payment in the amount of \$663.40 as final payment for engineering services as recommended. Roll call as follows: Ayes, 4; No, none; carried.

A preliminary engineering agreement between the City and the Idaho Transportation Department, covering construction of Lincoln Road at the Yellowstone Avenue intersection, was introduced by this resolution:

RESOLUTION (Resolution No. 1976-20)

WHEREAS, the Idaho Transportation Department, Division of Highways, hereinafter called the State, has submitted a cooperative agreement stating obligations of the State and the City of Idaho Falls, Idaho, for the construction of Lincoln Road, from Yellowstone Avenue easterly on 0.1 miles of F.A. Urban System, under Federal Aid Project M-7046(004) and;

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WHEREAS, the State is responsible for obtaining compliance with laws, standards, and procedural policies in the development, construction and maintenance of improvements made to the Federal Aid Highway System when there is Federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditures of funds as set forth in the Cooperative Agreement; and

WHEREAS, the State cannot pay for any work not associated with the State Highway System; and

WHEREAS, the City is fully responsible for all project costs; and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal Participation;

NOW THEREFORE, BE IT RESOLVED:

1. That the cooperative agreement for Federal Aid Highway Project M-7046(004) 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 Campbell, seconded by Hovey, that this resolution be adopted and approved and the Mayor and City Clerk be authorized to sign said preliminary engineering agreement covering State Project No. M-7046(004). Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1456

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO. (PROPERTY ON NO. YELLOWSTONE)

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.

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It was moved by Councilman Campbell, seconded by Erickson, that the foregoing annexed property be initially zoned HC-1 and the Building Official be directed to reflect said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1457

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. (IDAHO CANAL SOUTH OF LINCOLN)

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.

It was moved by Councilman Campbell, seconded by Erickson, that the foregoing annexed lands be initially zone M-1 and the Building Official be directed to reflect said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1458

AN ORDINANCE EXCLUDING CERTAIN LANDS FROM THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING SAID LANDS; ORDERING THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE COUNTY RECORDER PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE. (PORTION OF THE MOTOR VU DRIVE IN THEATRE PROPERTY)

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.

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Presented by the City Clerk was an agreement between this City and the City of Ucon, stating terms and conditions whereby this City would provide building inspection services for Ucon. It was learned that this is an identical agreement to that now in effect between Idaho Falls and Ammon. It was moved by Councilman Campbell, seconded by Erickson, that this agreement be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

A license agreement between the City and the local Elks Club was presented, stating terms and conditions whereby that Fraternal Organization would agree, for a fee of \$800.00 per annum to permit its parking lot to be used as a parking facility, particularly for golfers at the Pinecrest Golf Course. It was moved by Councilman Erickson, seconded by Campbell, that this instrument be referred to the City Attorney for his perusal and approval as to legal form. Roll call as follows: Ayes, 4; No, none; carried.

This communication was presented and read aloud:

Idaho Surveying and
Rating Bureau
Boise Idaho
May 17, 1976

Mayor and City Council
City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

Gentlemen:

Based upon our recent grading of the fire protection facilities of your City, I wish to state that the City classification for fire insurance purposes is the same as it was previously – Class 4. The overall conditions are essentially the same as they were previously, so there is no change in the rate level for either masonry or frame and if there is any change in their rates it will be due to conditions effecting the building itself. There will be no change in the dwelling rates.

I would like to take this opportunity to express our appreciation for the many courtesies extended to us at the time we were working in your City.

Yours very truly,
s/ Karl K. Goble
Chief Engineer

No Council action was deemed necessary.

Another communication was presented and read aloud, as follows:

The Salvation Army
May 14, 1976

Honorable Mayor and Members of the City Council
City of Idaho Falls, Idaho

Gentlemen:

MAY 20, 1976

In response to your request, we are listing below the uses we will make of the Library Building facilities.

TOP FLOOR - Chapel for 150 people
Offices for - Corps Officer, Secretary and Welfare Worker.

MEZZANINE FLOOR – Sunday School Classroom.
Meeting Rooms for other youth and adult activities.

UNDER MEZZANINE – Rooms for Crafts Classes – could be left set up as is.

BASEMENT - Three rooms, separated by dividers, to be used for Sunday School classrooms – Ladies Home League activities – Sunbeams and Girl Guard Program – Boys Club – also used for family dinners (a kitchen would be in the remodeling plans), Basement rooms would also be used for Friday Night Youth Group, and could also be used by outside troops needing meeting room.

We would also need storage areas for a food pantry and room for freezers for storing of meat to be used by Welfare. We would also need other areas for storage of materials used in our overall programs.

Kind regards.

Sincerely,
s/ Dale O. Vilen, Captain

No action was considered necessary except a directive to the City Clerk by the Mayor that the General Services Director be supplied with a copy.

There being no further business, it was moved by Councilman Erickson, seconded by Hovey, that the meeting adjourn at 8:30 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ James Freeman
Mayor ProTem

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