

NOVEMBER 4, 1976

The City Council of the City of Idaho Falls met in regular meeting, Thursday, November 4, 1976, at 7:30 P.M. in the City Council Chambers in Idaho Falls, Idaho. There were present at said meeting; Mayor Pro Tom Jim Freeman; Councilmen Ralph Wood, Gil Karst, Tom Campbell, and Mel Erickson. Absent: Mayor S. Eddie Pedersen and Councilman Paul Hovey. Also present: Roy C. Barnes, City Clerk and all other available Division Directors.

Minutes of the last regular meeting, held October 21, 1976, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to review two rezoning petitions. First to be considered was a petition for Grimmett and Hatch and was explained, briefly, by this memo from Building Administrator Gilchrist:

City of Idaho Falls
November 4, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING PETITION, LOT 2, BLOCK 12, LOT 2, BLOCK 9,
HATCH ADDITION, DIVISION NO. 6

Attached is a copy of a petition to rezone two lots located on Kearney Street, just east of Woodruff Avenue. The request is to rezone from R-1 to R-2 to match the zoning of the adjacent lots fronting on Woodruff.

The request is being made in order for the developer to place one apartment building across the present interior lot line and have access to the interior streets, rather than Woodruff Avenue.

The City Planning Commission, on October 12th, considered this matter and recommended approval of the request.

This 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

Directing his remarks particularly to Lot 2, Block 9, Councilman Campbell pointed out that the developer was desirous that this be rezoned so that he could construct a triplex or a fourplex on Lots 1 and 2, facing Kearney. He said the same plan would be pursued for Lot 2, Block 12. Campbell noted, further, that this would create less density than if the zoning on these lots remained unchanged. Asked for comment, Gilchrist appeared briefly and, again referring specifically to Lot 2, Block 9, noted that, immediately to the east there would be a street known as Ruth Avenue and, to the east of that, an L.D.S. Church, thus, lessening the problem created by extension of the buffer zone. Both Councilmen Karst and Freeman registered objection on the grounds that this would set a precedent for the area. There were none who appeared to protest this rezoning request. It was moved by Councilman Campbell,

seconded by Erickson, that this rezoning be granted. Roll call as follows: Ayes, 4; No, One; carried. Councilman Karst voting no.

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Next to be presented was a rezoning petition by John L. Sheppard, representing Falls Auto Body, introduced and explained by this memo:

City of Idaho Falls
November 4, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING PETITION - LOTS 39 AND 40, BLOCK 6, CAPITOL HILL ADDITION

Attached is a copy of a petition to rezone a parcel of property located on the north side of College Street, between Higbee and Holmes Avenues.

The request is to rezone from HC-1 to GC-1 in order to conform to the adjacent existing zoning. The request is to permit the expansion of the existing business, Falls Auto Body, located on the property.

The City Planning Commission, on October 12th, considered this matter and recommended approval of this request. It is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

No protests were registered. It was moved by Councilman Campbell, seconded by Erickson, that this rezoning request be granted. Roll call as follows: Ayes, 5; No, none; carried.

With reference to both of the foregoing rezoning actions, it was moved by Councilman Campbell, seconded by Erickson, that the Building Official be directed to reflect same on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

A request for a variance was introduced by this memo from the Building Administrator Gilchrist:

City of Idaho Falls
November 4, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR A VARIANCE

Attached is a copy of a request for a variance for a parcel of property on East 17th Street, described as Lot 5, Block 1, West Jennie Lee Addition, Division No. 13. The request asks for permission to construct an A & W Family Restaurant in a C-1 zone, which does not permit drive-in restaurant facilities. The proposed restaurant will provide for approximately 80% sit down business. The petitioner feels that adjacent land uses will not be adversely effected.

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This Department has no objection to the request as submitted, and it is being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Mr. Mark Storer, representing the A & W Family Restaurant appeared and displayed a picture of the proposed building. All Councilmen agreed that such a structure would enhance the area. Councilman Campbell reminded the Council that if Mr. Storer had planned a conventional restaurant at this location with no drive in facilities, no variance would be necessary. Asked for comment, Gilchrist explained that there is no clear cut definition of a drive in restaurant in the zoning ordinance and, thus, the need for a variance.

Mr. Alex Creek, owner of an adjacent service station appeared before the Council. He said he was not present to protest construction of the building in question. On the contrary, Creek said he welcomed it as it would benefit the area. Creek said his purpose in appearing this night, instead, was to protest the proposed building set back plan which he understood to be 52 feet, versus the set back of his existing building of 65 feet. He said the 52 foot set back would obstruct his building, site wise, which is a substantial factor in the operation of a service station. Asked why he planned the drive in facility to the rear of his building rather than the front, Mr. Storer, drawing attention again to the picture, said the building as planned would be a thing of beauty and he didn't wasn't it defaced with said drive in facilities. Campbell reminded Mr. Creek that the minimum set back was 32 feet and so it was beyond the power of the Council to demand otherwise, inasmuch as the set back of the proposed building was 20 feet in excess of the minimum. It was moved by Councilman Campbell, seconded by Erickson, that this request for a variance be granted. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk presented these damage claims:

Union Pacific Railroad Co.
October 22, 1976

City of Idaho Falls
Controllers Office

For expense incurred by UPRR Co. to repair run-thru switch at Ammon, damaged by City of Idaho Falls letting car get loose. Repaired September 9, 1976.

| | |
|------------------------------|-------------|
| Labor: 12 hrs. straight time | \$135.92 |
| 6 hrs. overtime | 100.32 |
| Truck used 6 hrs. | 15.00 |
| 1 New 16 ft Switch Point | |
| 1 New Conn. Rod | 324.97 |
| State Tax 3% of 324.97 | 9.75 |
| Scrap Switch Point and Rod | 12.00 Cr. |
| Shipping Material | <u>2.28</u> |
| | \$576.24 |

NOVEMBER 4, 1976

State Farm Insurance Co.

City of Idaho Falls

We are writing you about the accident in which you were involved with our insured on the site shown. Our investigation of this accident indicates that you are responsible for this accident. Please accept this letter as notice of a claim we have for vehicle damage.

If you have insurance to protect you against such liability, please refer this letter to your insurance company. Please send us the name of your insurance company, its address, and your policy number. We have made the following payments and request reimbursement as shown below:

Dent Volkswagon, Inc. \$231.23

Copy of final bill attached. Our insured vehicle struck a City manhole cover improperly placed.

Net amount paid by Company \$231.23 Insured vehicle deductible \$100.00

Total \$331.23

By/ Steven Falley

It was explained that, in the interests of time, these had previously been forwarded to the City's liability insurance carrier for early investigation and that this had been done without formal Council approval. It was moved by Councilman Karst, seconded by Erickson, that these actions be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk also noted that a legal notice was being published calling for a zoning hearing on November 18th and that this was without benefit of formal Council approval. It was moved by Councilman Campbell, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Bills for the month of October, 1976, having been properly audited by the Fiscal Committee, were presented. The City Clerk was asked to read aloud all fund totals for services, materials and payroll, as follows:

| <u>FUND</u> | <u>SERVICE AND MATERIALS</u> | <u>GROSS PAYROLL</u> | <u>TOTAL EXPENDITURE</u> |
|-----------------------|------------------------------|----------------------------|------------------------------|
| General Fund | \$588,005.74 | \$274,268.17 | \$862,273.91 |
| Street Fund | 52,594.60 | 15,358.53 | 67,953.13 |
| Airport Fund | 31,370.74 | 6,086.27 | 37,457.01 |
| Water and Sewer Fund | 123,013.80 | 31,545.41 | 154,559.21 |
| Electric Fund | 675,506.27 | 49,853.12 | 725,359.39 |
| Recreation Fund | 5,894.48 | 6,010.11 | 11,904.59 |
| General Library | 2,426.88 | 10,912.09 | 13,338.97 |
| Regular Library | 144.74 | 537.00 | 681.74 |
| Revenue Sharing | 33,724.16 | .00 | 33,724.16 |
| Community Development | 48,009.11 | 738.40 | 48,747.51 |
| Flood Disaster | <u>10,681.92</u> | <u>.00</u> | <u>10,681.92</u> |
| <u>TOTALS</u> | <u>\$1,571,372.44</u> | <u>\$395,309.10</u> | <u>\$1,966,681.54</u> |

NOVEMBER 4, 1976

LIBRARY BOND CONSTRUCTION EXPENDITURES

OCTOBER EXPENDITURES

Expenditures to Date

DATE: 10/11/76 Mitchell Construction Co. 106,296.12 1,638,186.44
Const. Est. #12

Councilman Karst explained all major expenditures. It was moved by Councilman Karst, seconded by Erickson, that the bills be allowed and the City Controller be authorized to issue warrants or checks on the respective funds for their payment. Roll call as follows: Ayes, 5; No, none; carried.

Reports from Division and Department Heads were presented for the month of October, 1976, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for JOURNEYMAN ELECTRICIAN, Rollin Martin; APPRENTICE ELECTRICIAN, Robert Lee Snell, Brett Malcom, Larry Vineyard, John Lundblade, Richard Byington, Philip Geyman, Jr.; JOURNEYMAN PLUMBER, Cyril Lempke, CLASS D JOURNEYMAN, GF, Cyril Lempke; TAXI CAB DRIVER, Ferren Weeks; BARTENDER, Scott Saunders, Donna Johnson, Newell Huntsman, Paulette Wickman, Robert Embcotoa, Cheryl White, Sylvia Miller, William Miller; BEER, Canned & bottled not to be consumed on the premises, J. H. Boozer Company, 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, 5; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
November 4, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: IF-76-25

It is the recommendation of the General Services and Finance Division that the City Council accept the low responsive bid of International Business Machines to lease data processing equipment as per bid specifications, Bid #IF-76-25.

Thank you!
s/ Chad

It was moved by Councilman Erickson, seconded by Karst that the IBM low bid for the various items of data processing equipment be accepted, as per the attached list. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
November 4, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger

SUBJECT: BID #IF-76-23

NOVEMBER 4, 1976

It is the recommendation of the General Services and Public Works Division that the City Council accept the low bid of Truck Equipment Sales Company of Idaho to furnish one (1) roll-off container tilt frame as per specifications at \$7,490.00.

Thank you,
s/ Chad

It was moved by Councilman Erickson, seconded by Karst, that the low bid of Truck Equipment Sales Company be accepted for a roll-off container tilt frame. Roll call as follows: Ayes, 5; No, none; carried.

Continuing with memos from the General Services Director, the following was presented:

City of Idaho Falls
October 28, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-76-24

It is the recommendation of the General Services Division that the City Council accept the low bid of Stoddard-Mead Ford to furnish one (1) tandem axle truck cab and chassis as per specifications at \$23,283.00 with trade-in.

Thank you!
s/ Chad

It was moved by Councilman Erickson, seconded by Karst, that the low bid of Stoddard-Mead Ford in the amount of \$23,283 be accepted for a tandem axle truck cab and chassis. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director to the General Services Director was introduced:

City of Idaho Falls
October 28, 1976

TO: Chad Stanger
FROM: Donald Lloyd
SUBJECT: CHANGE ORDER FOR SNOW LOADER

We are requesting that you initiate a change order to G.T. Hydraulics in the amount of \$3,200.00 for the renovation of our snow loader. Confirming our previous conversation, we feel this additional cost is justified because of the unknown and variable nature of work to be performed. The additional cleaning and painting plus the operational and maintenance training certainly justifies this expenditure. We are completely satisfied with the finished product and are confident that this is the most economical way to acquire an operational snow loader.

s/ Don

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The foregoing memo was acknowledged by this memo from the General Services Director:

City of Idaho Falls
November 4, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: CHANGE ORDER-SNOW LOADER

RE: Don Lloyd's memo regarding change order for snow loader

General Services agrees with the Public Works recommendation relative to snow loader change order and recommends City Council approval of change order.

s/ Chad

It was moved by Councilman Erickson, seconded by Karst, that the change order on renovation of the snow loader be approved as recommended. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
October 28, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: HIGHLAND BALL PARK

Attached is a copy of a proposed change order from C-B Architects relative to the Highland Park Stadium. The change order reflects the deletion of two mechanical exhaust fans and the addition of two plastic dome lights for a net addition to the contract of \$295.56. Respectfully request authorization for the Mayor to sign.

Thank you!
s/ Chad

The General Services Council Committee felt they needed to be better appraised on this matter before Council action was taken. Therefore, it was moved by Councilman Erickson, seconded by Karst, that this be referred to that Committee for further study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
October 28, 1976

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: MR. JACK GRIGGS, GARAGE MECHANIC

NOVEMBER 4, 1976

The General Services Division respectfully recommends that Jack Griggs, City Garage Mechanic, be extended a leave of absence until December 31, 1976, with the City of Idaho Falls paying his life insurance and health and accident insurance premium until November 30, 1976.

s/ Chad

It was moved by Councilman Erickson, seconded by Campbell, that City Garage Mechanic, Jack Griggs, be extended a leave of absence until December 31st, 1976. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
November 4, 1976

ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: TELEPHONE SERVICE

On October 27, John Evans, Bob Pollock and myself attended a briefing in the telephone company concerning telephone service for City and County operation. Of the three (3) proposals which were outlined the Division Directors today recommend the City Council consider "the Dimension System", whereby the City and County are both served with a single switch board. From preliminary figures, the cost of this new updated versatile equipment will not be substantially different than the City is now paying. In addition to improved telephone service, there will be the man power savings on switchboard operation and space savings for the telephone equipment.

It will require the telephone company three to four weeks to personally interview each of the telephone users in the City and County in order to develop the needs and final costs. We would recommend that the City endorse the Dimension System and with the concurrence of Bonneville Country, request that the telephone company begin their survey immediately.

Respectfully submitted,
s/ Don

Councilman Karst explained that the new telephone system, if and when acquired, would be located in the new Law Enforcement Building and that an early decision is needed to comply with the construction schedule. Asked for comment, Police Chief Pollock appeared briefly to say that in his opinion, the Dimension System is a good one, although he registered apprehension that it could be administered by only one operator. Karst said that the survey would cast some light on such a potential problem. He said that he had great confidence in the telephone company and that this system, in his opinion, would not be recommended if it wouldn't properly and adequately serve the joint needs of the City and the County. It was moved by Councilman Karst, seconded by Erickson, that the survey, as recommended, be endorsed and approved with the understanding that the results of said survey be reflected back to the Council before further action or decisions be made. Roll call as follows: Ayes, 5; No, none; carried.

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

NOVEMBER 4, 1976

City of Idaho Falls
November 4, 1976

ATTN: Honorable Mayor & City Council
FROM: Donald F. Lloyd
SUBJECT: COOPERATIVE AGREEMENTS FOR WOODRUFF AND THE HITT-HACKMAN ROAD DEVELOPMENTS

On October 21, 1976, the Council authorized the City Attorney to review and approve the cooperative agreements with Bonneville County for the development of Woodruff and Hitt-Hackman Roads. These agreements have been finally prepared and approved by the City Attorney and Public Works Committee. We would recommend the Mayor and City Clerk be authorized to sign the City's approval.

s/ Don Lloyd

It was moved by Councilman Karst, seconded by Campbell, that these agreements be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
November 4, 1976

ATTN: Honorable Mayor & City Council
FROM: Donald F. Lloyd
SUBJECT: EASEMENT IN FAVOR OF UTAH POWER & LIGHT

I am attaching hereto a perpetual easement for the erection, operation, and maintenance of electric transmission lines across City property. The City property is located on the desert through the original landfill site about eight miles west of the Broadway Bridge. Utah Power & Light has offered to pay for this perpetual easement at 60% of the appraised value of the land. The purpose of this easement will be to construct a parallel line to the existing transmission line. We recommend that the Council authorize the Mayor and City Clerk to sign this easement.

Respectfully submitted,
s/ Don Lloyd

It was moved by Councilman Karst, seconded by Campbell, that this easement be granted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director, this memo was presented:

City of Idaho Falls
November 4, 1976

ATTN: Honorable Mayor and City Council

FROM: Donald F. Lloyd
SUBJECT: STREET NAME CHANGE

NOVEMBER 4, 1976

Park Avenue and Chamberlain Avenue join at Eagle Rock Street. It is recommended that Park Avenue extend to Cliff Street since Eagle Rock Street no longer exists. We would recommend the Council authorize the City Attorney to prepare the necessary ordinance to extend Park Avenue to Cliff Street.

Respectfully submitted,
s/ Don

From the City Librarian this memo was presented and reviewed:

I. F. Public Library
November 2, 1976

TO: Honorable Mayor and City Council
FROM: Jeanne Goodrich, City Librarian
SUBJECT: BID NUMBER IF-76-19, FURNITURE AND EQUIPMENT FOR THE
IDAHO FALLS PUBLIC LIBRARY

It is the recommendation of the Idaho Falls Public Library Board of Trustees that the City Council accept the following as the low bids meeting specifications. We respectfully request permission to negotiate the purchase price on those items to which there was either no response, no bid meeting specifications, or no bid accompanied by a bid bond.

| <u>Vendor</u> | <u>Item Number</u> | <u>Price</u> |
|---|--|--|
| Estey Corporation Drawer E Red Bank, New Jersey 07701 | 1-25 | \$ 71,574.00 |
| Herman Miller Inc. Zeeland, MI 49464 | 31 41 44 61 67 71 76 77 78 82 92 93 | 1,302.18 519.20 403.26 1,348.05 498.85 13,403.50 773.85 2,328.15 113.30 4,763.66 827.65 <u>574.81</u> |
| | | \$26,866.46 |
| Itex of Idaho Falls, Inc. P. O. Box 2868 Idaho Falls, Idaho 83401 | 28 29 30 32 33 | 1,009.20 540.00 816.00 3,153.60 1,695.00 |

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| | | |
|---------------------------|---------|--------------------|
| | 34 | 2,264.10 |
| | 35 | 4,960.80 |
| | 36 | 2,160.00 |
| | 45 | 406.80 |
| | 47 | 6,788.40 |
| | 53 | <u>763.20</u> |
| | | \$24,557.10 |
| Beehive Office Equipment | 49 | 1,403.00 |
| and Supply | 50 | 3,584.00 |
| 545 S. 300 W. | 51 | 885.00 |
| Salt Lake City, UT 84101 | 60 | 595.00 |
| | 62 | 704.10 |
| | 63 | 483.80 |
| | 70 | 3,545.40 |
| | 72 | 2,965.00 |
| | 73 | 723.00 |
| | 74 | 10,369.65 |
| | 75 | 6,289.20 |
| | 87 | 6,193.55 |
| | 88 | 2,057.40 |
| | 97 | <u>3,396.60</u> |
| | | \$43,095.40 |
| Gaylord Bros., Inc. | 37 | 3,372.00 |
| P. O. Box 8489 | 38 | 554.00 |
| Stockton, CA 95208 | 42 | 1,157.00 |
| | 46 | 956.00 |
| | Freight | <u>374.80</u> |
| | | \$6,413.80 |
| HASCO | 54 | 330.00 |
| P. O. Box 26485 | 59 | 285.56 |
| Salt Lake City, UT | 64 | 628.06 |
| | 65 | 517.78 |
| | 66 | 263.48 |
| | 84 | 433.68 |
| | 90 | <u>1,313.10</u> |
| | | \$3,771.61 |
| Holladays Inc. | 55 | 374.60 |
| 250 "E" Street | | |
| Idaho Falls, Idaho 83401 | | |
| Clark Leaming Designs for | 57 | 508.28 |
| Business | 58 | 179.34 |
| 165 S. W. Temple St. | 69 | 28.25 |
| Salt Lake City, UT 84101 | 79 | 842.40 |
| | 80 | 191.00 |
| | 83 | 193.05 |

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| | |
|----------------------------|----------------------------|
| 94 | 1,024.00 |
| 95 | <u>284.80</u> |
| | \$4,557.36 |
| <u>Grand Total:</u> | <u>\$181,310.33</u> |

It was moved by Councilman Karst, seconded by Campbell, that the foregoing low bids for library furniture and equipment be accepted as recommended and that permission be granted for the Library Board to negotiate the purchase price on those items for which there was no response, no bid meeting specifications or no bid bond with the understanding that said negotiated purchase price, in any one instance, not exceed \$5,000.00. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Electrical Engineer was presented through the City Clerk:

City of Idaho Falls
November 1, 1976

ATTN: Mayor & Council
FROM: Steve Harrison
SUBJECT: CHANGE OR MATERIALS AT LOWER PLANT

H-K Contractors request that the City allow a change in the pipe material for the under drain system in the new dam structure.

The specifications call for plastic pipe, but the delivery for this material would be March 1977. The substitution is for concrete pipe. There is no extra cost to the City and the product cost is comparable.

Ellsworth Engineering recommends your favorable consideration of this request.

s/ G. S. Harrison

It was moved by Councilman Wood, seconded by Campbell, that permission be granted for H-K Contractors to change the pipe material for the under drain system in the new dam structure as recommended for the reason as stated. Roll call as follows: Ayes, 5; No, none; carried.

From the Building Administrator came this memo:

City of Idaho Falls
November 4, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: VACATION OF EXISTING UTILITY EASEMENT

Attached is a copy of a request to abandon an easement along the northerly side of Lot 12, Block 1, first amended plat of Fairmont Park Addition. There are

no utilities located in the easement, and no objections have been expressed to the request.

NOVEMBER 4, 1976

This Department recommends approval of the request as submitted and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Campbell, seconded by Erickson, that this easement as described, be abandoned and the City Attorney be directed to prepare an appropriate vacating ordinance for Council consideration. Roll call as follows: Ayes, 5; No, none; carried.

This letter was presented and read aloud:

Dr. W. Delmar Miller
607 Highland Drive
Idaho Falls, Idaho
October 25, 1976

Honorable S. Eddie Pedersen
City of Idaho Falls
Idaho Falls, Idaho

Dear Eddie:

It is with regret that I tender my resignation from both the Planning and Zoning Commission and the Advisory Committee on Community Development. My resignation from the Planning and Zoning Commission is to be effective immediately. I should like to serve on the CD Committee until our work, relative to the next fiscal year's recommendation, is complete.

I am deeply grateful to you and the City Councilmen, past and present, who placed their trust in my ability to serve the City. My reason for resigning, and there is only one, is that I have been asked to serve in another capacity. The request came from my church. I cannot turn it down, and unfortunately no longer have the capacity to fill my new assignment, and my old ones in a way that would be satisfactory to me. There is, therefore only one thing to do.

Again, thank you for your past confidence. It has been a real pleasure to work with you, the City Councilmen, the various Department Heads of the City and with those serving on the CD Committee. It is impossible for me to adequately describe the depth of feeling that I have for Rod and his staff and all those City Planners with whom I have served for so many years.

May I take this opportunity to wish all those mentioned in the preceding paragraph all possible success and happiness.

Cordially,
s/ Del

It was moved by Councilman Campbell, seconded by Wood, that Mr. Miller's resignation as a member of the Planning Commission and the Community Development Advisory Committee be regretfully accepted for the reason as stated and that Mr. Miller receive a letter of

commendation from the Mayor, expressing appreciation on behalf of the Administration for his dedicated civic service in this regard. Roll call as follows: Ayes, 5; No, none; carried.

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Drawing attention to the over-whelming affirmative vote received on SJR 109 on Tuesday, Election Day, November 2, 1976, Councilman Campbell, as a member of the Electrical Committee, expressed appreciation to the voters of Idaho Falls and the entire State for their response and asked that this expression of appreciation be made a matter of record. Campbell continued by saying that rehabilitation of electrical generating facilities is costly and, according to report, this City's existing source of hydro-electric electrical energy will approach maximum potential by 1982. He said any additional energy beyond that point, from thermal, nuclear or any other source will also be costly; therefore, it will behoove this City to provide as much energy at the local level as possible, up to maximum efficiency. Councilman Karst concurred and added that even the time problem of construction or installation will likely pose a problem, once the proper legislation is passed permitting the City to proceed with a revenue bond election.

Councilman Erickson presented this letter from the Public Employee Retirement System, addressed to Officer Bob Harrison:

State of Idaho
Public Employee
Retirement System

Mr. Bob L. Harrison
968 Poulson
Idaho Falls, Idaho

Dear Mr. Harrison

Your application for disability retirement was considered by the Retirement Board at the September meeting and it was concluded that you do not qualify for disability retirement under either Chapter 13, Title 59, Idaho Code, or Chapter 15, Title 50, Idaho Code, on the basis of the circumstances of your employment and the medical evidence at hand. The Board, however, to insure thorough consideration, requested a legal opinion and deferred final action.

The opinion was obtained and the matter was again considered by the Board on October 22, 1976. Regretfully, the legal opinion confirms the Board's prior interpretation of the statutes leaving no alternative other than to deny and disapprove your disability retirement application.

You are not eligible for disability retirement under the statutes governing the public employee retirement system (PERS) because you do not have the required ten years of credited service. Your time in service while a member of the Idaho Falls Policemen's Retirement Fund (IFPRF) is not creditable as service with (PERS). Likewise, you are not eligible for disability retirement under the former (IFPRF) by reason of the provisions of Section 50-1516, Idaho Code, which states, in part, as follows:

“(a) Any paid policeman incapacitated by injury or by injury or by illness as a result of the performance of his official duties as a paid member of a police department shall be retired”----- Emphasis added.

NOVEMBER 4, 1976

The medical evidence submitted does not indicate your disability is a result of the performance of official duties. Therefore, the Retirement Board is unable to establish eligibility under the provisions of Chapter 15, Title 50, Idaho Code.

It appears that the only possibility for further consideration would require a reversal of the medical evidence. The legal opinion obtained by the Board states:

“Resource might be had by Mr. Harrison to determine medically whether or not his job requirements with the Idaho Falls Police Department precipitated the coronary by-pass he was subjected to and the resulting angina with which he is now afflicted.”

The Retirement Board will, of course, be willing to consider any additional medical evidence you wish to submit.

Sincerely,
s/ T. F. Terrell

Erickson registered concern over this non-eligibility opinion as expressed by Mr. T. F. Terrell, Executive Director of the PERS, not only as it pertained to Officer Harrison but to the entire Police Department. It was moved by Councilman Erickson, seconded by Karst, that this be referred to the Police Committee and the City Attorney for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Karst, seconded by Erickson, that the meeting adjourn at 9:10 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ James R. Freeman
MAYOR
