

SEPTEMBER 14, 1976

The City Council of Idaho Falls met in recessed regular meeting, Tuesday, September 14, 1976, at 7:30 P.M. in the City Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Mel Erickson, Ralph Wood, Gil Karst, Paul Hovey, and Tom Campbell. Absent: Councilman Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last recessed regular meeting, held August 26, 1976, and a special meeting held September 13, 1976, were read and approved.

Mr. Everett Jordan, manager of the Stardust Motor Lodge, appeared before the Council in the interests of his own and fifteen other organizations engaged in the business of dispensing food, beer and liquor by the drink. Mr. Jordan submitted this proposed ordinance for Council consideration:

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 800 TO PROHIBIT THE SALE OR DISPENSING OF BEER WITHIN THE CORPORATE LIMITS OF THE CITY OF IDAHO FALL, IDAHO, BETWEEN THE HOURS OF ONE O'CLOCK A.M. AND SEVEN O'CLOCK A.M. OF ANY DAY; AND TO PROHIBIT THE SALE AND DISPENSING OF BEER TO BE CONSUMED ON THE PREMISES ON SUNDAYS AND DESIGNATED HOLIDAYS EXCEPT IN THE CASE OF DULY LICENSED EATING ESTABLISHMENTS; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCES; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Mr. Jordan emphasized the fact that by passage of this ordinance, eating places that were valid holders of a liquor or beer license would be permitted to sell beer on Sundays to be consumed on the premises as defined by law. Mr. Jordan drew attention to the fact that this City is destined to become a recreational center, using, for purposed of illustration, the Noise Park facilities for snowmobile races. He said that recreational events and conventions are responsible for a substantial amount of outside money flowing into this area to bolster the local economy. He used his own organization as another example and pointed out that his annual payroll was approximately \$1,000,000. He said that the sale of beer on Sunday would be an attraction and that his group would like to see this handled with proper controls. It was moved by Councilman Erickson, seconded by Karst, that this proposal be referred to the Police Committee and the City Attorney for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Tom Jones, 2160 Monticello, appeared before the Council to reintroduce the walkway problem between Monticello and Balboa. He presented and read aloud this letter:

2160 Monticello Drive
Idaho Falls, Idaho
September 10, 1976

Idaho Falls City Council
Idaho Falls, Idaho

Gentlemen:

It is the intention of this letter and petition by the residents of the Rose Nielson Subdivision to make known our objections to the construction of a walkway in our neighborhood. This has been recommended to you by the school board for consideration.

In our previous appearance before you we questioned the reasons behind this walkway in our neighborhood. Since then it appears that the school board, without any investigation, decided they wanted the walkway to save distance for our children to travel to Edgemont School.

If the school board had the following information, none of us would again be involved with this issue. Our neighborhood does not want the walkway for the following reasons:

- (1) The children helped by the walkway would rather walk or be car-pooled 1.4 miles since the school board is delaying action on bussing. The problem is at St. Clair, not at Rose Nielson.
- (2) It would be an ugly addition to the neighborhood.
- (3) It would allow the younger child access to another street. We like to keep our pre-schoolers visible.
- (4) Residents of other areas of the country with similar walkways have reported to me in instances of child molestations, narcotics trafficking, muggings and serious accidents.
- (5) It would be a source of debris, would be unusable in winter due to drifting snow, and would be a large temptation for bicycles, motorbikes and snowmobiles.

If the City Council decides to construct this walkway against the resident's will, we ask that they consider the following:

- (1) Will the City place proper lighting (3 lights) for night travel?
- (2) When it snows and drifting occurs will the City shovel the snow to make the walkway passable?
- (3) Will the City clean the walkway from the debris that invariably finds its ways into walkways?
- (4) Who will be at fault if narcotic trafficking becomes a problem---who patrols?
- (5) Who will be at fault if a child is hit by a bicycle, snowmobile, or motorbike because of this walkway?

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The school board should face the real issue and not try to put the City in the middle. We have asked for bussing in Rose Nielsen on the basis of St. Clair, which has to be crossed by any child walking from our neighborhood to Edgemont School. The hazards at St. Clair are fast traffic, despite radar, an unfenced bridge over an unfenced canal, and cars moving in and out of parking lots at the many apartments in the area. There is no sidewalk along much of St. Clair.

The walkway solves no problems – only adds to the present one. Rather than add to a problem let's eliminate one with firm action, and provide safe passage to school – not develop more social problems for our neighborhood and children.

Sincerely,
s/ Tom L. Jones

He, then, presented this petition with 66 signers, all residents within the Rose Nielsen Addition:

We, the residents of and around the Rose Nielsen Subdivision, having prepared this document, do sign the petition asking that the Idaho Falls City Council turn down the proposal by District 91 School Board to impose this walkway from Monticello to Balboa.

Noting that the foregoing letter eluded to the walkway, if constructed, being an inducement for molestations, Councilman Campbell said he couldn't understand this logic, any more than any other walkway within the City serving as a breeding place for same. Jones said that much of the proposed walkway would not be visible to the parents; neither would it be the recipient of proper patrol. In answer to a question by Councilman Erickson, Jones said this petition was signed as recently as this last weekend by parents who were concerned about the long walk to Edgemont School. He said if the walkway was not constructed, the parents still had hope that the School Board would reverse their child assignment decision and that buses would be made available. Erickson said it seemed obvious from the petition, that the walkway did not meet with the approval of any part of the affected neighborhood. Jones again reminded the Council that, if the walkway was constructed, the children would still face daily danger because of the high speed traffic on St. Clair, much of which has no sidewalk. Councilman Karst, directing his remarks to Mr. Jones, said it must be understood that, whether or not the walkway was constructed, the easement would remain. Mr. Jones reiterated his statement made at a previous Council Meeting; namely, that as, if and when it became obvious that the easement was needed for any valid reason, the affected property owners would yield to that need. In the absence of further comment, it was moved by Councilman Erickson, seconded by Karst, that the walkway in question be not constructed at this time and the engineer for the developer be advised accordingly. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to page 359 in this book of minutes. Following an extract of said minutes: "In answer to a question by Councilman Karst, the City Attorney said it would be the Council's prerogative to enter into an agreement with the developer whereby said developer would place in escrow the approximate construction cost of the walkway in question. It was moved by Councilman Karst, seconded by Campbell, that such an agreement be prepared by the City Attorney for a period of ten years with the understanding that if it was not deemed necessary during the time to construct said walkway, the funds

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would be returned to the developer and, further, that the Mayor and City Clerk be authorized to sign said agreement when prepared. Roll call as follows: Ayes, 5; No, none; carried." Asked for comment, City Attorney Smith advised that such an agreement had not been prepared for the reason that, in the interim period, new factors had entered in, obviating the necessity for such an agreement. It was moved by Councilman Campbell, seconded by Karst, that the Council action as above indicated, be reinstated and the City Attorney be directed to prepare the agreement under the same terms and conditions as previously outlined. Roll call as follows: Ayes, 5; No, none; carried.

This petition with 151 signers was presented by Mrs. Keith Ker, 310 West Sunnyside Road, through the City Clerk:

PETITION TO REDUCE SPEED LIMIT ON SUNNYSIDE ROAD

TO: The Board of County Commissioners of Bonneville County, Idaho; the City Council of Idaho Falls, Idaho; the Traffic Safety Committee of Bonneville County, Idaho; and, the Traffic Safety Committee of the City of Idaho Falls, Idaho

The below-signed petitioners reside on Sunnyside Road, either in the most southerly portion of the City of Idaho Falls, or the portion of Bonneville County just south of the Idaho Falls City Limits. Residing on Sunnyside, we have observed the horribly dangerous traffic situation existing on the road which we feel can be greatly alleviated by reduction of speed limit from the present 50 miles per hour to 35 miles per hour. We are, therefore, making a petition herewith for said reduction in speed limit.

The following are some of the bases for our petition:

1. The road itself is too narrow to handle 50 mile per hour traffic in the volume that this road encounters. This is amplified by the existence of heavy truck traffic on the road, complete absence of any shoulder on the road, and extensive use of the road by bicyclists and horseback riders.

2. Because of the absence of any shoulder, the frequent bicyclists are forced to ride on the pavement. Oncoming vehicles, therefore, are forced to try to squeeze between the bicycle rider and the center line since there is usually oncoming traffic to prevent them from swerving into the oncoming lane. Thus, a matter of one or two feet often is all that separates the bicyclist from a 50 mile an hour vehicle. A slight swerve could thus mean sudden death. As an alternative to having vehicles squeeze by, the bicycle rider sometimes will ride in the middle of the lane of traffic to force vehicles to slow when they approach them. This is actually safer for the bicyclist but leads to a severe risk of tail-end collisions on the motor vehicles.

3. There are a great number of residences along this stretch of road and they are increasing daily. This creates a number of situations where people are attempting to turn into their driveways or come out of their driveways. Because of the volume of traffic, a person will often have to wait a significant length of time for the oncoming lane to clear of traffic before making this turn. This creates greater traffic congestion and leads to a significant risk of tail-end chain reaction collisions. In addition, on a number of occasions impatient persons will attempt to pass the line of cars at the very moment that the individual turning finally has the opportunity to do so.

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4. This same problem is amplified with school buses, mail trucks, newspaper deliveries and the like. School buses are, of course, a special concern since they also involve children attempting to cross this busy street after being let off. Impatient drivers have on occasion attempted to pass the line of cars just at the moment that children were attempting to cross the road after getting out of the school bus. During the bulk of the year, the school buses are stopping in dark or dusk hours, adding to the problem.

5. This road receives heavy use from trucks which virtually always go at least the speed limit. The size of these vehicles amplifies the problem.

6. The danger of this situation has been proven by a great number of accidents on this road, including fatal accidents. In addition to the numerous reported accidents, every resident of the area can cite a number of cases where cars have lost control on Sunnyside and ended up in someone's front yard. Since little damage is involved, the accidents are not usually reported; however, this further points to the danger of the situation since these spin-outs could just as easily result in fatal injuries.

7. Even though 50 miles per hour is much too fast for the road, there are a significant number of individuals that exceed the speed limit. This once again further amplifies the problem.

Although a number of other alternatives might help alleviate some of these problems, we are convinced that the only way to reduce the number of fatal accidents on this road is the reduction of the speed limit. It is always much easier to deal with the problem after there is a horrible accident. We are petitioning that the City and County take care of this problem before there are more deaths.

It was moved by Councilman Erickson, seconded by Karst, that this proposal be referred to the Traffic Safety Committee and the Council's Police Committee for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk drew attention to a \$75.00 license application by Mr. Peter Swendsen to sell canned and bottled beer to be consumed on the premises at 379 A Street. Mr. Swendsen had asked that this fee be prorated for the balance of the year 1976. Mr. Swendsen was present in the Council Chambers. He appeared briefly to say this same request had been honored by the County. It was noted by Councilman Karst that there was no provision in the City Code for this procedure. Therefore it was moved by Councilman Karst, seconded by Erickson, that this request be respectfully denied. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk presented these damage claims against the City:

NOTICE OF CLAIM UNDER IDAHO TORT CLAIMS ACT

TO: Mr. Roy Barnes
City Clerk
City of Idaho Falls
Idaho Falls, Idaho 83401

RE: ROBERT KNUDSON'S PROPERTY DAMAGE

Robert D. Knudson, by and through his attorney, Larry M. Boyle, Idaho Falls, Idaho, hereby makes written claim, and demand against the City of Idaho Falls, Bonneville County, Idaho, and its employees, pursuant to IC-6-901, et. seq., and advises and represents as follows:

1. Claimant and his motor vehicle, a 1952 jeep, were struck at the intersection of Shelley Street and North Boulevard by a City owned and operated vehicle on July 28, 1976, and that said City employee was operating said vehicle within the scope and course of his employment.

That claimant suffered property damage of \$750.00 and received minor personal injuries in the amount of \$1,000.00.

That as a result of said collision and negligence of the City of Idaho Falls and its employees, claimant has been without transportation, has had to obtain other means of transportation, all to his general damage in the amount of \$500.00.

2. Claimant, at the present time and for a period of six (6) months prior to July 28, 1976, resides with his family at 991 North Boulevard, Idaho Falls, Idaho.

You are requested to refer all future communications and/or inquiries relative to this matter to Larry M. Boyle, Esq. of the firm of Hansen and Boyle, Idaho Falls, Idaho, as attorneys for claimant.

DATED this 27th day of August, 1976.

s/ Larry M. Boyle

**CLAIM AGAINST CITY OF IDAHO FALLS
Idaho Tort Claim Act**

TO: City of Idaho Falls
c/o City Clerk
308 C Street
Idaho Falls, Idaho

WILLIAM C. MORRISON AND SHERRY M. MORRISON, husband and wife, hereby submit this claim pursuant to the Idaho Tort Claims Act, and in support thereof, respectfully represent:

1. On or about May 12, 1976, claimants were residing in a single-family dwelling, approximately three years old, located at 1120 Garfield Street, Idaho Falls, Bonneville County, Idaho. Claimants were then leasing and had been leasing these premises from Art Johnson, doing business as Idaho Lumber Company, 1498 Curtis, Idaho Falls, Idaho since March, 1975.

2. At approximately 7:00 a.m. on or about May 12, 1976, claimants discovered large quantities of raw sewage containing human waste had been and was in the process of being discharged into the above dwelling's

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basement, through a basement drain, causing flooding. The lessor was immediately contacted by telephone, at which time the basement's condition and nature of the continuing discharge was described. During this conversation, lessor assured claimants the City of Idaho Falls would be immediately notified of the situation.

3. At approximately 7:35 a.m., claimants telephoned the City's emergency number for utilities at 522-5891, to inquire whether or not a trouble report had been received regarding 1120 Garfield. The dispatcher responded that he knew of the situation regarding the sewage discharge and had "called it in". He continued, "but don't expect anyone before 8:00 a.m. as that is when the men go to work". Claimants informed dispatcher that the discharge was continuing at a rapid rate and that the entire basement was flooded several inches.

4. At approximately 8:15 a.m., Joe Lord and Clark Frodsham, employees of the City of Idaho Falls Sewer Department arrived in the vicinity of Garfield Street, at which time claimant directed them to the above dwelling. Lord and Frodsham removed the covers from the manholes both above and below 1120 Garfield and examined the standpipe. Lord, Frodsham and claimant noticed a water line approximately 1 ½ to 2 feet below the street's surface at the lower manhole. Lord described the City main as a ten inch sewage line.

5. At approximately 8:25 a.m. on the above date, Frodsham and Lord, were requested by claimant to examine the basement of 1120 Garfield. After some hesitation, they complied. Upon entering the basement, Lord, Frodsham and claimant observed the sewage had receded for the most part. Remaining in the basement was a "water line" varying in height from the floor 7 ½ to 9", sewage debris, and the soaked, contaminated contents of the basement.

6. At approximately 8:30 a.m. on the same date, Lord and Frodsham left 1120 Garfield, stating they would be back to flush the City line in two or three days.

7. During the time from first discovery until arrival of Lord and Frodsham, claimant donned rubber boots and made every reasonable effort to salvage that personal property stored in 1120 Garfield's basement, not yet contaminated by the rising raw sewage.

8. Between approximately 9:20 and 9:30 a.m. on the above date, City of Idaho Falls pumper truck #132 manned by Lord and Frodsham flushed the main above 1120 Garfield (Apartment house main). During the flushing Frodsham stated to claimant "they saw grease". Frodsham continued, "There is a place where water stands rather flows in the line. Probably grease built upon walls of pipe, that fell from top and plugged main between upper manhole and where 1120's drain hooks up". Joe Lord later stated, "Your flooding was caused by grease build up, should happen only once every twenty years". Mr. Lord made the impression upon claimant that City was aware of the grease build up problem and continued, "City attempts to flush every line in City every two years on continuous rotation with high pressure hose".

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The negligence of Joe Lord, Clark Frodsham and other employees of the City of Idaho Falls, and particularly employees of the City Sewage Department, all imputed to the City of Idaho Falls, consisted in, and among other things, the following:

- A. Failure to make rapid dispatch to 1120 Garfield, Idaho Falls, Idaho, upon first being notified of the sewer trouble.
- B. Neglecting to flush that section of the City sewer line to which 1120 Garfield is hooked up pursuant to the admitted two-year rotation system which existed for the purpose of ridding the City's sewer system of grease build-up.
- C. Failure to inspect the line for grease build up.
- D. Neglecting to initiate a program for more frequent flushing of the section in question, when the City, through its agents, had knowledge and was aware that water stood, rather than flowed, in that section of City main in question, permitting grease to settle in the pipe, build up, and plug the line.
- E. The City of Idaho Falls was actionably negligent in permitting the City main to be constructed in such a manner as to permit water to stand, rather than flow, permitting grease build up beyond that which is reasonably expected.
- F. The City as proprietor of the sewer system further breached its duty to claimants by permitting pipe of such a composition to be installed that allows the build-up of grease when water stands rather than flows through the system.
- G. The City of Idaho Falls was actionably negligent in permitting the builder of 1120 Garfield to hook up to the section in question without providing proper maintenance to the line both prior and subsequent to said hook-up.
- H. The City was negligent in failing to require the builder of 1120 Garfield to install a ball-cock in the basement drain of said dwelling prior to permitting hook-up of the residence's drain system with the City's sewer system.
- I. In light of the City's knowledge of higher use per household, on the line in question, (due to higher incidence and use of water-discharging major appliances, garbage disposal, et cetera), the City was negligent in causing more building permits to issue and consequent sewer hook-up to the line than could reasonably be expected to be adequately handled since the line's planning and initial construction.

- J. The City failed to provide a proper inspection and maintenance schedule, staff and equipment for inspection and maintenance to maintain the line in proper condition.

As a direct and proximate result of the City of Idaho Falls' negligence, the damages sustained by the claimant are as follows:

- A. Claimant's leasehold premises were contaminated with human waste and other raw sewage resulting in the construction eviction from their home. Claimants consequently suffered mental anguish in loss of peaceful enjoyment of the premises. in seeking other appropriate accommodations, and in fear their infant child becoming physically ill as a result of said contamination.
- B. Total loss of the following personal property stored in basement said dwelling at the time of sewage discharge and resulting flooding: teacher's professional library, educational record collection, sheet music, teaching supplies and paper goods, educational duplicating masters, stencils, teacher's work product developed and collated over a five-year teaching career, winter clothing, baby clothing, permeable toys, stuffed animals, 9" x 9" Wentzel umbrella camping tent, canvas tarpaulins.
- C. Partial loss of the following personal property: G. E. automatic clothes washer - electric motor ruined - reparable, Smith Corona portable typewriter - questionable as to feasibility of repair Royal portable typewriter - questionable as to feasibility of repair (both typewriters may have a salvage value).
- D. Incidental cleaning and moving costs.
- E. Move-in costs at new residence (deposits, utility hook-ups, etc.).
- F. Medical costs for care and examination of infant child rising out of contamination of claimant's home.

Claimants cannot now submit a detailed and accurate estimate of each element of damage, but state that all of the damage sustained is in the monetary value of \$6,000.00.

WHEREFORE, WILLIAM C. MORRISON AND SHERRY M. MORRISON, respectfully request that this claim be allowed by the City of Idaho Falls and that they be awarded damages in the sum of \$6,000.00.

DATED this 10th day of September, 1976.

s/ William C. Morrison

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It was explained that, in the interests of time, these had previously been forwarded to the City's liability insurance carrier for early investigation, but 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.

Another matter requiring Council ratification, according to the City Clerk, was his issuance of a taxi permit transfer, representing change of name only, from Star Cab Company and that this was done with the approval of the Police Chief but without authorization by the City Council. It was moved by Councilman Erickson, seconded by Karst, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Finally, under matters requiring ratification, the City Clerk reported that a legal notice was being published, calling for a zoning hearing on September 23, 1976. It was moved by Councilman Campbell, seconded by Erickson, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Bills for the month of August, 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	\$305,559.75	\$288,436.34	\$594,304.49
Street Fund	138,839.84	16,369.48	155,209.32
Airport Fund	2,514.71	6,144.79	8,659.50
Water and Sewer Fund	118,928.34	32,380.10	151,308.44
Electric Fund	257,880.86	53,914.17	311,795.03
Recreation Fund	4,634.71	13,104.00	17,738.71
General Library	2,262.52	10,858.40	13,120.92
Regular Library	149.17	576.40	725.57
Revenue Sharing	154.00	.00	154.00
Commercial Development	17,763.55	738.40	18,501.95
Flood Disaster	8,969.63	.00	8,969.63
TOTALS	<u>\$827,657.08</u>	<u>\$422,522.08</u>	<u>\$1,280,487.56</u>

LIBRARY BOND CONSTRUCTION EXPENDITURES

AUGUST EXPENDITURES:

Expenditures to Date

DATE:

8/11/76	Mitchell Construction Co.	194,479.73	1,165,586.16
8/19/76	Sundberg & Associates	2,176.95	1,362,342.84

Councilman Karst explained all major expenditures. It was moved by Councilman Karst, seconded by Erickson, that the bills be allowed and the Controller be authorized to issue warrants or checks from 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 August, 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, Dwayne W. Bartram, Bill Ziegler; APPRENTICE ELECTRICIAN, Ron Allen with Dave A. Paulk Electric; JOURNEYMAN PLUMBER, Arland Rooks, David M. Powell; PUBLIC CONVEYANCE, Jack L. Viggers for Eastern Idaho Special Services, and Senior Citizens Center; NON-COMMERCIAL KENNEL, William Reed; TAXI CAB OPERATOR, Annie Belle; PUBLIC CONVEYANCE OPERATORS, Stanley Ward; BEER, canned and bottled to be consumed on the premises,

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Peter Swendsen for The Bylander; BARTENDER, William Roelcke, Ghalon Ivie, Kristy Durham, Tim Rogness, Katherine Reisenburg, Coleen McClane, 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.

At the request of the City Treasurer, this letter was read by the City Clerk:

568 Hansen
Idaho Falls, Idaho
September 14, 1976

Treasurer, City of Idaho Falls
Box 220
Idaho Falls, Idaho

Dear Madam:

We would like to offer Eleven Hundred Forty-Five Dollars (\$1,145.00) for lots 18, 19, Block 48, Highland Park Addition.

Yours truly,
s/ Rodney Dockstader

The foregoing letter served to introduce this memorandum from the City Treasurer:

City of Idaho Falls
Office of Treasurer
Idaho Falls, Idaho

MAYOR AND CITY COUNCIL

Attached is a letter offering \$1,145.00 for Lots 18 and 19, Block 48, Highland Park Addition (50 feet). The City did a quiet title on this land in February 1975 and has held its since. This figure will pay all assessments, accrued interest and other legal costs incurred. This property was advertised for sale sometime back.

If the Council should approve sale of this property at this time, I ask that the City Attorney prepare the proper deed and the Mayor and City Clerk be authorized to sign same.

s/ Lorna Coughlin
City Treasurer

The foregoing memo was accompanied by this resolution:

RESOLUTION (Resolution No. 1976-31)

WHEREAS, the City of Idaho Falls, owns the following described real property, to-wit:

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Lots 18 and 19, Block 48, Highland Park Addition to the City of Idaho Falls, Idaho, according to the recorded plat thereof.

WHEREAS, RODNEY DOCKSTADER has offered to pay to the City of Idaho Falls the sum of \$1,145.00 and has tendered deposit of that sum in cash with the City Treasurer in accordance with Idaho Code 50-1751:

NOW, THEREFORE, BE IT RESOLVED:

That upon the payment of the said sum of money by said purchaser, the Mayor is authorized and directed to make, execute and deliver to the said RODNEY DOCKSTADER a deed to said property, in the name of the City of Idaho Falls.

ATTESTED BY THE CITY CLERK AND DULY ACKNOWLEDGED IN THE MANNER REQUIRED BY LAW.

PASSED BY THE MAJORITY OF THE WHOLE COUNCIL THIS 14th day of September, 1976.

APPROVED BY THE MAYOR THIS 14th day of September, 1976.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Karst, seconded by Erickson that this offer from Mr. Dockstader be accepted and the Mayor and City Clerk be authorized to sign the resolution and the deed in favor of Mr. Dockstader. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was a City Redemption Tax Deed in favor of William Bohi, accompanied by this resolution:

R E S O L U T I O N (Resolution No. 1976-32)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 17th day of June, 1975, recorded as Instrument No. 488400, records of Bonneville County, Idaho acquire title to and possession of the following described real property, within Local Improvement District No. 44, to-wit:

The Easterly 29.33 feet of the following described property: Beginning at a point on the south line of Cleveland Street which is 364.27 feet south, 132 feet west, and 123 feet south of the Northeast Corner of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 17, Township 2 North, Range 38, East of the Boise Meridian, and running thence south 132 feet; thence west 132 feet; thence north 132 feet; thence east 132 feet to the Point of Beginning.

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WHEREAS, WILLIAM BOHI has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said WILLIAM BOHI a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL THIS 14th day of September, 1976.

APPROVED BY THE MAYOR THIS 14th day of September, 1976.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

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

From the Personnel Director came this memo:

City of Idaho Falls
September 14, 1976

TO: Honorable Mayor and City Council
FROM: Personnel Director
SUBJECT: EMPLOYEE PHYSICALS – SMA 1260 BLOOD TESTS COSTS

Formal endorsement is respectfully requested for the City to assume the costs of administering the SMA-1260 Blood Test as a part of the City's annual and pre-employment physical examinations.

The additional cost for this year is estimated to be \$4,000.00.

s/ A. Lee Mundell

Councilman Karst said he was advocating approval of this expenditure on the grounds that this type of blood test would provide a means of early detection of many different types of maladies and this early awareness could prevent subsequent claims. In answer to a question by the City Attorney, Karst said this blood test was not compulsory. It was moved by Councilman Karst, seconded by Erickson, that the City assume the cost of administering the SMA-1260 blood test for City employees and pre-employment examinations. Roll call as follows: Ayes, 5; No, none; carried.

From the General Services Director came this memo:

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City of Idaho Falls

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: SALT BIDS

The General Services Division respectfully requests authorization to advertise for and receive bids on road salt for 1976-1977.

Thank you,
s/ Chad Stanger

It was moved by Councilman Hovey, seconded by Erickson, that authorization be granted to advertise for bids on road salt. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was reviewed:

City of Idaho Falls
September 14, 1976

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER SUPPLY SYSTEM SUPERVISORY CONTROL

Plans and specifications have been completed for the Water Supply System Supervisory Control.

We are requesting authorization for the City Clerk to advertise on October 3, 10, 17, and 24, 1976 and open bids on October 26, 1976.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Karst, seconded by Campbell, that authorization be granted to advertise for bids on this control system. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
September 14, 1976

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: GARFIELD STREET BRIDGE

Plans and specifications have been completed for the construction of the Garfield Street Bridge, and Community Development funds have been approved for this project.

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

Respectfully submitted,
s/ Don

SEPTEMBER 14, 1976

It was moved by Councilman Karst, seconded by Campbell, that approval be granted to advertise for bids on construction of the Garfield Street Bridge. Roll call as follows: Ayes, 5; No, none; carried.

Continuing with memos from the Public Works Director, the following was submitted:

City of Idaho Falls
September 15, 1976

ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SANITARY SEWER REPLACEMENTS – PROJECTS 9B-138

On September 14, 1976, two (2) bids were received on the above mentioned project as follows:

1.	H-K Contractors, Inc.	\$31,986.00
2.	Beco, Inc.	45,732.28
3.	Engineer's Estimate	27,301.00

We recommend that the City accept the low bid of \$31,986.00 from H-K Contractors, Inc. and that the Mayor and City Clerk be authorized to sign the contract for the subject project.

Respectfully submitted,
s/ Don

It was moved by Councilman Karst, seconded by Campbell, that H-K Contractors be awarded the bid in the amount of \$31,986.00 for the sanitary sewer replacements as indicated. Roll call as follows: Ayes, 5; No, none; carried.

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

ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SAND AND SALT STORAGE BUILDING

On August 31, 1976, four bids were received for the construction of the sand and salt storage building for the Street Department, as follows:

Cannon Structures, Inc.	\$25,917.00
Bateman-Hall, Inc.	27,243.00
Clark Brothers	28,975.00
Biggers Construction Company, Inc.	29,200.00

These bids have been reviewed and the Public Works Committee is recommending that the pre-cast concrete building be constructed rather than the metal building.

We are recommending that the Council award a contract to the low bidder, Cannon Structures, Inc. in the amount of \$25,917.00.

Respectfully submitted,
s/ Don

SEPTEMBER 14, 1976

It was moved by Councilman Karst, seconded by Campbell, that the low bid of Cannon Structures in the amount of \$25,917.00 be accepted for construction of a sand and salt storage building. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
September 14, 1976

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: SEWER ORDINANCE

The Public Works Committee and the City Attorney have been working for the past year with E.P.A. to develop a sewer ordinance which conforms to Federal rules and regulations.

We have now been advised that our system is approvable and we are requesting authorization for the City Attorney to prepare a revised sewer ordinance and the accompanying resolution.

s/ Don

It was moved by Councilman Karst, seconded by Campbell, that the City Attorney be directed to prepare a revised sewer ordinance which would conform to federal rules and regulations. Roll call as follows: Ayes, 5; No, none; carried.

Noting from the agenda that annexation proceedings of the Bonita Park Addition, Division No. 1, including consideration of a final plat, was next to be introduced, the Mayor asked the City Clerk to present and read aloud this memo from Building Administrator Gilchrist:

City of Idaho Falls
September 14, 1976

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: BONITA PARK, DIVISION NO. 1 – FINAL PLAT AND ANNEXATION

Attached is a copy of the Final Plat, Annexation Agreement, and Annexation Ordinance for the above-described plat. This Plat is located at the west side of Woodruff Avenue, north of First Street.

This Plat has been the subject of several public hearings at the Planning Commission level in the recent past. The last time the Commission considered this Plat, Division No. 1, the property shown on the attached Plat, it was recommended for approval with the initial zoning of R-2 and R-3A on the two lots between Bonita Drive and First Street.

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

Councilman Campbell explained that this Final Plat and proposed annexation incorporated only a small portion of the Virlow Petersen property; namely, a 115' strip along the west side of Woodruff Avenue. He said that, subject to annexation, the Planning Commission had recommended R-2 and R-3A initial zoning. Inasmuch as this strip would serve as a buffer between Woodruff and the proposed residential development to the west, Campbell said that, in his opinion, this represented good planning.

Mr. Robert Fanning, 1710 Garfield, appeared before the Council. He said he was appearing for the purpose of protesting this annexation and proposed zoning but that he was acting in behalf of himself and his neighbors as a nearby property owner, not as an attorney. He said he was unaware until a few hours before this meeting that this matter was to be considered or he would have arranged for many more neighbors to have been present to echo his views. He said he felt justified in assuming this, inasmuch as many Kelsey Estates residents had appeared at several Planning Commission sessions when this area was being studied. Fanning continued by explaining further, the basis for his protest. He said there were 50 to 60 undeveloped acres to the west of proposed Bonita Park Addition, Division No. 1, still un-annexed and that his primary concern was the manner in which this large area would eventually be developed, especially if precedent was set this night by annexing this narrow strip along Woodruff and zoning it something less than R-1. He drew attention to the Rupeicks Report dated back as far as 1964, recommending that this entire area be annexed into the City as single-family residential. Instead, said Fanning, most of it remains un-annexed and is neither platted nor zoned. He displayed several preliminary plats, some of which carried a different name than Bonita Park Addition. He said an examination of these plats would indicate at least at one time, the developers planned heavy density multiple type housing for the entire area. Continuing, Fanning said that he and his neighbors relied heavily upon this area eventually being developed into single family dwellings when they bought their residential property and now, especially if this annexation and proposed zoning is allowed, he and his neighbors have lost all assurance as to how the balance of the 50 to 60 acres will be developed, even to the point that a rendering plant would at least be conceivable. Asked by Councilman Campbell what he would propose, Fanning said that the City Council should first demand a full development plan on this large area from the two principal property owners; namely, Dr. John Hatch and Virlow Petersen. Campbell replied by saying that this Bonita Park Addition, Division No. 1, if annexed and zoned as proposed, would be in the interests of good planning as it would serve as a buffer for the area to the West. Fanning disagreed. He said such annexation and zoning would only benefit the developer, not the near-by residents who wanted to see their residential property values maintained.

Mr. Rance Bare from the Engineering firm of Ellsworth and Associates, representing the developer, appeared briefly. He acknowledged that earlier development plans and preliminary plats had been studied at length by the Planning Commission and the City Engineer and that these had been proven controversial as exemplified by the fact that many near-by residents had voiced their protest. He said the plat being presented this night is the first that had been presented as a final plat, that there was no connection between this one and the earlier controversial preliminary plats, and that this one was the only one that had met with the approval of most nearby protesting residents, the Planning Commission and the City Engineer. Fanning said that, in his opinion, it doesn't represent good planning when annexations result in creation of an un-annexed island which remains outside the City. Referring to the City map on the wall behind the Council table, the Mayor

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and several Councilmen drew Fanning's attention to any number of such instances within the City. The Mayor noted that, by such procedure, the City is in an excellent position to control the manner in which said un-annexed areas would be developed.

Mr. Dennis Storms, 711 N. Woodruff Avenue, appeared briefly to say that, in his opinion, there seemed to be little uniformity or consistency in planning, as an example the fact that part of Woodruff is not buffered with a lower zone than R-1. Campbell replied by saying that there is nothing in the zoning code that prohibits construction of a single family dwelling adjacent to an arterial.

Mr. Bob Edward, 481 N. Woodruff, appeared briefly and presented, in map form, a County comprehensive plan, revealing the fact that the un-annexed land in question, in its entirety, was zoned at the County level for single family dwellings. Gilchrist advised Mr. Edward that the plan had no official status, inasmuch as it had never been adopted by the County.

At the request of the Mayor, Building Administrator Gilchrist procured from his office a recent preliminary plat of the Petersen property, incorporating about 20 to 26 acres, revealing the developer's intention to develop said area with single family residences in an R-1 zone, except for Division No. 1 under consideration this night. Gilchrist said the preliminary plat had been approved by the Planning Commission.

Mr. Cliff Brady, 1668 Garfield, appeared before the Council to concur with Mr. Fanning's remarks, adding that he bought his home in an R-1 residential area with the assumption and assurance that all near-by undeveloped land would be zoned and developed accordingly. He said apartments any where in this general area would devalue his residential property. He said that neither he nor his neighbors, at the moment, had any assurance, in absence of a development plan for the entire area, that the Hatch and Petersen property would not be developed in high density structures which might even become another Happyville. He said the least they could ask for was that assurance that such a development would not occur and, finally, he asked that the Council table this annexation action this night, giving more of his neighbors a right to be heard. It was moved by Councilman Campbell, seconded by Erickson, that action on annexation of the Bonita Park Addition, Division No. 1 be postponed until the next regular Council meeting. Roll call as follows: Ayes, 3; No, 2; carried. Councilmen Erickson, Wood and Campbell voting Aye and Councilmen Karst and Hovey voting no.

This memo from Building Administrator Gilchrist was submitted:

City of Idaho Falls
September 14, 1976

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR VARIANCE - WESTERN TRANSMISSION CO.

Attached is a copy of the plot plan showing a proposed addition to the existing facilities of Western Transmission Company, located at the corner of Olympia and Skyline Drives in the Airport Industrial Park. An expansion plan was previously approved by the City Council in 1973, permitting a proposed addition to encroach within 15 feet of Olympia Drive. This variance was granted on the basis that it did not violate any of the protective covenants of the Industrial Park. The City Zoning Ordinance requires a 30-foot setback from any dedicated street in the M-1 zone.

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The petitioner is now requesting an additional variance of 1 ½ feet to allow the proposed addition to be placed 13 ½ feet south of Olympia Drive. The reason for the request is because the proposed addition will be a prefabricated building and a 50-foot module is desired by the petitioner. In order to conform to the previous variance, this dimension would have to be shortened to 48 ½ feet.

This variance is now being submitted directly to the City Council because it has to do with a variation in the protective covenants for the Industrial Park.

s/ Rod Gilchrist

Mr. Jim McGeachin, owner and operator of the Western Transmission Company, was present in the Council Chambers to answer any questions which might be posed. There was some general discussion about allowing this added variance on the grounds that it might establish a precedent for near-by development. Asked for comment, Gilchrist noted that this involves protective covenants for a tenant within the Airport Industrial Park with the City acting as landlord and, therefore, his Department was without guidelines. It was moved by Councilman Campbell, seconded by Erickson, that this request for a variance be respectfully denied. Roll call as follows: Ayes, Councilmen Erickson and Campbell; No, Councilmen Wood, Karst, and Hovey. The motion having failed for lack of a majority affirmative vote, it was moved by Councilman Karst, seconded by Hovey, that this request for a variance be granted. Roll call as follows: Ayes, Councilman Hovey, Wood and Karst; No, Councilmen Campbell and Erickson; carried.

From the Traffic Safety Committee came this memo:

City of Idaho Falls
September 10, 1976

TO: Mayor and City Council
FROM: Pollock – Chairman Traffic Safety Committee
SUBJECT: RECOMMENDATION ON TRAFFIC

The people in Melbourne Park Addition requested a speed of 20 MPH on John Adams through their residential area which was denied.

It is our recommendation that a speed of 25 MPH in place of the present 35 MPH be posted through the residential area on John Adams in the Melbourne Park Addition.

s/ Robert D. Pollock

Councilman Erickson noted that for the time being, a lower speed limit was probably justified, inasmuch as there are many children residing around this portion of John Adams Parkway and that, eventually, that street to the east becomes a dead end. However, Erickson said he had occasion to warn one or more John Adams residents that the street was destined as a through east-west arterial. It was moved by Councilman Erickson, seconded by Karst, that this recommendation be upheld and the speed limit be lowered as indicated, as long as John Adams Parkway remains a dead end street. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor appointed Councilman Tom Campbell as the City Council representative to the Teton Flood Recovery Committee. It was moved by Councilman Erickson, seconded by Karst, that this appointment be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

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The Mayor then appointed Messrs. James Ririe and John Waterfield as members of the City Parking Committee. It was moved by Councilman Erickson, seconded by Campbell, that these appointments be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

Finally, the Mayor appointed Messrs. Robert Long and Gene Taylor as members of the Parks and Recreation Commission. It was moved by Councilman Erickson, seconded by Campbell, that these appointments be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Hovey introduced a change order on the new library construction contract, proposed by Sundberg & Associates, architects, as follows:

Sundberg & Associates
Architects
September 13, 1976

RE: IDAHO FALLS LIBRARY

Library Board
Idaho Falls Library
Idaho Falls, Idaho

Attention: Mrs. Jeanne Goodrich

Dear Mrs. Goodrich:

The following list of items is submitted for your consideration for inclusion in the above referenced project:

1. Provide cable TV service to the building and to each floor level with a distribution system on each floor level for a total of eight TV outlets. Cable TV service not originally included in the Contract Document - \$413.90.
2. Provide a sink and counter in Room No. 209. This modification requested by Library Board - \$2,498.48.
3. Modify exterior transformer pad in order to house the transformer required by Ferrell's clothing. Request for this modification made by City of Idaho Falls Electrical Department - \$698.60.
4. Revise Atrium area in accordance with the attached revised drawings. Modification requested by Library Board - \$10,301.26.
5. Change handrail finish from satin wax aluminum to anodized aluminum. This change is now mandatory, however, we have been experiencing a rub-off with the satin wax finish. This darkens the hands or clothing coming in contact with same - \$2,144.75.

6. Install light and switch in basement area adjacent to elevator. The basement area is an unfinished area under this Contract and, therefore, is provided with minimal lighting only. It is recommended by this office for safety purposes that this light and switch be installed at this time rather than wait for the completion of the basement area at some future date - \$51.75.

TOTAL \$16,108.74

Yours very truly,
s/ Keith C. Sundberg

It was moved by Councilman Hovey, seconded by Karst, that this change order be approved as recommended and the Mayor be authorized to sign said change order when submitted. Roll call as follows: Ayes, 5; No, none; carried.

At an earlier date, a license agreement between the City and the Elks Club had been presented, whereby the City would agree to pay the Elks Club \$800.00 per annum for the use of their parking lot which is used rather extensively by golfers at the Pinecrest Golf Course. Certain other consideration which would have been required of the City were also a part of said agreement, having to do with maintenance, including seal coating, and certain Councilmen questioned these additional considerations. Councilman Erickson reintroduced this license agreement, reporting that he had conferred with the Elks Club Officials and they had agreed to delete all other considerations except the annual fee as above indicated and also the application of suitable markings for parking stalls, otherwise known as striping, upon the surface of the affected area. It was moved by Councilman Erickson, seconded by Karst, that with these revisions, this agreement be redrafted by the City Attorney, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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