

MAY 8, 1975

The City Council of the City of Idaho Falls met in recessed regular meeting, Thursday, May 8, 1975, at 7:30 p.m. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting, Mayor S. Eddie Pedersen; Councilmen Ralph Wood, Gil Karst, Paul Hovey, Norris Gesas, Jim Freeman, and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller; Lorna Coughlin, City Treasurer; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Don Lloyd, Public Works Director; Chad Stanger, General Services Director; Ernie Craner, Parks & Recreation Director; Steve Harrison, Electrical Engineer; Lee Mundell, Personnel Director.

Minutes of the last recessed regular meeting held April 24th, and two special meetings held May 5th and May 8th, 1975, were read and approved.

The Mayor acknowledged the Milo Scout Troop, lead by Mr. Ed Turner, in the Council Chambers. He thanked the group for their presence and their civic interest.

The Mayor also acknowledged Mrs. Beulah Peeler, private secretary to the Public Works Director, in the Council Chambers. Mrs. Peeler was invited to introduce her daughter, Alice, who had recently been honored as a National Merit Scholarship winner. The Mayor, on behalf of the City Council, congratulated Alice on this uniquely outstanding achievement.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider a rezoning petition by Mr. Grant Shippen for the rezoning of Block 55, Crows Addition, commonly referred to as the Old Eastside School property. At the request of the Mayor, this explanatory memo from the Building Administrator was read aloud:

City of Idaho Falls
May 8, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REZONING REQUEST - BLOCK 55, CROWS ADDITION (OLD EASTSIDE SCHOOL PROPERTY) R-1 TO R-2

A rezoning petition, requesting the above described property be rezoned from R-1 to R-2, has been submitted to this office by Grant Shippen. This petition was reviewed by the Planning Commission at their regular meeting in April, and at that time no objections were presented. The Planning Commission recommended approval of the requested rezoning as a dwelling group planned, as provided for in the Zoning Ordinance.

This action, if approved by the Mayor and City Council, ties the developer to the plot plan as submitted, a copy of which is attached. The developer has agreed to this recommendation.

This department concurs with the recommendation of the Planning Commission and recommends the Mayor and City Council approve the rezoning as a dwelling group planned.

s/ Rod Gilchrist

Councilman Wood, as Chairman of the Building and Zoning Committee, drew attention to many requests for remedial attention on this block toward the objective of eliminating the existing structure which, by now, is a attractive nuisance for children, unsafe, a fire hazard

and environmentally distasteful to the eye. Also, continued Wood, there are many who would like to see the block developed rather than remain a weed patch. Wood then drew attention to the development plan and particularly the fact that there would be no access to said development from 14th Street which would otherwise create a traffic hazard on that street. Wood also drew attention to actual photographs of the type of structure which would be constructed and said that, in his opinion, this would upgrade the area.

Mr. Jim Merritt, 465 E. 14th, appeared before the Council and protested, not so much the planned development but, instead, the attitude of the developer. Mr. Merritt claimed that said developer had been known to threaten near-by residents by saying that, if he wasn't successful in getting the area rezoned, he would construct the type of low cost housing permitted in an R-1 zone which would likely become a slum district.

Mr. Doug Soelberg, 405 E. 14th, then appeared to remind the Council that this developer has petitioned for rezoning before and the Council had denied said petition on the grounds that it constituted spot zoning. Mr. Soelberg said that, in his opinion, although the request was now for R-2 zoning, this still constituted spot zoning and should be denied on the same grounds. He said Mr. Shippen was well aware of the R-1 zone when he bought the property and that he should not be permitted zone change so that he could profit at the neighbor's expense. Soelberg continued by saying that Mr. Shippen probably does have a problem but it is his problem, not that of near-by residents. He said apartments or four-plexes would not up-grade the area. He said that if Mr. Shippen refuses to comply with R-1 standards in his construction plans, then he should re-sell the land to someone who would comply.

Mr. Ken Hall, 351 E. 14th then appeared before the Council. He claimed that Mr. Shippen had never met with the neighbors to explain his planned development. Instead, concurring with the remarks of Mr. Merritt, he would only threaten as to what he would do in the event he was not successful in getting the area rezoned. Mr. Hall noted that 14th Street is scarcely wide enough to accommodate two way traffic and this type of development, even though there would be no direct access from 14th Street, would be bound to create extra traffic to some degree. He said he could anticipate that there might eventually be an effort made to widen 14th Street if this development were permitted and, to this, the 14th Street residents would strongly resist.

Asked for comment, Building Administrator Gilchrist appeared briefly to say that, in his opinion, rezoning an entire block only from R-1 to R-2 would not constitute spot zoning. He said that, under this planned development, there would only be 6 to 8 more units than that permitted in an R-1 zone. He said that one of the big objections when this area previously came before the Planning Commission was the fact that a traffic hazard would be created because of access from 14th Street. He said this would no longer be a problem. He said even utility services would be contained off the street and within the enclosed area, and that most of the garages would also open toward the center rather than toward any of the surrounding streets.

Mrs. Gerald Purcell, 362 E. 15th, appeared briefly to say that, if this spot zoning was permitted, it would set a precedent for other similar areas, such as the old Riverside School site. Mrs. Purcell said Mr. Shippen, if he does intend to develop, should be forced to develop under an R-1 zone or not at all.

Mr. Grant Shippen, the petitioner then appeared before the Council. He said he was a little late arriving at this hearing because he passed by the old Eastside School and had to contend with a group of young people there, entering the structure through open doors and windows and that this is a common occurrence which will continue until the building is razed. He said he has made every effort to determine a practical development plan under an R-1 zone without success. He said the loaning institutions have taken the stand that this block is not conducive to R-1 single family dwelling construction. He said that, at the time the property was purchased, the school board assured him there would be

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no problem in getting the area rezoned. He said that if this rezoning is denied, there are no further plans for any kind of development nor the razing of the building.

Mr. Paul Savides, Vice-President of the Shippen Construction Firm, appeared briefly to say that he and others made every effort to contact all near-by residents to explain this planned development. He said every effort was also expended to arrive at a plan that would not inconvenience said near-by residents and to enhance the area.

Councilman Freeman drew attention to the fact that the Planning Commission was recommending approval of this rezoning. He said this civic-minded group, working without pay, were fully qualified as a working organization to make calculated recommendations on issues of this nature. He said that, in the specific instance of this eastside property, they were primarily motivated on the grounds that this planned development would not only benefit the area but would eliminate a blighted building which would also benefit the area.

In the absence of further comment, it was moved by Councilman Wood, seconded by Erickson, that this area be rezoned from R-1 to R-2 and that the Building Official be directed to incorporate said rezoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried. Councilman Hovey voting no.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing for the purpose of hearing protests and opinions concerning the propriety of installing Well No. 13 and a related water pumping plant on City owned property legally described as follows:

Beginning at a point that is N. 0°28'45" E. 516.00 feet from the W¹/₄ corner of Section 16, T. 2N. R. 38 E.B.M., running thence N. 0°28'45" E. 300.00 feet, thence S. 64°13'13" W. 352.71 feet, thence S. 0°20'31" W. 138 feet, thence S. 88°26'35" E. 316.40 feet to the point of beginning.

There were none who appeared to protest this facility. It was moved by Councilman Gesas, seconded by Karst, that a conditional use permit be granted for this facility at the location as described. Roll call as follows: Ayes, 6; No, none; carried.

Mrs. Mary Carlson, wife of a striking police officer, appeared before the Council accompanied by other housewives of certain striking City employees. Mrs. Carlson, acting as spokesman, asked the Mayor and City Council where they stood on the various strikes being conducted by several union organizations against the City of Idaho Falls.

Councilman Karst, as spokesman for the Mayor and other Councilmen, asked for clarification. Mrs. Carlson said she and others were seeking the truth on the City Administration's stand on this problem and the truth seemed difficult to come by, inasmuch as the Councilmen had elected not to enter into any of the negotiation meetings and the news from the press seemed consistently to be City oriented. Karst explained that an offer has been made by the City; that some groups had accepted said offer; that other groups had not accepted said offer; that the last negotiation meeting was held on April 29th and that, in the interim period, said offer had not been accepted by the striking employees. He said the City had offered an 8.8% wage and benefit package which seemed fair to the Mayor and City Council, that the City had also agreed to an agency shop and that the City had conceded to the check off request. He said that, in his opinion, there had been very little conceded on the other side.

Asked why the Council refused to participate in negotiations, Karst said that none of the Councilmembers felt qualified in this field. He said that, instead, they had authorized one who was competently versed to represent them.

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Mrs. Carlson then asked why the Mayor and City Council had refused to meet with Mr. Bart Brown, State Commissioner of Labor, when he was in the City recently. Karst said he was not aware that Mr. Brown had visited this City. Mrs. Carlson then asked why the City had not taken advantage of an L.E.A. Federal Grant for the employment of additional officers. Asked for comment, Police Chief Pollock said they were investigating this possibility, but that if it were to materialize, the officers so hired would be limited in their activities to the field of burglaries.

Mrs. Carlson then asked what the future might hold for the striking employees. Karst reminded Mrs. Carlson that it takes two parties to engage in bargaining and that perhaps the other side should be asked this question.

In the absence of further comment on this issue, the Mayor asked the City Clerk to present the bills for the month of April, 1975. The City Clerk read aloud all fund totals for salaries, materials, and services, as follows:

<u>FUND</u>	<u>SERVICE AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$205,395.46	230,185.92	\$435,581.87
Street Fund	\$13,208.93	11,846.69	\$25,055.62
Airport Fund	\$3,349.40	4,665.44	\$8,014.84
Water & Sewer Fund	\$59,883.79	25,794.44	\$85,678.13
Electric Light Fund	\$209,866.64	44,496.90	\$254,363.54
Recreation Fund	\$3,522.89	3,595.12	\$7,118.01
Revenue Sharing	\$8,862.35	.00	\$8,862.35
Community Development	\$10,500.00	.00	\$10,500.00
TOTAL FUNDS	\$514,589.46	320,584.41	\$835,173.87

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 on the respective funds for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Reports from Division and Department Heads were presented for the month of April, 1975, and, there being no question nor objection, were accepted by the Mayor and ordered placed on file in the Office of the City Clerk.

License applications for FIREWORKS, Skaggs Drug Center; RESTAURANT, Leo Larsen for Western Amusement, Inc.; ELECTRICAL CONTRACTOR, Ramon Curtis, J. Vernon Priest, Hal Merkley; JOURNEYMAN ELECTRICIAN, Ramon Curtis, J. Vernon Priest, Kenneth Carlson, Arthur L. Pugh, Jr., Hal D. Merkley; APPRENTICE ELECTRICIAN, James D. Facer with Davis Electric; JOURNEYMAN PLUMBER, John Bein; CLASS C CONTRACTOR, WARM AIR, GAS FITTING, Green Plumbing by Warren Butler; CLASS C JOURNEYMAN, GAS, WARM AIR, John Bein; CLASS D CONTRACTOR, GAS FITTING, Paul M. Ostler; CLASS D JOURNEYMAN, GAS FITTING, Paul M. Ostler; CLASS D JOURNEYMAN, REFRIGERATION, Blaine E. Olsen; CLASS D JOURNEYMAN, WARM AIR HEATING, Warren L. Butler; CLASS D APPRENTICE, GAS FITTING, Gary Ostler with Paul's Natural Gas Services, Mark Ostler with Paul's Natural Gas Services, Blair Nave with Paul's Natural Gas Services; DANCE HALL, Paul Dobbs for Wanter-Inn; TAXI OPERATOR, L. David Dysinger, Reta Wright; BARTENDER, Sidney Kinney, William Hiatt, Jr., Jessie Funk, Terry Collier, Mike Brunt, Reed Holverson, Carol Messmer, Michael Grisanti, Gidget Olinghouse, Rose Mary McIntyre; BEER (CANNED, BOTTLED AND DRAUGHT TO BE CONSUMED ON THE PREMISES), Glen Rindal for Corner Pockets of Idaho Falls; BEER (CANNED & BOTTLED, TO BE CONSUMED ON THE PREMISES), Leo Larsen for Western Amusement at Tautphaus Park Softball area, were

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presented. It was moved by Councilman Freeman, seconded by Karst, that these licenses be granted, subject to the approval of the appropriate Division Director where required. Roll call as follows: Ayes, 6; No, none; carried.

A City deed in favor of Jess and Karen Williams was presented, accompanied by this resolution:

R E S O L U T I O N (Resolution No. 1975-18)

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

Lots 23 and 24, Block 33, Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, JESS WILLIAMS OR KAREN WILLIAMS, has offered to pay to the City of Idaho Falls the sum of \$1,600.00 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 said sum of money by said purchaser, the Mayor is authorized and directed to make, execute and deliver to the said JESS WILLIAMS OR KAREN WILLIAMS 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 A MAJORITY OF THE WHOLE COUNCIL THIS 8th day of May, 1975.

APPROVED BY THE MAYOR this 8th day of May, 1975.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

It was moved by Councilman Karst, seconded by Freeman, that the Mayor and City Clerk be authorized to sign the resolution and the deed. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim was presented by the City Clerk:

April 29, 1975

Dear Sir:

On Wednesday, April 9th, at 11:00 p.m., I left the Gay Nineties Pizza Parlor and went on to a City street. The front end of my car fell into a trench. It has snowed so that the trench was not visible. The trench was not marked by flares, crossbuck, or any other signs.

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I went to the City Attorney, Art Smith. He called Bud Evans who sent a man out to look it over. They both agreed it was the responsibility of the City to have this marked. They then instructed me to file a claim with the office of the City Clerk.

The damages and expenses incurred are as follows:

Towing fee – A-1 Towing Service	\$35.00
Wheel alignment and tie rod straightened	12.50
Replacement for bent wheel	6.00

Receipts can be furnished upon request. For corroboration of details of the claim you may contact Miss Afton Bitton of the Idaho Falls High School.

Yours truly,
s/ Kevin Frisby
Rt. 3 Box 61
Idaho Falls, Idaho

It was explained that, in the interests of time, this had been forwarded to the City Insurance Carrier for preliminary investigation on May 1st. It was moved by Councilman Karst, seconded by Freeman, that this action be duly ratified. Roll call as follows; Ayes, 6; No, none; carried.

Another matter requiring Council ratification was introduced and explained by this memo from the Public Works Director:

City of Idaho Falls
May 8, 1975

ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AERIAL PHOTOGRAPHY

Earlier this week the Council gave informal authorization to award a contract to the low proposal. The proposals received were as follows:

1.	Olympus Aerial Surveys, Inc. Salt Lake City, Utah	\$ 5,000.00
2.	Aero Graphics Salt Lake City, Utah	\$ 5,078.80
3.	Wild Country Films Jackson, Wyoming	\$ 8,500.00
4.	Intermountain Aerial Surveys	\$12,010.88

The Engineer did not submit an estimate.

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We would request ratification of a contract award to the low proposal, Olympus Aerial Surveys, Inc. in the amount of \$5,000.00.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that this previous informal action on the part of the Council in awarding the aerial photography project to Olympus Aerial Surveys, Inc. in the amount of \$5,000.00 be duly ratified. Roll call as follows; Ayes, 6; No, none; carried.

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

City of Idaho Falls
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ATTN: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: LANDSCAPING AT THE SEWAGE TREATMENT PLANT

On April 29, 1975, the City received three bids for the Landscaping at the Sewage Treatment Plant as follows:

- | | | |
|----|---|-------------|
| 1. | Earlybird Sprinkling & Landscaping Co.
431 Reed Street
Rexburg, Idaho | \$31,729.99 |
| 2. | Idaho Lawn & Sprinkler
Box 150
Pocatello, Idaho | \$53,528.02 |
| 3. | Arthur Landscaping
Box 2667
Idaho Falls, Idaho | \$62,286.48 |

The Engineer's estimate was: \$40,250.00

We would recommend that the low bidder Earlybird Sprinkler & Landscaping Co. be awarded the contract in the amount of \$31,729.99 subject to final approval from EPA.

Respectfully submitted,
s/ Don

It was moved by Councilman Gesas, seconded by Karst, that Earlybird Sprinkler & Landscaping Co. be awarded the contract for the project and in the amount as indicated, subject to final approval from EPA. Roll call as follows: Ayes, 6; No, none; carried.

The General Services Director presented this memo:

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City of Idaho Falls
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TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-75-3

It is the recommendation of the General Services and Electrical Division that the City Council accept the bid of Westinghouse Electric Supply Co. of \$44,122.12 for the five conductor items on this bid. This recommendation is based upon Westinghouse presenting the lowest acceptable bid.

s/ Chad Stanger

By way of explanation as to what the foregoing memo meant by the words "lowest acceptable bid", Councilman Erickson said that Westinghouse was the lowest firm bid. It was moved by Councilman Erickson, seconded by Hovey, that this bid be accepted for the conductor items as described. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the General Services Director was reviewed as follows:

City of Idaho Falls
May 8, 1975

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-75-6

It is the recommendation of the General Services and Electrical Division that the City Council accept the bid of Pole-line Distributing Co. for (1) 300 KVA Padmount Transformer at \$3,207.00 as being the bid best suited to the needs of the City of Idaho Falls. This bid represents a figure of \$116.00 higher than the lowest bid but has a 7 week shorter delivery time. Because of the critical nature of this transformer we base our recommendation accordingly.

s/ Chad Stanger

Councilman Erickson noted that this transformer would be used for the Stardust Motel Addition. It was moved by Councilman Erickson, seconded by Hovey, that this bid for the transformer as described be accepted for the amount as indicated. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
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TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: BID #IF-75-2

It is the recommendation of the General Services and Electrical Division that the City Council accept the bid of Westinghouse Electric Supply Co. for a vacuum power circuit breaker for \$10,121.00. This item is an alternate bid to

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the specified request with Westinghouse presenting the lowest qualified bid for both the specified item and the alternate.

Thank you!

s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Hovey, that Westinghouse Electric Company be awarded the bid for the vacuum power circuit breaker as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from General Services Director Stanger, came this memo:

City of Idaho Falls
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TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: FARM LEASE – FIELDING MEMORIAL CEMETERY

It is the recommendation of the General Service Division that the City Council enter into an agreement with Mr. Bert Hansen for a three (3) year lease for the farm at Fielding Memorial Cemetery. The terms of the lease would be \$500.00 cash per year for the three (3) year period.

This lease is proposed instead of the crop lease passed at the last Council session because of the restrictions and requirements placed on the Lessee in conjunction with the sewerage sludge testing program on this property by the City.

Thank you!

s/ Chad Stanger

Asked for comment, Stanger appeared briefly to say that Mr. Hansen objected to the first lease because it was too restrictive to be profitable for him on a share crop basis. Stanger said this lease could be re-examined after three years to determine the terms and conditions beyond that period. It was moved by Councilman Erickson, seconded by Hovey, that this lease, as amended and revised be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Director of Aviation came this memo:

City of Idaho Falls
May 6, 1975

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: FAA AIRPORT LAND LEASE

The Federal Aviation Administration proposes to put an additional aircraft landing aid, to serve Runway 03 at the Municipal Airport.

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The installation of this Visual Approach Slope Indicator (VASI) necessitates a lease by the City to the FAA of approximately 0.04 acres of airport property adjacent to the approach end of Runway 03. As with other governmental leases at the airport, no rental fee is involved.

Since this aid further improves the airport, the Airport Committee recommends that the Mayor and City Clerk be authorized to execute this lease on the part of the City.

s/ H.P. Hill

It was moved by Councilman Hovey, seconded by Gesas, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Director of Aviation was submitted, to-wit:

City of Idaho Falls
May 6, 1975

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: AIR SHOW AT THE AIRPORT

Idaho Falls Aviation dba Red Baron Air Service has requested permission of the City to use portions of airport leased to them and to others for an air show on June 15, 1975. The proposed exhibition will be scheduled so as to not curtail scheduled airline or other terminal building area lessee activities on this date.

The City Attorney's office has drawn a quasi-permission from the City, which will allow Red Baron to proceed with the arrangements, and to procure the necessary Federal Aviation Regulation waivers. Acting upon the advise of the City Attorney's office, the City will not receive any direct revenue from this exhibition. This is done to minimize potential liability on the part of the City. The City may recoup any cost for damages incurred in connection with the air show.

The Airport Committee recommends that the Mayor and City Clerk be authorized to execute this document of conditional permission.

s/ Pete Hill

Councilman Hovey said the Airport Committee and the City Attorney has examined this document and are satisfied that it provides the liability provisions needed to protect the City. He said the City would be reimbursed for damages, clean-up etc. Councilman Erickson noted that the entire activity would be under the supervision of, and to that extent policed by the F.A.A. It was moved by Councilman Hovey, seconded by Gesas, that permission be granted to conduct the air show on the date as indicated and the Mayor and City Clerk be authorized to sign the conditional permission document. Roll call as follows: Ayes, 6; No, none; carried.

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Councilman Gesas reported that there would be a hearing on the proposed 17th Street re-construction project, between Boulevard and South Yellowstone at 7:30 p.m. in the Little Theatre, May 13th, 1975. He urged all Councilmen to be in attendance.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 8:55 p.m., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ S. Eddie Pedersen
Mayor

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