

NOVEMBER 20, 1973

The City Council of the City of Idaho Falls met in recessed regular meeting, Tuesday, November 20, 1973, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Mel Erickson, Jack Wood, Gil Karst, Paul Hovey, Norris Gesas, Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Steve Harrison, Electrical Engineer; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Paul Lundblade, Building Official; Pete Hill, Director of Aviation.

Minutes of the last recessed regular meeting, held November 8, 1973, were read and approved.

License applications for GROCERY STORE, Albertsons (on Anderson), Doc's Fish Haus; RESTAURANT, Albertsons (on Anderson), Doc's Broadway Café & Lounge; CLASS D CONTRACTOR, FOR GAS FITTING, Wally Varner with Union Plumbing Company; MASTER PLUMBER, Wally Varner for Union Plumbing Company; CLASS D JOURNEYMAN FOR GAS FITTING, Morris E. Adams with Union Plumbing Co.; JOURNEYMAN PLUMBER, Morris E. Adams with Union Plumbing Company; JOURNEYMAN ELECTRICIAN, Danny V. Priest; APPRENTICE GAS FITTER, Richard Breiting with Globe Mechanical; BARTENDER, Gidget Olinghouse, Jay M. Galbraith; MOTOR LODGE, Everett Jordan for Stardust Motor Lodge (179 rooms); BEER, (canned, bottled & draught, to be consumed on the premises), S. C. Montague for Starlite Lounge, Millard M. Divine for Doc's Broadway Lounge, Ted LeBaron for LeBaron's, L.L. McCormish for Grand Bar, John M. Ransom for Russet, Stephen Carlson for Matador Lounge, L. Dean Johnson for Lantern Pizza at 1830 Woodruff; BEER, (canned and bottled, not to be consumed on the premises), Gary White for Albertsons on Anderson, Robert Martin for Safeway Stores, Inc., Joseph L. Kinney for Haven Motel, were presented. It was moved by Councilman Erickson, seconded by Wood, 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.

From the Purchasing Department this memo was forthcoming:

City of Idaho Falls
November 14, 1973

Fuel and Oil

Honorable Mayor and Councilmembers:

The Purchasing Department requests authorization to bid fuel and oil for 1974. It is the recommendation of the Purchasing Department that due to Government restrictions on quantity of fuels, that the City of Idaho Falls bid oils and fuel on a bid for City of Idaho Falls only. This will establish quantity for the City, School District and the County separately.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Karst, seconded by Hovey, that authorization be granted to advertise for bids for oils and fuel for 1974 without including the School District or the County for the reasons as mentioned. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the need for scheduling a public hearing to consider several rezoning petitions. It was moved by Councilman Wood, seconded by Karst, that said hearing be

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scheduled for December 13th, 1973, and that authorization be granted to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Parks & Recreation Director was submitted:

City of Idaho Falls
November 19, 1973

TO: Mayor and City Council
FROM: Ernest Craner, Director Parks & Recreation
SUBJECT: DORA ERICKSON SPRINKLING SYSTEM

The Dora Erickson Elementary School sprinkling system bids were tabulated November 6, 1973; The low bidder – Biggers Construction Co., Idaho Falls - \$17,954.23; Other bidders were – Heyrend Construction Co. - \$18,476.00 and Elmar Corp. - \$31,870.00.

Request the low bid of \$17,954.23 be awarded to Biggers Construction Co.

This is a BOR project. No City funds involved.

s/ Ernest Craner

It was moved by Councilman Freeman, seconded by Erickson, that the low bid of Biggers Construction Company in the amount as stated be awarded for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Official was presented and studied:

City of Idaho Falls
November 19, 1973

MEMORANDUM

TO: Mayor and City Council
FROM: Building and Zoning Division
SUBJECT: VARIANCE FOR WOOD FENCE IN FIRE ZONE #1

Mr. Donald J. MacKay, Vice President of Idaho First National Bank at 330 Shoup Avenue, requests a variance to permit an 8 ft. high by 96 ft. long, 1”X14” rough sawn cedar wood fence erected on the west side of their parking lot on the corner of Broadway and Shoup Avenue to remain as erected. This fence was discovered under construction on the 19th of October, 1973, at which time a stop work order was placed on same. This fence was erected by Mr. William Kyle of the Mart without a building permit. Had an application for same been made at our office it would have been refused due to the fact this fence is in violation of Table 5 (A), page 52 of the 1970 Edition of the Uniform Building Code which does not permit a combustible wood fence over 6 ft. high in Fire Zone #1.

Mr. MacKay mentioned they would treat this fence with a fire retardant chemical. This too is not permitted under Section 407 of the Uniform Building Code which states “any fire

retardant treated wood or plywood is not considered permanent when exposed to the weather, therefore, would not be permitted in Fire Zone #1.

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The Building Department is recommending denial of this request and to have the fence removed.

s/ Paul Lundblade
Building Official

Mr. Donald MacKay, Vice President of the Idaho First National Bank, appeared before the Council. He first explained why the fence in question was built without a building permit. He said Mr. Kyle, who constructed the fence checked with the engineer firm whose firm had been responsible for construction of the entire parking lot and it was determined that the fence was a part of the over-all parking lot construction project. He said it was not until the fence construction was completed that he received a letter from the City's Building and Planning Department to the effect that the fence was in violation for the reason as stated in the foregoing memo. Mr. MacKay continued by saying that, upon receipt of said letter, he checked with a representative from the Idaho Survey and Rating Bureau who assured him that the fence did not constitute a fire hazard. Mr. MacKay noted that the fence had been purposely placed away from the adjacent building to the west so that access between said fence and the building would be made possible at any time, particularly for the purpose of removing refuse and debris. He assured the Council that, in keeping with the nearness of the entire lot, no debris would be permitted at any time on either side of the fence. He said this was necessary for the two-fold objective of appearance and the elimination of any possible fire hazard. Mr. Mackay continued by saying that they had made contact with several paint companies and had been assured that there were materials available which, when properly applied, would cause the fence to be completely fire retardant. He said the product that would be used had a five-year guarantee but that said product would be applied annually. He said this product had been approved for use for the purpose as indicated by the California Fire Marshall. Referring to the provisions of the Uniform Fire Code, it as learned that a six-foot wooden fence at this same location would be permissible without the granting of a variance. Mr. MacKay said they would cut 24 inches off the top of the fence if necessary but it was hoped this could be avoided, inasmuch as the purpose of the fence was strictly for attraction and to hide from view a rather unsightly rock wall behind it. Mr. MacKay asked about wooden signs throughout the downtown area. Councilman Gesas said these would not now be permitted with new construction. He said any that might be in existence would fall in the category of a pre-existing use. Councilman Wood said he felt it was rather ridiculous that a six-foot wooden fence would be permitted but that an eight-foot fence would be prohibited. He said that, in his opinion, one would not create any more fire hazard than the other. Wood then asked the opinion of the Fire Chief. Fire Chief Corcoran replied by saying that certain fire retardant chemicals had proven quite effective and that he was not too concerned about the fence constituting a fire hazard at the present time, considering its location and the fact that it was constructed away from the building to the west, creating easy access in the remote event of fire. Corcoran said that, notwithstanding these facts, his Department could not endorse the granting of this variance inasmuch as they were obliged to be guided by the Code requirements. It was moved by Councilman Wood, that this request for a variance be granted. This motion died for want of a second. Councilman Karst noted that the Council had required others to remove combustible materials because they were prohibited in a Fire One Zone. Karst said he was particularly concerned about establishing a precedent by allowing a variance to any Code as important and vital as a Fire Code. Councilman Freeman said he was not in a position to make a decision or vote on this matter this night, inasmuch as he had not seen the fence in question. Fire Chief Corcoran

reappeared briefly to say that it would help to know if the fire retardant materials recommended to the bank are, in fact, completely dependable and that this would be a valuable determinant before a final decision was made. Mr. MacKay said the paint vendor had offered to ship treated samples

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for study and analysis. Councilman Gesas concurred with the Fire Chief and encouraged Mr. MacKay to have the samples made available to the Fire Department. Building Official Lundblade appeared briefly to say that the Uniform Building Code authorities should have a research code on the proposed material and it would only be with their stamp of approval that his Department could withdraw their recommendation for denial of this variance. It was moved by Councilman Erickson, seconded by Gesas, that this matter be tabled for the time being and that, in the interim period, the fence be painted with this recommended material and that, subsequently, the Fire Chief render a decision as to the fire retardant capabilities of said material. Roll call as follows: Ayes, 6; No, none; carried. Mr. MacKay thanked the Council for their consideration and assured them all would be done to expedite this matter as soon as possible.

This memo from the Public Works Director was presented:

City of Idaho Falls
November 20, 1973

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: OUTSIDE CITY WATER AND SEWER SERVICE CONTRACTS - J & W DEVELOPMENT, INC.

We are submitting herewith Outside the City Sewer and Water Service Contracts in favor of J & W Development, Inc. (Merritt Johns). His place of business will be on the south side of 17th Street just east of Utah Avenue. The Public Works Committee has reviewed this Agreement and are recommending that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Donald F. Lloyd, P.E.

It was understood that the applicant would participate in the installation of the construction of the water line and that this was included as a provision in said contract. It was moved by Councilman Gesas, seconded by Karst that these contracts be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

At the request of Councilman Erickson, the City Clerk presented and read aloud this memo:

City of Idaho Falls
November 20, 1973

TO: Ernie Craner, Director
FROM: Donald F. Lloyd
SUBJECT: LAKES FOR SAND CREEK GOLF COURSE L-2, K-2

On Tuesday, November 12, 1973, 4 bids were received for the construction of lakes at the Sand Creek Golf Course. The bids for the alternate requiring an 8 inch clay lining were as follows:

Bateman Brothers Exc. Co., Inc.	\$22,862.50
R. V. Burggraf Company	24,000.00
Grover Construction Co.	24,560.00
Kennaday Paving Co.	25,150.00

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Alternate No. 3 requires the stockpiling of the excavated material and allows a \$3,500 deduction. We would recommend the awarding of this contract to Bateman Brothers using Alternates #'s 1 and 3 in the amount of \$19,362.50.

s/ Donald F. Lloyd
Public Works Director

It was move by Councilman Erickson, seconded by Freeman, that the low bid of Bateman Brothers Excavating Company in the amount as stated be accepted for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read aloud:

Great Western Dist. Co.
November 16, 1973

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

Dear Mayor Pedersen:

I am writing to request that you accept my resignation from the Board of Directors of the Eastern Idaho Special Services Agency.

Because of the time consuming demands of my business, I find it often impossible or very difficult to attend the board meetings. When I am able to attend I am generally not able to stay for the entire meeting. I therefore feel it in the best interest of all concerned that you appoint someone who has sufficient time to devote to this worthwhile program.

I have enjoyed working with all of the persons connected with the Eastern Idaho Special Services and fully recognize its importance and necessity in our community.

Sincerely,
s/ Gordon L. Nelson

It was moved by Councilman Erickson, seconded by Freeman, that the resignation of Mr. Nelson as a member of the Board of Directors of the Eastern Idaho Special Services Agency be regrettfully accepted and the Mayor be authorized to extend, in writing, a vote of thanks to Mr. Nelson for his dedicated service in this capacity. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Hovey asked for official design approval of the proposed Electrical Administration Building. He explained that this was a necessary action before said plans and specifications be presented to the Community Redevelopment Commission for their study, consideration and approval. The actual plans, as prepared by the architect, both internal and

external, were reviewed by the Mayor and City Council. Hovey said these had previously been approved by the Electrical Committee and the Mayor. It was explained that the proposed plans called for a smooth exterior pre-cast finish except for some decorative stone. It was noted that the complex, when completed, would cover over an acre of land, incorporating 43 to 44,000 square feet. All facilities within the building were noted, including office and engineering space, conference

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room, warehouse, storage, repair and maintenance for electrical vehicles, lunch and locker rooms, tool room, metering and signalization, etc. Hovey also noted that, by alternate, the mezzanine might be developed into a large conference room which would be made available to the Public. Hovey completed his presentation by saying that construction bids would be advertised in early February, 1974. It was moved by Councilman Hovey, seconded by Gesas, that these plans and specifications be given official Council approval and that the architect be authorized to, in turn, present them to the Community Redevelopment Commission for their study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood drew attention to the well publicized parking problem at the airport. He said that he and his fellow Airport Council Committeeman were unable to come to a unanimous decision on the problem for purposes of making recommendation to the Council and, therefore, it appeared only reasonable and prudent to bring said problem to the entire Council for a final decision. By way of reiteration, Wood explained that the problem centered around the question as to whether or not to move the ticket booth to the long term parking area. He said he would first view his opinion and then turn the time to his fellow Committeeman so that he could do likewise. Wood spoke in favor of allowing the booth to remain in the middle of the street at the entrance to the terminal area. He said if it were removed, parking meters would be necessary for all of the short term parking area with the exception of a few spaces for loading and unloading. He noted that, under the existing arrangement, there was some leeway and that, under certain conditions, airport customers could enter and leave the grounds without fee but that, if the booth were moved in favor of meters, no one, except those fortunate enough to occupy the few loading and unloading spaces, would be excluded or exempt from paying a parking fee. He said the meters would be of the blind variety so that the customer, in order to be on the safe side, would be obliged to insert 25¢ even though the flag was still showing. Wood also registered concern, inasmuch as the meters would require supervision and enforcement and, because of that, he questioned whether or not the City's net receipts would substantially benefit.

Councilman Gesas then presented his views. He first drew attention to the airport bond election as of June of 1972. Gesas noted that, prior to the election, the Mayor and Council had pledged themselves to do every thing possible to place the airport, financially, on a self-sustaining basis so that the airport mill levy could be deleted and the bonds be serviced from airport revenues. He said servicing the bonds would be a continuing problem, as long as there were any outstanding and that this must be accomplished either by mill levy or airport revenue. Under the theory of having the airport user pay for that service, he preferred the latter route. He said that, in his opinion, the City would benefit substantially by the installation of meters. Moreover, continued Gesas, a decision made today should reflect the fact that airport use and traffic, generally, is expected to double by 1980. Gesas said he was convinced that revenue would increase by this change, if only because of the fact that it would substantially lower the percentage of those now using the airport who pay nothing. Gesas said that the Council should also take a strong look at the advantages of moving the cab area to the south, thus eliminating congestion and providing more space and a better service for those wishing to use the front entrance to the terminal building.

There was also general discussion, pro and con, about the possibility of using the airport officer on duty and/or the custodians to assist in meter enforcement. Councilman Hovey noted that the airport provides very limited accessibility for loading, unloading, and other airport traffic.

He said that, in his opinion, the parking meters would only add to the number of protesting customers. especially if citations were issued and that the change would only exchange one group of dissatisfied airport users for another.

In absence of further comment, it was moved by Councilman Gesas, seconded by Karst, that the ticket booth be moved to the long term parking area and that parking meters be installed as recommended by a recent proposal by the lessee, the Airport Parking Company of America. Roll **NOVEMBER 20, 1973**

call as follows: Ayes, Councilmen Gesas, Freeman, Karst; No, Councilmen Erickson, Wood, and Hovey. Noting a tie vote of the City Council, the Mayor voted Aye, thus breaking said tie vote, in favor of the motion as stated by Councilman Gesas.

Councilman Wood introduced a request by Western Transmission, an Airport Industrial Park tenant, to construct a building to the north of their location for a sub-lease. It was noted that there would not be sufficient setback if the building were to face Olympia but that this would pose no problem if it were to face Skyline. Councilman Hovey questioned, under the Airport Industrial Park covenants, the right to a tenant to contract with a sub-lessee. Director of Aviation, Pete Hill, appeared briefly to say that this was not in conflict with said covenants, providing Council approval was granted. It was moved by Councilman Wood, seconded by Gesas, that authorization be granted for the building in question to be constructed by Western Transmission for the benefit of a sub-lessee, providing it faced Skyline with proper setback; providing, also, that it was served with its own water and sewer lines and providing, finally, that it was constructed in compliance with all requirements of the building code and the Airport Industrial Park covenants. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood then noted that there was at least one airport tenant operating from an airport hangar without benefit of lease and that said operator, from time to time, had even subleased a portion of the hangar to other unauthorized tenants. It was moved by Councilman Wood, seconded by Gesas that the City Attorney be directed to see that this situation is rectified and that one or more appropriate leases are obtained. Roll call as follows: Ayes, 6; No, none; carried.

Wood then brought to the attention of the Council the fact that there were several freight forwarders operating out of the airport without benefit of lease. It was moved by Councilman Wood, seconded by Gesas that the City Attorney also be directed to obtain appropriate leases from these unauthorized freight forwarders. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Wood noted that there were two landowners adjacent to the airport using irrigation water from a canal on City-owned property without benefit of an easement agreement. It was moved by Councilman Wood, seconded by Gesas, that the City Attorney be directed to obtain appropriate easement agreements from these water users. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Karst, that the meeting adjourn at 9:10 p.m.; carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
