

**JULY 26, 1973**

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The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a recessed regular meeting on Thursday, the 26<sup>th</sup> day of July, 1973, at the hour of 7:30 P.M. at the City Council Chambers, in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City.

On roll call, the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilmen Norris Gesas, Paul Hovey, Gilbert Karst, Jack Wood, Jr. Absent: Councilmen Melvin Erickson, and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lorna Coughlin, City Treasurer; Paul Lundblade, Building Official; Don Lloyd, Public Works Director; Steve Harrison, Electrical Engineer; Robert Pollock, Police Chief.

Minutes of the last recessed regular meeting, held July 12<sup>th</sup>, 1973, were read and approved.

Mr. Ray Groth explained that the Standard Oil Company of California was requesting a variance for their service station within the residential shopping center at 17<sup>th</sup> and Holmes and introduced certain company officials, who were accompanying him including Messrs. Carl Childs, Regional Representative, Dick Dunn, Wholesale Representative and Gaylen Nelson, operator of the local service station in question. Mr. Childs then appeared before the Council and explained the request for a variance as more fully reviewed in this memo from the Building Official:

City of Idaho Falls  
July 26, 1973

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Building & Zoning Division  
SUBJECT: VARIANCE TO ERECT A METAL CANOPY

Standard Oil Company of California requests a variance to erect a metal canopy over the pump islands at their service station on the corner of 17<sup>th</sup> Street and Holmes Avenue. This canopy would be 38 ft. from the front property line. Ordinance #1115 requires a 50 ft. front setback in an RSC zone.

Respectfully submitted,  
s/ Paul Lundblade  
Building Official

Mr. Childs said this proposed steel canopy was originally planned when the service station was constructed. He said many of their service stations are now so equipped and they meet with customer favor, especially in hot or stormy areas. He said that approving signatures had also been obtained from all near-by neighbors except one who was not available for signatures. He said the inside drive between the pump islands would be covered. Mr. Childs concluded his remarks by saying that the canopy would be high enough not to obstruct the driver's view. Councilman Wood concurred that this installation would be an improvement and would not be unsightly. In answer to a question by Councilman Hovey, Mr. Childs said the lighting would all be indirect. It was moved by Councilman Wood, seconded by Karst, that this variance be approved. Roll call as follows: Ayes, 4; No, none; carried.

This damage claim was presented and read:

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Mr. Jack A. Wood, Jr.  
273 North Ridge Avenue  
Idaho Falls, Idaho 83401

Dear Sir:

Recently we purchased a home at 1050 Rose. Within a week of moving into our home, we discovered that our sewer line was broken and that the break occurred beneath the street. We realize that in Idaho Falls, the property owner is responsible for his sewer line from his home until it connects with the sewer main. However, we feel that due to the history surrounding this particular home that an exception should be made and that the City of Idaho Falls should assume the responsibility of repairing our sewer line. An enclosure is included to provide you with information pertinent to our problem. We will be happy to amplify any aspect of this situation either in writing or in conversation with you at any time.

Your prompt consideration of this problem will be greatly appreciated.

Sincerely,  
Jerry L. Wixom  
1050 Rose  
Idaho Falls, Idaho 83401

**INFORMATION PERTINENT TO THE SEWER LINE REPAIR AT 1050 ROSE**

1. The City of Idaho Falls failed to inspect the replacement of a section of sewer pipe in the same location of recent excavation when it was replaced in December of 1971.

Mr. Kenneth Still had Hartwell Construction Company excavate the sewer line under the street to replace a section of the pipe in December of 1971. When Kelley and Gneiting Construction, Inc., dug up this same pipe to replace the collapsed section, the pipe was found to be one which has been against City ordinance to use for many years. Thus far, we have been unable to find any evidence that the work done by Mr. Still was approved by a City inspector.

2. The soil around the sewer line was saturated with water which provided the main impetus for the collapse of the line.

In December of 1972, a water line burst in the same area in which our sewer line collapsed. The water line was temporarily repaired but not replaced at that time. Water from the burst line seeped down to our sewer line which resulted in water flowing into our home and covering the basement floor with 13 inches of water.

When the contractor was excavating our sewer line, he found the soil surrounding the water line and sewer line saturated with water. While working, the later broke the water line with his equipment and the Water Department replaced the deteriorated water line with a new one. It is the opinion of our contractor and the Pocatello City

Engineer, who we consulted, that the undercutting of the water coupled with the settling of the earth provided the prim atmosphere in the collapse of our sewer line.

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The deteriorated water line should have been replaced rather than repaired when it first burst.

3. The surface of the street over the area where the sewer line collapsed evidenced settling prior to the excavation of our sewer line.

It is the opinion of our contractor that the condition of the street evidenced settling of the soil in the area which had to be dug up. Due to the settling, the patches of previous construction were in such condition that, according to our contractor, he was forced to dig a trench wider than was necessary to repair the sewer line. We feel that under these circumstances, we ought not to be required to replace that street surface area.

4. An inequity exists for us as property owners due to the responsibility of the sewer line we are required to bear.

An inequity exists for the property owner on the east side of Rose; inasmuch as to replace their sewer lines which break under the street, it may require a trench as long as 30 feet, as in our case, since the sewer main lines are on the west side of Rose. Property owners on the west side of the street need excavate only a four or five foot trench to reach the sewer main from their property line. Due to this inequity under present City ordinance, property owners are actually penalized for buying a home on the east side of Rose. We feel that we ought not be forced to bear the burden of this inequity.

It was moved by Councilman Karst, seconded by Hovey, that this be referred to the City's Insurance Adjustor for investigation and proper handling. Roll call as follows: Ayes, 4; No, none; carried. Mr. Wixom was present in the Council Chambers. Asked for comment, he said he would await hearing from the Insurance Adjustor.

License applications for ELECTRICAL CONTRACTOR, Almon L. Brown for A. L. Brown Electric; JOURNEYMAN ELECTRICIAN, Walter Johnson, Roger Sandbert, Tillman Fannesbeck, Almon L. Brown; APPRENTICE ELECTRICIAN, Richard Slater with LOC Electric; BEER (CANNED, BOTTLED AND DRAUGHT, TO BE CONSUMED ON THE PREMISES) Douglas Clifford for Hunkey-Dorey at 249 Broadway; TAXI CAB DRIVERS, Hans Jorgensen, Ricky Beaty with Yellow Cab Company; BARTENDER, Marilyn Moon, John Toney, Janice Nichols, John Ransom, Larry L. McCormick, Barbara Alice Willis, were presented. It was moved by Councilman Wood, seconded by Gesas, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 4; No, none; carried.

From the City Controller came this memo:

City of Idaho Falls  
July 23, 1973

TO: Mayor S. Eddie Pedersen  
FROM: John D. Evans, Controller

SUBJECT: REVENUE SHARING PUBLICATION

Requesting your authorization to publish legal notice covering Revenue Sharing expenditures as required by the Federal Government.

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s/ John D. Evans

This memo from the Public Works Director was presented and read:

City of Idaho Falls  
July 25, 1973

ATTENTION: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SALE OF PROPERTY

The City acquired Lots 23 and 24 of Block 12, Mayflower Addition supposedly for the purpose of widening Higbee Street. This was never accomplished and in subsequent years, Lot 23 was traded for Lot 25 so that the City now owns two adjacent lots which measure 50 feet by 125 feet on the corner of Higbee and Payne. Since we can find no contemplated use for this property, we would recommend that the City Attorney be instructed to prepare the proper Ordinances to sell the property at public auction.

Respectfully submitted,  
s/ Don Lloyd

It was moved by Councilman Gesas, seconded by Karst, that the City Attorney be directed to prepare the necessary legal instruments calling for a public auction of the land in question. Roll call as follows: Ayes, 4; No, none; carried.

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

City of Idaho Falls  
July 26, 1973

ATTENTION: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: GRANT OFFER FOR WOODRUFF AVENUE INTERCEPTOR SEWER

We are attaching hereto a Grant Offer from EPA for 75% of the cost of the Woodruff Avenue Sanitary Sewer Interceptor Sewer. We will be receiving an additional grant offer for 15% of the cost from the State Department of Environmental and Community Services leaving 10% of the total cost to be financed by the City. The Public Works Committee has reviewed the application and we are recommending that the Council authorize acceptance of the Grant Offer and further authorize advertisement for bids.

s/ Don F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that this Grant Offer, as described, be accepted. Roll call as follows: Ayes, 4; No, none; carried.

The foregoing grant offer having been accepted, it was moved by Councilman Gesas, seconded by Karst, that the City Clerk be authorized to advertise for bids on the project commonly referred to as the Woodruff Avenue Interceptor Sewer. Roll call as follows: Ayes, 4; No, none; carried.

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This memo, signed jointly by the Fire Marshall, the Police Chief and the Building Official, was presented and read:

June 28, 1973

MEMORANDUM

TO: Mayor S. Eddie Pedersen and Members of the City Council

The property at 1250 Cassia Avenue, Idaho Falls, owned by E. G. Lind of 3889 Corina Way, Palo Alto, California has been vacant for some time. The house is open to the public, the floors are buckling and there is a large accumulation of trash on the property.

Proper notification has been sent to the owner and no action has been taken.

It is out opinion that this property should be declared a public nuisance and be removed.

s/ Wayne Broadbent  
Fire Marshall

s/ R. D. Pollock  
Chief of Police

s/ Paul Lundblade  
Building Official

Accompanying the foregoing memo was this appraisal of the structure at 1250 Cassia Avenue:

Residence (Vacant)  
1250 Cassia Avenue  
Idaho Falls, Idaho

Mayor S. Eddie Pedersen  
P. O. Box 220  
Idaho Falls, Idaho

Attention: Wayne Broadbent, Fire Department

Dear Mayor Pedersen:

In accordance with your request I have examined the property described and completed this appraisal which is made in conformity with the Professional Standards of the American Institute of Real Estates Appraisers.

MARKET VALUE

OPINION OF VALUE: Building only – Nil.

DATE OF VALUE: July 11, 1973

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DEFINITION OF VALUE: Market Value is the resultant price of fair negotiations between the typical willing buyer and seller.

I certify that to the best of my knowledge the date used to support this estimate of value is correct, that I have no interest in the property and that the fee is not contingent upon the value reported.

CONDITIONS

The property is appraised as a whole, and separate item valuations apply only as used herein.

No responsibility is assumed for matters of a legal nature, nor of survey.

The value is of the fee simple assuming no liens or encumbrances to the title.

s/ Charles K. Thompson

It was moved by Councilman Wood, seconded by Karst, that the structure on the property located at 1250 Cassia Avenue be declared a public nuisance and removed in an appropriate manner, subject to final approval by the City Attorney to determine if all proper legal steps have been taken. Roll call as follows: Ayes, 4; No, none; carried.

Councilman Karst introduced Ordinance No. 1365 entitled:

“AN ORDINANCE CONCERNING COSTS AND EXPENSES OF LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS, CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL IMPROVEMENT NO. 45 FOR IDAHO FALLS, IDAHO, FOR STREET AND ALLEY IMPROVEMENTS, APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT, PROVIDING FOR THE PAYMENT IN INSTALLMENTS OF THE COSTS AND EXPENSES OF THE IMPROVEMENTS TO BE MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING THE COST OF THE IMPROVEMENTS AGAINST THE LOTS, BLOCKS AND PARCELS OF LAND IN SAID DISTRICT CONTIGUOUS OR ADJACENT TO, FRONTING OR ABUTTING UPON SAID IMPROVEMENTS IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING FOR THE CREATION OF A LOCAL IMPROVEMENT GUARANTY FUND FOR THE PAYMENT OF SAID IMPROVEMENT BONDS, AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE”

and moved that the ordinance be adopted and passed by the City Council on its first reading. Motion was seconded by Councilman Hovey and the same being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present.

It was moved by Councilman Gesas that the rules be suspended, and that the ordinance be placed on its second and third reading. Motion was seconded by Councilman Wood and the same being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present.

It was moved by Councilman Karst, seconded by Councilman Hovey, that the ordinance pass its third reading and that the same be adopted, and the Clerk be instructed to publish the

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same as required by law, and the same being put to a vote, was unanimously carried, the vote being as follows: Councilmen Gesas, Hovey, Karst and Wood.

Noting from the agenda that consideration was about to be given toward the acquisition of certain lands for the construction of an electrical building and being aware of certain printed memos in this regard from the two absent Councilmen, the Mayor asked the City Clerk to present and read aloud memos, as follows, and to make them a matter of official record:

City of Idaho Falls  
July 26, 1973

TO: Mayor and Councilmen  
FROM: Jim Freeman, Councilman  
SUBJECT: SITE FOR ELECTRICAL BUILDING

Inasmuch as I will be unable to attend tonight's Council Meeting, I would appreciate the opportunity to register my feelings as to the location of the electrical building. I firmly believe that the site by the water tower is by far the best available. also I would like to register my approval of the appointment of Larry Matson as architect for electrical building.

Respectfully,  
s/ Jim Freeman  
Councilman

July 26, 1973

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Councilman Mel Erickson

Gentlemen:

It is my understanding that official Council action is to be taken this evening pertaining to the purchase of additional private property for the construction of the City electrical building. In my absence, I wish to make this public statement for the official record: "That I am not in favor of the purchase of this property. My position is that I have been opposed to this being constructed in the Urban Renewal area from its first inception. My position has been clearly understood at previous meetings. I'm compelled at this time to not support this proposal."

s/ Melvin Erickson  
Councilman

Councilman Hovey first referred to property legally described as the West 8.0 feet of Lot 2, Lots 3, 4, 5, 6, 7, 8, 22, 23, 24, 25, 26, 27, 28, 29, 30 and the West 8.0 feet of Lot 31, Block 3, Winn Addition, Original Town site, containing 39,100 square feet or .90 acres. This was land originally owned by Westergard and Marker and acquired by the Idaho Falls Community Redevelopment Commission. It was moved by Councilman Hovey, seconded by Gesas, that the City Attorney be directed and authorized to negotiate for the purchase of this property for \$1.75 per square foot, as appraised by the Agency, totaling \$68,425. Roll call as follows: Ayes, 4; No, none; carried.

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Hovey then referred to Lots 1 through 14, Block 4, Winns Addition, Original Town site, owned by D. L. Westergard, Jay Westergard, Orrin Woolley, Madge Smith, Norma Carter, and Goldie Davis. It was moved by Councilman Hovey, seconded by Gesas, that the City Attorney be authorized to negotiate for the purchase of these lands for a maximum total purchase of \$60,000. Roll call as follows: Ayes, 4; No, none; carried.

Finally, Hovey drew attention to certain railroad property, not part of the urban renewal area, legally described as follows:

Beginning at the centerline point of intersection of Capital Avenue and Cliff Street and running thence along the centerline of Capital Avenue N 28°51'13" E a distance of 250.15 feet, thence N 61°07'13" E a distance of 250.15 feet, thence N 61°07'13" W a distance of 72.0 feet to the true point of beginning and running thence N 61°07'13" W a distance of 350.08 feet thence N 28°52'47" E a distance of 87.50 feet thence S 61°07'13" E a distance of 350.00 feet thence S 28°51'43" W a distance of 87.50 feet to the true point of beginning and containing 30,630 square feet or 0.703 acres.

Hovey explained that this was the railroad property lying south of the railroad spur that extends across the river. It was moved by Councilman Hovey, seconded by Gesas, that the City Attorney be authorized to negotiate for the purchase of this land at 60¢ per square foot or \$18,378. Roll call as follows: Ayes, 4; No, none; carried.

At the suggestion of Electrical Engineer Harrison, it was moved by Councilman Hovey, seconded by Gesas, that once the foregoing properties are acquired and deeds have been properly conveyed to the City, the City Attorney be authorized to proceed to vacate Cliff Street from South Capital to the river and also the alley between Cliff and Eagle Rock Street west of Capital to the river. Roll call as follows: Ayes, 4; No, none; carried.

Hovey then introduced and presented an agreement between the City and Lawrence Watson, local Architect for the design of the proposed electrical building. Councilman Wood asked why this was not put out for competitive bid. City Attorney Smith explained that competitive bidding for professional services of this nature was not a generally accepted practice. It was moved by Councilman Hovey, seconded by Gesas, that the City enter into a Contract with Lawrence Matson, local architect for the services as described. Roll call as follows: Ayes, 4; No, none; carried.

There being no further business, it was moved by Councilman Hovey, seconded by Wood, that the meeting adjourn at 8:15 p.m.; carried.

ATTEST :s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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