

SEPTEMBER 14, 1972

The City Council of the City of Idaho Falls met in a recessed regular meeting, Thursday, September 14, 1972, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Jim Freeman, Mel Erickson, Gil Karst, Paul Hovey, Norris Gesas. Absent: Councilman Jack Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney, John Evans, City Controller; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Rod Gilchrist, City Planner.

Minutes of the last recessed regular meeting held August 24 and a special meeting held September 7th, 1972, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider a rezoning petition by Winston J. Soelberg, Richard K. and Yuko H. Nielson and Evelyn M. Robinson as more fully explained by this memo as prepared by the City Planner and read aloud by the City Clerk:

City of Idaho Falls
September 14, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: PETITION TO REZONE

Attached is a copy of a petition to rezone eighteen lots located in Blocks 10 and 7 of the Capitol Hill Addition from R-3A and R-2 to C-1. This property is located on the east side of Holmes Avenue between May Street and College Street and between College Street and the alley between College and Whittier Streets. The property is presently zoned R-3A with the exception of three lots fronting on May Street. This petition has been submitted by Winston J. Soelberg, Richard K. and Yuko Nielsen, and Evelyn M. Robinson.

The Planning Commission at their regular meeting in August held a public hearing regarding this petition. The Commission at that meeting unanimously recommended denial of the request because of the following reasons:

1. The Planning Commission has for many years maintained a policy of prohibiting commercial zoning on the east side of Holmes Avenue.
2. It is felt that it would be unfair to allow commercial zoning to encroach on the present residential uses east of this property.
3. The property is now zoned R-3A and can be utilized for many purposes other than single family residential.
4. The City has denied similar requests for commercial zoning in this general area in the past.

This Department concurs with the Commission's recommendations.

s/ Rod Gilchrist

This written protest was then presented and read:

SEPTEMBER 14, 1972

TO: Mayor Pedersen and the City Council of Idaho Falls:

I am buying a home near Holmes and College. Changing this area's zoning class could lead to undesirable business near our home. It would reduce property values and cause an undesirable environment. I hereby object to any zoning change in this area.

s/ Melvin A. Georgeson
560 Whittier

Mr. Jack Voshell appeared before the Council as attorney for Mr. Nielsen, on the petitioners. Mr. Voshell pointed out the fact that all the property west of Holmes, across the street from the property owned by his client, is zoned commercial and that most of the property along the east side of Holmes is developed for the equivalent of commercial enterprise. Even though Voshell acknowledged and recognized the Planning Commission recommendation for denial, he said that, in his opinion, the Council should take into consideration, first, the economic need facing his client who, he said, was being discriminated against in comparison to near-by property owners. He said it was difficult for him to understand how the middle of a street could serve as dividing line between a commercial and a non-commercial area. Voshell drew attention to the fact that there was a petition submitted to the Planning Commission with 15 signers all assenting to the rezoning request and all within 200 feet of the Nielsen property. He said that the entire area has so changed in character that a commercial zone is the only one applicable for the property being reviewed this night and that property should be entitled to a zone affording maximum use if it does not prove harmful to other surrounding property. Voshell concluded his remarks by saying that positive Council action this night was requested, and if the petition was denied, he wished to know the reason so that the issue could be pursued accordingly.

Mrs. Mary Adams, attorney for Mrs. Nielsen, appeared before the Council. She explained that Yuko's Gift Shop, operated by Mrs. Nielsen, is presently a home occupation but that it has expanded to the point where she is desirous of hiring one or more employees outside the immediate family which is prohibited except in a commercial zone. Mrs. Adams continued by saying that there are ultimate plans for a tearoom and other renovations which would also be prohibitive. Mrs. Adams said certain Planning Commission members had argued that zoning this property commercial would be contrary to the denial decision rendered on the rezoning petition pertaining to the property owned by Mrs. Paul and the Idaho First National Bank. Mrs. Adams said this was a poor comparison, inasmuch as that property does not face Holmes. Mrs. Adams drew attention to all the commercial development on Holmes and particularly within the immediate area of the Nielsen property where there are only two other residences facing Holmes, owners of which had both signed the rezoning petition. Mrs. Adams also drew attention to the parking problem because no parking permitted on Holmes.

Mr. John Evans, 540 Whittier, appeared to remind Mr. Voshell that all near-by property owners had not signed the rezoning petition, including himself and several neighbors. Evans protested the rezoning request on the grounds that this would have a devaluing effect on his residential property.

Mr. Winston Soelberg, 600 N. Holmes, appeared to speak in favor of the proposed rezoning. He said his property was residential but that the character of the area had so changed in 23 years that his property had substantially lowered in value unless it were to be zoned commercial. To illustrate, he sited the heavy Holmes Avenue traffic, no parking on Holmes, the commercial area across the street with all the inconveniences accompanying such a development. Soelberg said he had recently counted 14 commercial operations on the east side of Holmes between 17th Street and the North Highway, not counting professional buildings.

SEPTEMBER 14, 1972

Mr. Evans reappeared to say that this was the basis for his protest; namely, to prevent a similar deterioration to his home as described by Mr. Soelberg.

Councilman Hovey said he noted a zoning inconsistency inasmuch as there are a good many residential homes within the area west of Holmes otherwise zoned commercial.

At the invitation of Councilman Freeman, City Planner Gilchrist explained the difference between R-3A and a commercial zone. He also explained the need for a buffer strip, immediately east of Holmes to serve as a protector to the residential area further east. Freeman acknowledged that, within the City, there are many instances of bad zoning but that these were largely pre-existing at the time the comprehensive zoning ordinance was initiated in 1964. He said the zoning ordinance had been largely effective since that time as a tool to keep bad zoning from spreading. Freeman said it is not always easy to enforce the zoning ordinance and there are even times when property owners must be protected against themselves. He said he objected to this rezoning request on the grounds that it would constitute spot zoning in contrast to the triangle west of Holmes which was zoned entirely commercial at one time, except for buffer zones. Freeman suggested to Mrs. Nielsen that, as long as she was interested and desirous of expanding, she move her business to some attractive area already zoned commercial, of which there are many. Mrs. Nielsen appeared briefly to say that this was out of the question because of financing. She said that, over the years, she and her husband has acquired a substantial investment in the Holmes Avenue property and that the only means of ever getting a fair return on said investment would be to convert it to a commercial operation.

Councilman Erickson drew attention to the problem facing the Council at one time on a property west of Holmes. He said a request was made for commercial zoning and it was denied on the grounds that it would constitute spot zoning but within a recommendation that the petitioner make an effort, by petition, to get permission from all property owners within the triangle for commercial zoning. This was done, continued Erickson, at least with a large enough majority so that the Council felt justified in rezoning the entire area, thus eliminating the spot zoning problem. He said, at that time, the Council felt justified in rezoning the entire area, thus eliminating the spot zoning problem. He said, at that time, the Council also took into consideration the fact that there would remain a buffer strip east of Holmes to protect the residents east of said strip. Voshell reappeared to say that the buffer zone was ineffective. He said all the businesses east of Holmes Avenue are engaging in commercial activity, in his opinion, inasmuch as they have something to sell, whether it be insurance, loans or accounting services.

In the absence of further comment, it was moved by Councilman Karst, seconded by Gesas, that this rezoning petition be denied. Roll call as follows: Ayes, 4; No, 1; carried. Councilman Hovey voting no.

Noting several citizens in the Council Chambers interested in the following petition, with 175 signers, the Mayor asked the City Clerk to read it aloud:

Idaho Falls, Idaho
August 14, 1972

We the undersigned, hereby petition the Mayor and the City Council of the City of Idaho Falls to grant permission to CHARLES STEWART to operate his business of scrap iron and metal in the old Eastside Lumber location. This business is our livelihood and important in the recycling of the use of old and discarded metals. This is a vital business to us and we would appreciate your consideration.

In this connection, this memo from the City Planner was presented and read:

SEPTEMBER 14, 1972

City of Idaho Falls
September 14, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: OPERATION OF JUNK YARDS IN THE CITY OF IDAHO FALLS

I have been requested by the Planning Department Council Committee to make a thorough investigation of the Zoning Ordinance regarding operation of junk yards in the City of Idaho Falls. My investigation revealed the following:

Junk yards are definitely prohibited in the GC-1 commercial zone; however, it would appear that they can legally operate in the I&M-1 and I&M-2 zones within the City limits of Idaho Falls.

Attached are copies of the list of permitted uses in the GC-1 and I&M-1 zones. The I&M-1 zone permits any use except those which are specifically prohibited and it is my opinion that the operation of a junk yard is not a prohibited use.

The City Attorney concurs with the foregoing findings.

s/ Rod Gilchrist

Mr. Stewart appeared before the Council. He said he owned the building in question, mentioned in the foregoing petition, and inferred that the City Council was obliged to permit him to move into said building or find him a suitable location, inasmuch as he was being forced to relocate because of Urban Renewal. He said the building was properly zoned for his type of operation, inasmuch as, technically, he was not in the junk business even though he had been so licensed for many years.

Mr. Ky Nii, 391 W. 14th Street, appeared before the Council to ask if the Council had approved this business operation at this location, and, if so, was he now in a position to take occupancy. The Mayor said it was the opinion of the Council and the City Attorney that the building in question was not properly zoned for Mr. Stewart's operation and therefore, the alternative left would be to permit occupancy by variance, if it was the will of the Council. The Mayor, referring back to the foregoing petition, noted that the signers did not represent near-by property owners whereas the petition of protest, filed with the City Clerk and made a matter of record on May 25th were all in this category.

At the request of Councilman Karst, City Planner read aloud all three permitted uses in the GC-1 zone.

Mr. Robert Bauchman, 3001 Gustafson Circle, appeared before the Council as an owner of property near the Eastside Lumber Company building. He explained that his property was improved and that his tenant, the General Electric Company had given notice that, if the Stewart operation were allowed to move in, they would not be renewing their lease. Mr. Bauchman protested the issuance of a variance to Mr. Stewart on the grounds that that type of business was not compatible with other businesses in the area.

Mr. Blaine Watts, 371 West 14th Street, appeared to protest the variance on the grounds that this would devalue his residential property. Mr. Watts also drew attention to the fact that the

SEPTEMBER 14, 1972

property in question is across the street from the Poitevin Park which is used for outdoor recreation activity by the students from O.E. Bell Junior High and that this also was not compatible.

Mr. Peter Perry, 369 West 14th Street, appeared to register a protest on the grounds that this type of operation would devalue his residential property. Mr. Don Foote, 390 West 15th Street, registered a similar protest. Mr. Foote was not present in the Council Chambers. The protest had been registered by phone through the City Clerk. Mr. Milt Adam, 216 West 14th Street registered a similar complaint. Mr. Adam also drew attention to the fact that lumber was being illegally stored around the premises. Adam said many more near-by residents would have been present at this meeting for the same purpose except that it had not been broadly publicized. Adam concluded his remarks by saying that it was his hope and that of his neighbors that the property in question would, over a period of time, be upgraded, rather than downgraded by permitting this type of an operation. In the absence of further comment, it was moved by Councilman Karst, seconded by Freeman, that the Charles Stewart request for a variance, as previously described, be denied. Roll call as follows: Ayes, 5; No, none; carried.

This written complaint, signed by 19 residents on 9th Street, was presented and read aloud:

Idaho Falls, Idaho
September 11, 1972

Honorable Mayor and City Councilmembers:

We, the undersigned and close neighbors of the shopping center on Ninth Street, submit the following complaints concerning the shopping center and request appropriate corrective action.

1. The glaring unshielded lights from the 7-11 Store is such an obvious and flagrant violation of the City zoning ordinance that it is inconceivable it could have been approved by the City. Even with the window coverings closed on the windows of the homes across the street, there is sufficient light penetration to make sleeping difficult for some individuals. In addition, the front lawns of the homes are so lighted at night that no feeling of privacy exists and the owners feel the yards have been taken over by the shopping center.
2. The business hours of the 7-11 Store are intolerable. When the store first opened, the hours were 7:00 in the morning until 11:00 at night. We felt 11:00 at night was later than desirable but we tolerated it without complaint. For some time now the store has been opened from about 6:00 in the morning until 2:00 A.M. the following morning. On some occasions it has remained open all night.
3. The 7-11 Store has a loud burglar alarm that rings almost every time the store is closing and frequently when it is opening. At times when it is closing, the alarm will ring intermittently for fifteen to thirty minutes. It takes little imagination to understand how annoying this is to anyone trying to sleep.
4. The routine coming and going of traffic from the store and the service station is always annoying, but frequently it borders on being intolerable when motorcycles and other vehicles with inadequate mufflers accelerate when

SEPTEMBER 14, 1972

leaving. It is maddening when it awakens one in the middle of the night. A lot of this type of noise occurs from routine traffic on the street but it is compounded by the traffic leaving the businesses. We don't understand why the City cannot or will not enforce the laws concerning vehicular noise.

5. The parking areas of these businesses are often a gathering place of two or more vehicles at night with loud talking ensuing. Sometimes this meeting is no doubt by accident, especially when the store is open, and sometimes by design. When this occurs in the middle of the night, they seem to know about how long the awakened occupants of the homes will tolerate it before calling the police and, consequently, are generally gone by the time the police arrive.
6. Although it is difficult to believe, a telephone booth is placed immediately across the street from these homes. At all hours of the night people stop to use this phone. Their frequently loud talking and usually the motor of a vehicle is left running. Often the motor is inadequately muffled, and frequently a car radio is going loudly.
7. Although the service station closes at reasonable hour (10:00 on week nights), it does frequently contribute annoying noises. There is frequent banging, use of air wrenches, loud talking, occasional loud playing of a radio, and racing of inadequately muffled motors. Most of these noises are worse on weekends. There are more loud motorcycles and automobiles going to and from the service station than from the store. The buildings reflect these noises to the homes and, therefore, make them even louder.
8. The store grounds were initially landscaped in an acceptable manner and has had proper attention until this summer. At present, part of it has been taken over by weeds that have reached maturity.

We would like to emphasize that we are not just a group of complaining home owners. We feel we have been more tolerant than average people. Our homes have been invaded by intolerable conditions that must be corrected. We think the City must and will take appropriate corrective action.

Mr. Glen Scott, 1090 9th Street, appeared to remind the Council that he and his neighbors protested the commercial development in question at the time the rezoning petition was presented which eventually permitted it. Scott said the lights are so poorly shielded that the residents across the street are completely lighted during the evening hours when the businesses are in operation. Scott also protested the presence of the phone booth, as many who use it leave their motors running and perhaps even a loud car radio. Scott also reiterated, verbally, other problems already stated in the foregoing letter. Councilman Karst asked if he had discussed these complaints with the management. Scott said he had, but with no response. Karst suggested that Mr. Scott discuss the telephone booth with the telephone company.

Mrs. Scott appeared briefly to draw attention to the fact that there is a burglar alarm that frequently rings. The Mayor said that in his opinion, these complaints were police matters, rather than zoning. It was moved by Councilman Erickson, seconded by Freeman, that these problems be referred to the Police and Building and Zoning Committees for study. Roll call as follows: Ayes, 5; No, none; carried.

SEPTEMBER 14, 1972

Bills for the month of August, 1972, having been properly audited by the Fiscal Committee, were presented for payment. The City Clerk read the following fund totals for salaries, materials, and services:

<u>FUND</u>	<u>SERVICES & MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$118,291.71	\$151,060.32	\$269,352.03
Street Fund	27,070.60	14,601.35	41,671.95
Airport Fund	1,753.33	4,616.59	6,369.92
Water and Sewer Fund	185,553.48	15,310.47	200,863.95
Electric Light Fund	172,203.72	44,744.29	216,948.01
Fire Fund	7,745.06	53,800.74	61,545.80
Recreation Fund	3,317.07	10,670.21	13,987.22
Capital Improvement	.00	.00	.00
Police Retirement	.00	2,429.75	2,429.75
<u>TOTAL FUNDS</u>	<u>\$515,934.91</u>	<u>\$297,233.72</u>	<u>\$813,168.63</u>

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

Reports from Division and Department Heads were presented for the month of August, 1972, and, there being no objection or question, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

License applications for RESTAURANT, Connie M. Davis for The Sizzler Steak House; APPRENTICE ELECTRICIAN, Willis Yost, Davis Shaul, Thomas Snouffer, Jr.; CLASS C JOURNEYMAN, WARM AIR & GAS HEATING, Vern Hutchins; CLASS D APPRENTICE GAS FITTER, Lowell Barnes; SECOND HAND STORE, Dean's Antiques, Chuck's General Store; PHOTOGRAPHY, Quincey Jensen; HOTEL, MOTEL, Ren Gillespie for Hotel Idaho, Ronald Green for Ramada Inn, Mrs. David Hand for Falls View Motel, Ray Bird for Motel West, Julie Russell for Driftwood Motel, Joseph L. Kinney for Haven Motel, Ray V. Robison for Robison Motel; PRIVATE PATROLMAN, Gary W. Martin with Pinkerton, Inc.; TAXI OPERATOR, Rene A. Jordan, Lawrence Charboneau, Daniel Lee Rich, Mark Harper, Lena Haggard, Lila Martin, all with Valley Cab Company; BARTENDER, Peggy Ramsey, Vyrla Jene Peterson, Charles Harris, Ben Rojas, were presented. It was moved by Councilman Erickson, seconded by Freeman, 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.

Presented by the City Clerk was an application for a cab driver's license from Bradford D. Peterson, carrying a recommendation from the Police Chief for denial; also an application for a Bartender's License from Owen Bowman carrying the same recommendation. It was moved by Councilman Erickson, seconded by Freeman, that these licenses be denied. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk reported, in the interest of time, but with approval from the Mayor, a legal notice was being published without formal Council approval, calling for a City-sponsored auction sale on September 16th, 1972. It was moved by Councilman Erickson, seconded by Karst, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

SEPTEMBER 14, 1972

Also, in need of ratification, according to the City Clerk, was his having published, without formal Council approval, invitation for bids for the plant mix paving of the Yellowstone Avenue parking lot and the plant mix overlay on River Parkway. It was moved by Councilman Gesas, seconded by Karst that these actions be ratified. Roll call as follows: Ayes, 5; No, none; carried.

City redemption tax deeds were presented in favor of Grant M. Tate, accompanied by these resolutions:

RESOLUTION (Resolution No. 1972-33)

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 20th day of February, 1969, recorded as Instrument No. 394240, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Beginning at a point that is S. 89° 53' E. 222' and N. 0° 40' W. 25" from the South Quarter of Section 17 and running thence N. 9° 01' E. 470'; thence N. 89° 53' W. 173.6' thence S. 0° 0' W. 464' thence S. 89° 53' E. 100' to the point of beginning, being a part of the Southwest Quarter of the Southeast Quarter of said Section 17, Township 2 North, Range 38 East of the Boise Meridian.

WHEREAS, GRANT M. TATE 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 GRANT M. TATE a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 14th day of September, 1972.

APPROVED BY THE MAYOR this 14th day of September, 1972.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

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

From the Purchasing Department came this memo:

City of Idaho Falls
September 14, 1972

SEPTEMBER 14, 1972

Purchasing Department

500 KVA 3-Phase Padmount Transformer

Honorable Mayor and Councilmembers:

The Purchasing Department and the Electric Light Division request approval to advertise for bids for one 500 KVA 3-phase Padmount Transformer. Transformer to be installed for the new Albertson's Store in the Grand Central Shopping Center.

s/ W. J. Skow
Purchasing Department

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

Another memo from the Purchasing Department was forthcoming, to-wit:

City of Idaho Falls
August 31, 1972

Cast Iron Water Pipe and Fittings

Honorable Mayor and Councilmembers:

The Purchasing Department and the Water Department request approval to advertise for bids:

1080 feet cast iron water pipe and fittings for Poulson Street water line
2160 feet cast iron water pipe and fittings for Leslie Avenue water line

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Gesas, seconded by Karst, that authorization be granted to advertise for bids on the pipe and fittings for the projects as described. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Purchasing Department, this memo was submitted:

City of Idaho Falls
September 7, 1972

One New Snow Plow for Truck Mounting

Honorable Mayor and Councilmembers:

Tabulation of bids for one new snow plow for truck mounting is attached. Snow plow to be used for Airport snow removal.

SEPTEMBER 14, 1972

Evaluation of bids received show Western Road Machinery submitting a bid of \$1,756.00. Low bid meeting specifications.

It is the recommendation of the Airport Manager and the Purchasing Department that the above bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Gesas, seconded by Karst, that Western Road Machinery be awarded the bid for the equipment as described. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Building Official was reviewed:

City of Idaho Falls
September 14, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Building and Zoning Division
SUBJECT: REQUEST FOR VARIANCE

Request for variance for School District #91 to move a 12 x 48 foot mobile home trailer to be used as a portable classroom from Central Junior High School to the rear of A. H. Bush Elementary School. This classroom will not be visible from any residence.

It is the recommendation from this office that this variance be granted.

s/ Paul Lundblade
Building Official

It was moved by Councilman Karst, seconded by Freeman, that this variance be approved. Roll call as follows: Ayes, 5; No, none; carried.

From the City Planner this memo was forthcoming:

City of Idaho Falls
September 14, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT

In a recent telephone conversation with Mr. Safranski of the Portland Office of HUD, I was informed that the Workable Program is being approved subject to the receipt by that office of a resolution passed by the Mayor and City Council approving the Workable Program and the

SEPTEMBER 14, 1972

amendments thereto. The amendments which have been made since the original submittal are as follows:

1. The Bonneville Council of governments became effective July 1st, 1972.
2. The adoption by the City of the 1971 Edition of the National Electrical Code and several amendments of the City of Idaho Falls Electric Ordinance.
3. The adoption of the latest edition of the Fire Prevention Code.

Would you please take the necessary action to have this resolution prepared so that it can be submitted to HUD at the earliest possible date.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Karst, that the City Attorney be directed to prepare an appropriate resolution as recommended, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director, this memo was presented:

City of Idaho Falls
September 14, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: DEVELOPMENT AGREEMENT FOR YOST OFFICE SUPPLIES – ANDERSON ST.

The agreement calls for the Yost Company to pay for their share of Anderson Street at the time of construction. We would recommend that the Council authorize the Mayor and City Clerk to sign the City's approval.

Respectfully submitted,
s/ Donald F. Lloyd

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

This memo, also from the Public Works Director, was presented and studied.

City of Idaho Falls
September 14, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: SO. YELLOWSTONE WATER MAIN 12A-87, F4-y

On September 7, 1972 bids were received for the construction of the South Yellowstone Water main and the bid tabulation is attached hereto.

The low bidder, Atlas, Inc., has been deemed to be an unresponsive bidder for the following reasons:

SEPTEMBER 14, 1972

1. Failure to use the HUD Bond form provided in the contract.
2. Failure to acknowledge receipt of Addendum No. 1
3. Failure to write figures in Bidders Proposal

Our City Attorney and the HUD representative have concurred with the ruling that this bid is unresponsive. We are, therefore, recommending that the Council award the contract to the next low bidder, Hartwell Excavating Company, in the amount of \$10,100.50, subject to final approval by HUD.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that Hartwell Excavating Company be awarded the contract on this project as described, subject to final approval by HUD. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
September 14, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: LEWISVILLE HIGHWAY 16" WATER MAIN 12A-88, F4-y

On September 13, 1972, one bid from Hartwell Excavating Company was received for the construction of a water main on the Lewisville Highway in the amount of \$81,847.00. The Engineer's Estimate for this project was \$92,179.00. We would recommend that the contract be awarded to the low bidder, Hartwell Excavating Company and authorize the Mayor and City Clerk to sign the contract subject to final approval by HUD.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that Hartwell Excavating Company be awarded this public works contract, subject to final approval by HUD. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director still another memo was presented and read as follows:

City of Idaho Falls
September 14, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: SHOUP AVENUE LANDSCAPING, 4B-42a

On September 5, 1972, only one bid was received for the Shoup Avenue Landscaping. The bid from Arrington Construction Company was \$4,240.00. Since this bid is less than the Engineer's Estimate, we would recommend the Council award the contract to Arrington

SEPTEMBER 14, 1972

Construction Company in the amount of \$4,240.00 and authorize the Mayor and City Clerk to sign the contract.

Respectfully submitted,
s/ Don F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that Arrington Construction Company be awarded this contract in the amount of \$4,240.00. Roll call as follows: Ayes, 5; No, none; carried.

This memo was then presented and read:

City of Idaho Falls
September 14, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, Director
SUBJECT: AGREEMENT – PETERSON & NIELSEN AIRPORT INDUSTRIAL PARK

We are attaching hereto an agreement between the City and Peterson and Nielsen for the construction of a sanitary sewer in the Airport Industrial Park. This agreement has been reviewed by our City Attorney and the Public Works Committee and we are recommending that the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Don F. Lloyd
Director of Public Works

Councilman Gesas explained that one of the conditions of this agreement provided for Peterson & Nielsen paying for ½ the cost of the portion of the Airport Industrial Park sanitary sewer which would serve their property. It was moved by Councilman Gesas, seconded by Karst, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

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

City of Idaho Falls
September 14, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AIRPORT INDUSTRIAL PARK SANITARY SEWER 9B-111a

On September 7, 1972, four bids were received for the construction of a sanitary sewer in the Airport Industrial Park as follows:

1.	Hartwell Excavating Company	\$13,250.00
2.	Grover Construction Company	14,433.45
3.	Atlas, Inc.	16,528.25
4.	Arrington Construction	20,710.55

SEPTEMBER 14, 1972

Since the Engineer's Estimate was \$17,042.50 we are recommending that a contract be awarded to the low bidder, Hartwell Excavating Company in the amount of \$13,250.00 and authorize the Mayor and City Clerk to sign the contract.

Respectfully submitted,
s/ Don F. Lloyd
Director of Public Works

It was moved by Councilman Gesas, seconded by Karst, that Hartwell Excavating be awarded the contract on the Airport Industrial Park Sanitary Sewer in the amount of \$13,250.00. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to page 237 in this book of minutes and, more specifically, a directive by the Council that properties at these addresses be appraised: 350 May Street, SW corner at St. Clair and Benton. Following then are those appraisals:

Charles K. Thompson
M.A.I.
September 8, 1972

Mr. Wayne Broadbent
Idaho Falls Fire Department
Idaho Falls, Idaho

Subject: Vacant Shack 350 May Street, Idaho Falls, Idaho – Owner: C. H. Petersen

The structure is one room frame which has been used as an adobe in the past. It is now thoroughly gutted and in extremely poor condition. Doors, windows, finish walls are destroyed.

The building is a weak shell of no utility value as is, nor as a base to rebuild to a shed of value equal or exceeding rebuilding costs on this site or moved. This building has no value for any use program. The land will have a superior value potential with the building removed. Demolition estimated at \$100.00.

Building value is: Minus \$100.00.

s/ Charles K. Thompson

Charles K. Thompson
M.A.I.
September 8, 1972

Mr. Wayne Broadbent
Idaho Falls Fire Department
Idaho Falls, Idaho

Subject: Vacant Residence & Garage SW Corner St. Clair and Benton Owner: Bill Renmaker

SEPTEMBER 14, 1972

The residence is an old frame building without foundation. Addition to rear is old building moved onto concrete foundation. Basement is adjacent to side of house, constructed of cinderblock, housing furnace and stoker.

Exterior has poor roof, broken windows and doors, broken and missing siding, rotten structural members in the portion without foundation. Interior is open to weather, wall finish badly broken and missing exposing old building structure, floors are warped and largely ruined. All equipment of value but toilet have been removed. Cabinets are broken. Stoker and a hot water tank are shot. Furnace appears beyond practical repair.

Cinderblock two car garage with concrete floor is destroyed as to doors and windows and roofing. Basic masonry and roof framing is reasonably sound with some repair.

Value of the residence is negative as it is beyond economic repair. The shell is old, a composite of additions, very weak structural system and completely impractical to use for rebuilding. Building is a liability to vacant land value by the cost of demolition – estimated at \$400.00.

Garage would have value only if related to a residence of value. As it is, the garage could well be a liability to the expected future use of the land. There is no significant probability that this property could sell at a greater price with the garage than if it were not thereon. The garage has no contribution value.

Summary:

Residence Building	Minus \$400.00
Garage	.00
Total Buildings	Minus \$400.00

s/ Charles Thompson

It was moved by Councilman Karst, seconded by Gesas, that these appraisals be accepted and made a matter of record and that the Street Department be directed to proceed with demolition of the affected structures. Roll call as follows: Ayes, 5; No, none; carried.

Memos were presented, signed jointly by the Fire Marshall, the Police Chief and the Building Official, recommending that structures on the following properties be declared a public nuisance: 1245 Elmore, 1185 Canyon, 1046 Higham and the southeast corner of Canyon and Shelley. These appraisals accompanied the memos:

Charles K. Thompson,
M.A.I.
September 8, 1972

Mr. Wayne Broadbent
Idaho Falls Fire Department
Idaho Falls, Idaho

Subject: Vacant Residence Adjacent north of 1245 Elmore, Idaho Falls, Idaho

SEPTEMBER 14, 1972

Residence is old frame, small size with part basement. Interior has been burned and finish beaverboard walls and ceilings removed. All that remains is basic structural shell with old siding. Basement is also in very poor condition.

Garage is frame of generally fair to poor condition with a few stringers down. Doors are broken and roof is poor.

Residence is a liability value as it cannot be utilized as is, nor is economic rehabilitation possible. Value is minus \$300.00 – estimated demolition cost.

Garage could be used by an owner rebuilding a house hereon. However, cost of renovating would be nearly equal to resulting value. On the other hand, a new building program very possibly would not find an old, poor detached garage in this location to be compatible. Typical sale of this property would not find the garage contributing a value in excess of the bare land value. Garage value is zero.

Summary:

Residence Building	Minus \$300.00
Garage	.00
Total Buildings	Minus \$300.00

s/ Charles K. Thompson

Charles K. Thompson
M.A.I.
September 8, 1972

Mr. Wayne Broadbent
Idaho Falls Fire Department
Idaho Falls, Idaho

Subject: Demolished residence 1100 block west side of Canyon

The structure is an old frame house moved to this site and substantially demolished in place. There is nothing of value in place and there is no possibility of using the remaining structure economically.

The structure reduces the property value, which would be modest if the building were removed. Cost of removing the building materials and structure results in a value estimate of minus \$200.00.

s/ Charles K. Thompson

Charles K. Thompson
M.A.I.
September 8, 1972

Mr. Wayne Broadbent
Idaho Falls Fire Department
Idaho Falls, Idaho

SEPTEMBER 14, 1972

Subject: Vacant Residence 1046 Higham

This is a small frame residence on a lot in a mixed residential district. The building has been abandoned for some time and is demolished inside. There is no equipment of value, floors and walls are largely destroyed. The basic frame remains but is of low construction standards and is generally in poor condition as to roofing, siding and structural stability.

The building has no utility as is and could not be economically rehabilitated. Value of building is minus \$300.00 which is the estimated cost of clearing the building off of the land.

s/ Charles K. Thompson

Charles K. Thompson
M.A.I.
September 8, 1972

Mr. Wayne Broadbent
Idaho Falls fire Department
Idaho Falls, Idaho

Subject: Vacant Residence southeast corner Canyon and Shelley

A very old frame residence with single construction walls of weathered boards. Building is fair past any utility, unsightly and in weak structural condition.

Demolition cost is the measure of its negative value to the property as a whole.

Value estimate of the building is: \$300.00

s/ Charles K. Thompson

It was moved by Councilman Freeman, seconded by Erickson that these structures be declared a public nuisance and the Street Department be directed to proceed with demolition. Roll call as follows: Ayes, 5; No, None; carried.

This letter was presented and read by the City Clerk:

Hertz
September 7, 1972

Mr. Peter Hill
Airport Manager
Fanning Field
Idaho Falls, Idaho

Dear Mr. Hill:

Regarding our lease in the Industrial Park, we had asked for an extension for building starting early in the spring, because of our building commitment in Jackson and for our summer business we have had to postpone building until now. As our lease expires September 30, we are in the process of plans being drawn up for a building with starting date

SEPTEMBER 14, 1972

in approximately 2 weeks and building time 5 to 6 weeks. We would like a lease extension so we can proceed.

Sincerely,
s/ Don H. Bingham
Manager

It was moved by Councilman Gesas, seconded by Freeman that this construction extension request be granted with the understanding that there be no further time extension permitted. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor appointed Mr. David Anderson to serve a five year term as a member of the Community Redevelopment Commission. It was moved by Councilman Erickson, seconded by Karst, that this appointment be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Hovey drew attention to certain previous informal Council action in approving the purchase from Utah Power & Light the electric utility servicing of the Hollywood Bowl, in the amount of \$8,249.07, effective at or around January 1st, 1973. It was moved by Councilman Hovey, seconded by Gesas, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson noted that parking is no longer permitted within the O.E. Bell Junior High parking lot and this is prompting some extended street parking on Ridge Avenue. It was moved by Councilman Erickson, seconded by Freeman, that North Ridge be posted for two hour parking between Ash and Elm Streets on both sides of that street. Roll call as follows: Ayes, 5; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Karst, that the meeting adjourn at 9:50 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
