

JUNE 8, 1972

The City Council of the City of Idaho Falls, Bonneville County, Idaho, met in regular public session at the regular meeting place of the Council in the City Hall in the City of Idaho Falls at 7:30 o'clock P.M. on June 8th, 1972. The roll was called and the following found to be present: Mayor S. Eddie Pedersen; Councilmen Melvin Erickson, Jim Freeman, Norris Gesas, Paul Hovey, Jack Wood, Jr., Gilbert Karst.

There were also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; John Evans, City Controller; Rod Gilchrist, City Planner; Steve Harrison; Electrical Engineer; Don Lloyd, Public Works Director; Robert Pollock, Police Chief.

Minutes of the last recessed regular meeting held May 25th, 1972 were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider two rezoning petitions. First to be reviewed was one signed by Grant B. and Ben R. Shippen as more fully explained in this memo as presented by the City Clerk:

Idaho Falls, Idaho
June 8, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, City Planner
SUBJECT: REZONING-ALL OF BLOCK 55, CROW'S ADDITION (EASTSIDE SCHOOL PROPERTY)

Attached is a copy of a rezoning petition submitted by Grant B. and Ben R. Shippen, requesting the above described property be rezoned from R-1 to R-3. The City Planning Commission considered this request at their regular meeting in May, 1972. After discussing the request with the petitioner, the Planning Commission recommended denial of the request, based on the fact that R-3 zoning would permit too great a density of dwelling units in an existing R-1 neighborhood. This department concurs with the Planning Commission's recommendation.

s/ Rod Gilchrist

Mr. Robert Pollock, 431 East 14th, appeared before the Council representing himself and several neighbors. He said that, in his opinion, rezoning of an entire block from R-1 to R-3 in the hub of an area otherwise zoned R-1 would set a down-grading precedent for the rest of the addition and would, thus, prove detrimental to property values. Councilman Wood noted that the area in question is centered within a fully developed neighborhood already conspicuous by many apartments or other types of multiple dwellings.

Mr. Roy Barnes, 353 12th, appeared before the Council to concur with the remarks of Mr. Pollock and also to say that said multiple dwellings represent a preexisting condition at the time the zoning ordinance went into effect and are in non-conforming use. He said the addition has held the line on R-1 zoning since passage of the zoning ordinance. Councilman Freeman observed that the Shippen rezoning petition requested an R-3 zoning, said zoning of which is utilized as a buffer zone. Freeman said there is no buffer to take into consideration in this instance, but on the contrary, the entire block is surrounded by R-1 zoning. Freeman said that, if this rezoning is permitted, the surrounding area would be that much more susceptible to down grading. Councilman Wood asked about construction of "235" homes. City Planner Gilchrist answered by saying they could be

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constructed in the block in question without rezoning and that the lot requirements are the same as for conventional single family dwellings. Councilman Hovey asked about the possibility of seeing a plot plan of the proposed development. Gilchrist said the Planning Commission had asked for this but that the petitioner had said no plot plan was available. It was moved by Councilman Hovey that this rezoning request be tabled until a plot plan was available. It was moved by Councilman Hovey that this rezoning request be tabled until a plot plan be presented and studied. This motion died for lack of a second. It was then moved by Councilman Freeman, seconded by Erickson, that the Planning Commission recommendation be upheld and the rezoning request be denied. Roll call as follows: Ayes, 6; No, none; carried.

The second rezoning petition was then introduced and explained by this memo from the City Planner:

Idaho Falls, Idaho
June 8, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, City Planner
SUBJECT: REZONING – LOTS 21,22,23,24, BLOCK 32, CAPITAL HILL DIVISION
(SOUTHEAST CORNER OF LOMAX AND FREEMAN)

Attached is a copy of a rezoning petition, submitted by Quentin J. Tobin, requesting rezoning of the above described property from R-2 to C-1. The petitioner proposes a dry cleaning and shirt laundry business at this location.

The City Planning Commission considered this request at their regular meeting in May, 1972, and recommended denial of the request. The recommendation was based on previous recent actions of the Planning Commission and City Council, regarding re-zonings in the immediate vicinity of this property. Other requests for C-1 zoning adjacent to Lomax have been denied in this area, and it was felt that no significant changes have occurred in the area which would justify reversing this position.

This department concurs with this recommendation.

s/ Rod Gilchrist

There were no protests. It was moved by Councilman Wood, seconded by Karst, that the Planning Commission recommendation be upheld and the rezoning request be denied. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Aden Hyde, 260 North Wabash, appeared before the Council to register a complaint against the undue and excessive noise created by motorcycles. He referred particularly to the undeveloped area close to where he resides which, because of its irregular terrain consisting of small hills and valleys, seems to attract the motorcycle riding element. He acknowledged that some cycle operators have been cited and fined a nominal amount but that this has not deterred the activity. Hyde said that, in his opinion, there has been completely inadequate police enforcement, especially in light of the fact that the City recently passed a noise ordinance.

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Mr. Al Johnson, 250 Wabash Avenue, appeared before the Council to concur with the remarks of Mr. Hyde. He said that, in many instances, it would appear that no attempt had been made to muffle the machines. He said it is particularly annoying for the same machine to cover and recover its own route by repeatedly going back and forth over the same area. He reminded the Council that noise is one of the most dangerous pollutants.

Mr. H. F. Rhodes, 705 First Street, also appeared to register a complaint on the same problem. He said he concurred on all remarks registered this night regarding motorcycles but that the problem is just as prevalent with cars. He asked why he, as a citizen, has to file a complaint against an operator of a noisy vehicle when it would be so simple to report the license number and have the operator arrested. Police Chief Pollock answered by saying that it is necessary for the arresting officer to personally see and recognize the operator; otherwise, the officer cannot positively identify him in court. Rhodes then asked if the City could make the maximum decibel level more stringent than that established by the State. City Attorney Smith answered in the affirmative but reminded Rhodes that the Council's justification for the setting of an identical maximum as the State was to wait and see how the State intended to effect enforcement. Smith added that, to date, at least to his knowledge, the State had made no attempt to enforce the State noise law. Rhodes registered an opinion to the effect that the noise ordinance should either be enforced or repealed. Pollock noted that there were more arrests made before the noise ordinance was passed on the charge of disturbing the peace.

Mr. Wilhelm Reichelt, 295 S. Blvd., appeared briefly to concur with previous remarks about noise. He proposed that a special effort should be made toward enforcement around the hospitals. In the absence of further comment, it was moved by Councilman Erickson, seconded by Wood, that this problem be referred to the Police Committee for further study. Roll call as follows: Ayes, 6; No, none; carried.

Mr. William Brooks, manager of the Local Chamber of Commerce, appeared before the Council and presented these letters which were read aloud by the City Clerk:

Greater Idaho Falls
Chamber of Commerce
May 25, 1972

Mayor S. E. "Eddie" Pedersen
City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

Dear Mayor:

Enclosed are letters from the Downtowners and Country Club Center merchants indicating their support for a Consumer Protection Business License. You also recall the support previously offered from the Idaho Falls Motel Association.

Recent experience has shown that there is a never ending sequence of incidents that point up the need for revision as our sales control ordinances.

I sincerely hope you are able to implement the drafting of a much needed revision soon.

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We will be pleased to furnish representatives personnel to serve with the City attorney if it will be helpful.

Sincerely,
s/ Bill
William E. Brooks

County Club Center
1515 Northgate Mile
Idaho Falls, Idaho
May 18, 1972

Mr. William E. Brooks
Executive Vice-President
Chamber of Commerce
Idaho Falls, Idaho

Dear Mr. Brooks:

The merchants of the Country Club Center are wholeheartedly in favor of the mandatory City license.

Thank you for your review of the proposal at our Merchant's Association meeting. We are in full agreement with the necessity of a City license, and feel it will be a benefit to the City of Idaho Falls and the Country Club Center.

Yours very truly,
s/ Bary W. Ferrin
Merchants' Association

THE DOWNTOWNERS
May 23, 1972

Joe W. Hunter
President Chamber of Commerce
609 W. Broadway
Idaho Falls, Idaho

Dear Joe:

As you know our organization called the Downtowners was formerly known as the "Downtown Merchants Association". To date our membership consists of sixty-six members, all businessmen and businesswomen from the downtown Idaho Falls area.

Part of the image the Downtowners have tried to create is that of integrity and respectability, and for this reason the executive committee of the Downtowners has unanimously endorsed your proposed ordinance pertaining to consumer protection business licenses.

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This proposed ordinance is not only for the protection of the consumer, but of the respectable businessman as well. We feel it is our civic responsibility not only to endorse but to enforce this needed ordinance.

Please feel free to call upon us for any further assistance.

s/ Jake Cordova
President, Downtowners

Mr. Brooks then presented an outline for a suggested consumer protection business license taken from an existing Salt Lake Ordinance. Mr. Brooks said this would not constitute a revenue measure and proposed a business license costing no more than \$10.00. He said this would apply toward defraying the cost of Police investigation. Brooks explained fly-by-nighters who would dupe the public in any way. He said his recommendation would be an ordinance that would provide, among other things, a requirement for a \$2,000 bond and a minimum thirteen day waiting period between the date of application and the time the license was issued, which would discourage the non-reliable operator from even making application. Councilman Hovey questioned the effectiveness of such an ordinance on the grounds that an ordinance, per se, would not prevent people from buying if they were so inclined, regardless of how inferior the goods or services might be. Also, Hovey said that if such an ordinance were passed, the license should be \$25 or \$30 instead of \$10 in view of the cost of administering the application and investing the applicant. City Attorney Smith asked what standard would be used for denying an application. Brooks said this would be determined by such factors as the acceptability of the applicant's operations in other cities, the reports received from other Police Departments and Better Business Bureaus, etc. It was moved by Councilman Erickson, seconded by Wood, that this matter be referred to the Fiscal Committee, the Legal Department, the City Clerk and a Business License Committee, yet to be appointed, for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

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

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$141,268.27	\$68,692.97	\$209,961.24
Fire Bonds	54,295.63	8,665.88	62,961.51
Water & Sewer Fund	40,829.40	85,158.78	125,988.18
Electric Light Fund	54,295.63	8,665.88	62,961.51
Recreation Fund	1,346.53	883.81	2,230.34
Police Retirement	2,429.75	.00	2,429.75
<u>TOTAL FUNDS</u>	<u>\$271,886.85</u>	<u>\$248,932.76</u>	<u>\$520,819.61</u>

Councilman Karst explained all major expenditures. It was moved by Councilman Karst, seconded by Freeman, 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 May, 1972, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office of the City Clerk.

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License applications for FIREWORKS, Robert J. Topmiller for King's Variety Store, Rosco Caldwell for 7-11 Stores at G. Street, 1st Street, 9th Street, Jim Vanderbeek for Earl's Food Liner; JOURNEYMAN ELECTRICIAN, R. V. Day, Harold Clifford, Leonard Sheetz; Jr.; APPRENTICE ELECTRICIAN, David R. Browning with School District, Douglas Wheeler with Dick Wheeler Electric; TAXI CAB OPERATORS, Sonny Kay Allen with Yellow Cab, Charlie W. Lewis and Dan Schofield with Valley Cab Company; BARTENDER PERMIT, Kenneth Walker, Earl Dan Garner, Marilyn Moon, Jess Kerbs, John Biebl, Dennis R. Doherty, Lawrence Leavitt, Henry E. Crew, Clara Ray, Charles B. McNeill, Jr., C.B. McNeill, Sr., W.L. Atteberry, Sheldon McConnell, Ray Metcalf, 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.

It was brought to the attention of the Mayor and City Council that Mr. John Smith's resignation as a member of the Community Redevelopment Commission had never been officially accepted and, also, that the appointment of his successor, Mr. Allen Jensen, had never been officially confirmed. This registration and appointment took place in December, 1971. It was moved by Councilman Wood, seconded by Karst, that these actions be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Another matter in need of official ratification was the Council's recent informal decision that a possible site location for the Electric Division warehouse be within the urban renewal area in the vicinity of the Eagle Rock Power Plant and Water Tower and, also, authorization given to Mr. Leonard Callan to proceed with Urban Renewal Agency and HUD implementation so that the City might receive a non-cash credit accordingly. It was moved by Councilman Hovey, seconded by Gesas, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
June 8, 1972

Resurfacing Tennis Courts

Honorable Mayor and Councilmembers:

The Purchasing Department and Parks Department request approval to advertise for bids for resurfacing Tennis Courts at 7th and Tiger Drive.

Very truly,
s/ W. J. Skow
Purchasing Department

It was moved by Councilman Freeman, seconded by Erickson, that authorization be granted to advertise for bids for the project as described. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Purchasing Department, this memo was reviewed:

City of Idaho Falls
June 8, 1972

Comfort Station for Parks

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Honorable Mayor and Councilmembers:

The Purchasing Department and Parks Department request approval to advertise for bids to build a comfort station including septic tank and drain field at Eagle Rock Park.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Freeman, seconded by Erickson, that authorization be granted to advertise for bids on the project as described. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Purchasing Department this memo was presented and studied:

City of Idaho Falls
June 8, 1972

Electrical Conductor
15/20/25 MVA, 44 KV Substation Transformer
2-12.5 KV Outdoor Oil Circuit Breakers

Honorable Mayor and Councilmembers:

Tabulation of bids for IF-72-10, Electrical Material, IF-72-11, 15/20/25 MVA, 44 KV Substation Transformer, and IF-72-13, 2-12.5 KV Outdoor Oil Circuit Breakers is attached.

Evaluation of bids received show as follows:

IF-72-10 Electrical Conductor

Electrical Wholesale Supply Co. (Idaho Falls)

60,000 ft. #2 Triplex	\$ 5,859.00
10,000 ft. #4/0-4/0-2/0	3,622.50
45,000 ft. #795 MCM Aluminum	<u>13,950.00</u>
TOTAL	\$23,431.50

Pole-Line Distributing Co. (Salt Lake City)

38,000 ft. KV #2 URD	\$10,374.00
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General Electric Supply (Idaho Falls)

3000 ft. #4/0 Bare Copper	\$ 1,421.46
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IF-72-11 12/20/25 MVA, 44KV Substation Transformer

Federal Pacific (J.D. Stephens Co. – Salt Lake City)	\$71,800.00
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IF-72-13 2-12.5 KV Outdoor Oil Circuit Breakers

Graybar Electric Co. Inc. (Salt Lake City)	\$ 7300.00
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It is the recommendation of the Electric Light Division and the Purchasing Department that the above bids be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Hovey, seconded by Gesas, that in every instance, the bids as recommended be accepted for the electrical material as described. Roll call as follows: Ayes, 6; No, none; carried

This memo from the Police Chief was read:

City of Idaho Falls
June 6, 1972

TO: Mayor and City Councilmembers
FROM: Pollock
SUBJECT: REQUEST FOR LOADING ZONE AND A NO PARK AREA BY DRIVEWAY

1. Mr. Hoffman of A.E.C. on 2nd and Freeman request loading zone south of the entrance on Freeman Avenue.
2. Mr. Dennis Dierks requests the parking spaces between the two driveways entering on to Freeman from the A.E.C. lot be restricted to No Parking to alleviate the sight restriction.

s/ R. D. Pollock

Regarding the first request, it was moved by Councilman Erickson, seconded by Wood, that this be approved. Roll call as follows: Ayes, 6; No, none; carried.

The second request was then studied. It was moved by Councilman Erickson, seconded by Wood, that this also be approved. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read:

480 Holbrook
Idaho Falls, Idaho
June 5, 1972

Mayor Pedersen and City Council
City Building
Idaho Falls, Idaho

Dear Mayor Pedersen and City Council:

On May 2, 1971, I wrote a letter to Mr. Barnes stating a claim of \$30.00 for damages caused by water backing up into my basement caused by City sewer being plugged.

Mr. Barnes said the United Agencies had been contracted about such. The United Agencies sent me a letter saying that such a claim would not be paid by them.

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Both my attorney and the plumber who came to the house at the time said this claim should not have to be paid by me, considering that it was the City line that was plugged.

If the plumber had not arrived when he did and called the City about the trouble the damage would have been many times over. After the plumber called the City Sewer Department, no one showed up for more than an hour. His reason for delay was he couldn't find the place (I suggest you supply such workers with a City map).

The damages incurred were for \$30.00 which I feel is not a great deal in one respect, but on the other hand, for me to pay for it, it is a great deal, especially when it was not the fault of mine.

Hoping that you will find the City can pay for this small claim at this time.

Sincerely,
s/ Mrs. Corine Carlson

It was moved by Councilman Freeman, seconded by Wood, that this matter be referred to the Public Works Committee with the understanding that said Committee be authorized to take appropriate action. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor recognized Mr. Rolph Lines in the Council Chambers and congratulated him for his appointment as assistant to the Director of the recently organized Bonneville Council of Governments, effective July 1st, 1972.

The Mayor announced that one of the purposes of the meeting was the canvass of the returns of the special bond election held in the City on June 6, 1972, pursuant to the provisions of Ordinance Number 1333 adopted on April 25, 1972.

The City Clerk then presented to the Council the returns of the election on the proposition from each voting place, the ballots cast at the election and all other pertinent data. The City Council thereupon proceeded to canvass the results of said election and to incorporate their findings and determination into the form of the following resolution, which was introduced in written form by Councilman Wood, was read in full, and pursuant to motion made by Councilman Karst and seconded by Councilman Hovey, was adopted by the following vote: Ayes; Councilmen Erickson, Freeman, Gesas, Hovey, Karst, Wood. Nay; none.

The resolution was thereupon signed by the Mayor, attested by the City Clerk, and was ordered recorded and is as follows:

(Resolution No. 1972-14)

A RESOLUTION canvassing the results of an election held in the City of Idaho Falls, on June 6, 1972, on the authorization of \$840,000 General Obligation Airport Bonds of said City, and determining the results of said election.

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WHEREAS, on April 25, 1972, the City Council of the City of Idaho Falls adopted Ordinance Number 1333 calling an election to be held in said City on June 6, 1972, for the purpose of submitting to the electors of the City qualified to vote thereon the proposition hereinafter set out; and

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WHEREAS, said election has been duly held pursuant to the provisions of said ordinance and to the provisions of the Constitution and Laws of Idaho, and the results thereof have been canvassed by the City Council and complete investigation had been made by the Council as to the manner in which said election was held and as to the regularity thereof;

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Idaho Falls, Bonneville County, Idaho, as follows:

Section 1. That a special election was held in the City of Idaho Falls on June 6, 1972, at which election there was submitted to the qualified electors of said City the following proposition:

PROPOSITION

QUESTION: Shall the City of Idaho Falls, Idaho, issue and sell its negotiable coupon general obligation bonds to the amount of \$840,000 for the purpose of providing funds with which to purchase, acquire, improve and equip aviation facilities either wholly or partly within or without the corporate limits of said City, for said City, as more fully provided in Ordinance Number 1333 adopted on April 25, 1972.

Section 2. That notice of the calling of said election was duly and legally given by the publication of an appropriate notice in the Post Register, a newspaper published and having general circulation in the City of Idaho Falls, on April 30, May 7, May 14, May 28, 1972; such publication having been made once a week on the same day of each of five successive weeks, with the first publication being not less than thirty (30) days prior to the date for election.

Section 3. That the polls at said election were opened at 12:00 o'clock noon and remained open continuously until and closed at the hour of 8:00 o'clock P.M. at the voting places specified in Section 6 hereof.

Section 4. That only persons who were on said June 6, 1972, qualified electors of the City of Idaho Falls eighteen (18) years of age or older and properly registered and possessing the qualifications of residents were permitted to vote at said election, and that no person qualified to vote at said election was refused the right to vote at the election.

Section 5. That the ballots used at said election were in the form prescribed by law and by said Ordinance Number 1333.

Section 6. That the results of the election on said proposition were, and are hereby formally found and determined to be as follows:

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POLLING PLACE	# OF VOTES IN FAVOR	# OF VOTES AGAINST	# OF MUTILATED BALLOTS
A. H. Bush Elementary School	87	66	1
Highland Park Log Hut	96	88	0
Riverside Elementary School	87	49	2
Veterans Memorial Building	63	56	2
Temple View Elementary School	252	111	0
O.E. Bell Junior High School	220	109	0
Hawthorne Elementary School	169	167	0
Longfellow Elementary School	471	160	0
Linden Park Elementary School	272	123	0
Theresa Bunker Elementary School	132	78	0
Pinecrest Golf Course Club House	225	98	0
Dora Erickson Elementary School	310	103	0
Emerson Elementary School	241	86	0
Central Junior High School	280	127	1
Edgemont Gardens Elementary School	304	102	0
Ethel Boyes Elementary School	260	95	0
TOTAL	3,469	1,618	6

Section 7. That it is hereby found, determined and declared that said proposition on the issuance of \$840,000 bonds for airport purposed carried by a majority of more that two-thirds of the qualified electors of the City voting at the election on said bonds.

It is further found and declared that said election was in all things held and conducted in strict compliance with law, and that the City Council is authorized to proceed with the authorization of the bonds specified in said proposition.

Adopted and approved June 8th, 1972.

ATTEST: <u>s/ Roy C. Barnes</u> City Clerk	<u>s/ S. Eddie Pedersen</u> Mayor
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There being no further business, it was moved by Councilman Gesas, seconded by Erickson, that the meeting adjourn at 9:50 P.M., carried.

ATTEST: <u>s/ Roy C. Barnes</u> City Clerk	<u>s/ S. Eddie Pedersen</u> Mayor
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