

## DECEMBER 21, 1971

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The City Council of the City of Idaho Falls met in a recessed Regular Meeting, Thursday, December 21, 1971, 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, Gordon Nelson, Paul Hovey, Dale Parish, and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other Division Heads.

Minutes of the last recessed, Regular Meeting, held December 9<sup>th</sup>, 1971, were read and approved.

Escorted by the appropriate Division Director, the following City employee retirees were brought forward to the Council Table, one at a time, to be presented with an inscribed billfold by the Mayor: Gladys Jensen, Byron (Chuck) Taylor, Jess Hayes, Howard Swendsen, Marion Esplin. After the Division Director gave a brief history, the Mayor commended these retirees for their long and dedicated service with the City and then, in each case, they received congratulations from all City Officials around the Council Table.

The Mayor then asked D. Mont Clark to come forward to the Council Table. The Mayor presented Mr. Clark with a Grade II Sewage Works Operator certificate for having successfully passed a course on sewage operation. It was noted that there is only one Grade I operator within the State and few Grade II's. The Mayor congratulated Mr. Clark on this achievement and commended him for voluntarily bettering himself in this manner for his position as Plant Superintendent at the Sewage Treatment Plant.

The Mayor welcomed a group of Webelos Cub Scouts and their leaders, in attendance in the Council Chambers. One of their leaders, Mr. Richard Bowman, spoke briefly, explaining that the boys were working on their citizens badge and were present to learn something of local government in action. The Mayor thanked the group for their presence and their interest.

License applications for GROCERY STORE, Holiday Market, Earl's Food Stores, Harvey's Store; RESTAURANT, Skyhaven Hangars, Inc., Gay Nineties Pizza, Gas Lampe Pizza, Skyline Lanes Café and Lounge; ELECTRICAL CONTRACTOR, Harold L. Christensen for LOC Electric; JOURNEYMAN ELECTRICIAN, Harold Christensen, M.J. Danielson, Aciel Hill; APPRENTICE ELECTRICIAN, Harold Nephi Christensen; MASTER PLUMBER, Lewis Thompson; CLASS C CONTRACTOR, WARM AIR HEATING & GAS FITTING, Ronald Williams for Ron's Heating; CLASS D CONTRACTOR, REFRIGERATION, William Johnson with Falls Refrigeration; CLASS D JOURNEYMAN, REFRIGERATION, William Johnson with Falls Refrigeration, Vaughn Johnson with Falls Refrigeration; CLASS D JOURNEYMAN, GAS FITTING, Warren Olson; DANCE HALL, Stockman's Bar; ROOMING HOUSE, Park Rooms; TAXI OPERATOR, Larry Burtenshaw; BARTENDER, Geraldine Dutra, Gerald Guthrie, Shirla Herrera; PRIVATE PATROLMAN, Vaughn Nelson; BEER, (Canned and bottled, not to be consumed on the premises), Harvey's Store, Earl's Food Store (2), Holiday Market, Skaggs Drug Store; BEER (Canned and bottled, to be consumed on the premises), Skyhaven Hangars, Inc., Samoa Club; BEER (Canned, bottled and draught to be consumed on the premises), Skyline Lanes Café and Lounge, Stockman's Bar, Buckhorn Gardens, Golden Crown, Ray's Western Bar, Ford's Bar, Gas Lampe Pizza, Gay Nineties Pizza; LIQUOR, Russett Bar & Café, Motor Lodge, Inc., Samoa Club, Eagles Lodge, B.P.O.E., Westbank, Bon Villa Club, Broadway Café and Lounge; GROCERY STORE, Monty's Food Kings #1 and #2; RESTAURANT, Westbank Coffee Shop; DANCE HALL, Westbank, The Project; THEATRE, Paramount; ELECTRICAL CONTRACTOR, Bonneville Construction Company, Electrical Services, Inc., School District #91; JOURNEYMAN ELECTRICIAN, Wayne Harris, Lloyd Moldenhauser, David Paulk, Glayde Hill, Kay Thurman; CLASS A CONTRACTOR, WARM AIR, WET HEAT, GAS & REFRIGERATION, Wendell Sanderson; CLASS C CONTRACTOR, GAS & WET HEAT, Pendleton

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Plumbing; CLASS D CONTRACTOR, GAS FITTING, AMCOR, Inc.; CLASS D CONTRACTOR, REFRIGERATION, Com-Air-Co.; CLASS D APPRENTICE, GAS FITTING, Gilson H. Porter; PLUMBING CONTRACTOR, American Plumbing & Heating, F.L. Pendleton Plumbing; JOURNEYMAN PLUMBER, Roger Sanderson; CLASS D JOURNEYMAN, GAS FITTING, David Heath, Jay Rowley, Jerry Anderson; CLASS D JOURNEYMAN, REFRIGERATION, Douglas Sanderson, Merlyn Schmeckpepper, Darrel D. Smith; CLASS C JOURNEYMAN, GAS FITTING & WARM AIR HEATING, Ronald Williams; CLASS C JOURNEYMAN, GAS FITTING & WET HEAT, F.L. Pendleton, Roger Sanderson; BEER (Canned and bottled, not to be consumed on the premises), Monty's Food Kings #1 & #2; BEER (Canned, bottled, & draught, to be consumed on the premises), The Project, Blue Room; TAXI CAB OPERATORS, Kent Crossley, Donald Fouts, Donald L. Winger; JOURNEYMAN PLUMBER, J. Dale Browning, Daniel R. Lewis; CLASS C JOURNEYMAN, Daniel R. Lewis; CLASS C CONTRACTOR, REFRIGERATION & WARM AIR, Gene's Refrigeration; CLASS D CONTRACTOR, REFRIGERATION, Koldaire, Inc.; CLASS D JOURNEYMAN REFRIGERATION, Ed Madsen; CLASS D JOURNEYMAN, GAS FITTING, C. Bing Lempke; CLASS C CONTRACTOR, HEATING & SHEET METAL, Sage Heating & Cooling; CLASS C JOURNEYMAN HEATING & SHEET METAL, Norton Sage; ELECTRICAL CONTRACTOR, Whipple Electric, Sparks Electric; JOURNEYMAN ELECTRICIAN, Wilford Whipple, Weldon Whipple, William Whipple, Walter Whipple, Curtis Jeppsen; APPRENTICE ELECTRICIAN, Walter Whipple, Jr., Wesley Whipple, Ben Meyer; NON-COMMERCIAL KENNEL, W.P. Keeney; GROCERY STORE, Fay's food Liner, Wealth of Health; MOTEL, Ponderosa Motel; DANCE HALL, Ponderosa Lounge, Chance's Pizza; RESTAURANT, Chance's Pizza, Chicken Broaster, Liberty Café, Ponderosa; TAXI CAB PERMITS, Yellow Cab Company; TAXI OPERATORS, Rick Wheeler, Ronney Lee Wehnes, Lamont Prophet, Terry J. Johnson; BARTENDER, Jim H. Horn; BEER (Canned & bottled, not to be consumed on the premises), Fairway Service, Ray's Foodliner, 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.

The City Clerk drew attention to the fact that, on December 16, the Council had informally granted authorization for the City Clerk to advertise for bids on the Secondary Sewage Treatment Plant. Councilman Nelson, as Chairman of the Public Works Committee, noted that this was something of a milestone and was the culmination of three to four years of planning, engineering, etc. It was moved by Councilman Nelson, seconded by Parish, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Clerk were City Redemption Tax Deeds in favor of the Idaho Savings and Loan Association and Charles R. Jachetta, accompanied by appropriate resolutions, as follows:

**RESOLUTION (Resolution No. 1971-42)**

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 6<sup>th</sup> day of October, 1965, recorded as Instrument No. 355293, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Beginning at a point S. 625.2' and S. 50° 45' W. 20.2' from the Northeast Corner of the Southeast Quarter of the Southwest Quarter, Section 8, Township 2 North, Range 38, East of the Boise Meridian, thence S. 50° 45' W. 158.2; thence S. 39° 15' E.

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164.'; thence N. 50° 45' E. along north right-of-way of State Highway 191 for 30'; thence northerly 208' to the point of beginning.

WHEREAS, IDAHO SAVINGS AND LOAN ASSOCIATION, a corporation, 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 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 Idaho Savings and Loan Association, a corporation, a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 21<sup>st</sup> day of December, 1971.

APPROVED BY THE MAYOR this 21<sup>st</sup> day of December, 1971.

s/ S. Eddie Pedersen  
Mayor

ATTEST:  
s/ Roy C. Barnes  
City Clerk

**RESOLUTION (Resolution No. 1971-43)**

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 12<sup>th</sup> day of May, 1971, recorded as Instrument No. 417748, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 25-29, incl., Block 71, Highland Park Addition, to the City of Idaho Falls, Idaho, as per recorded plat thereof.

WHEREAS CHARLES R. JACHETTA 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

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CHARLES R. JACHETTA a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 21<sup>st</sup> day of December, 1971.

APPROVED BY THE MAYOR this 21<sup>st</sup> day of December, 1971.

s/ S. Eddie Pedersen  
Mayor

ATTEST: s/ Roy C. Barnes  
City Clerk

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

This memo from the City Planner was presented and read aloud:

City of Idaho Falls  
December 21, 1971

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist  
SUBJECT: APPEAL FROM DECISION OF BOARD OF ADJUSTMENT

An appeal was submitted to the Board of Adjustment to permit a covered patio in the required sideyard of the residence located at 1246 Homer Avenue. This appeal was submitted by Arden and Norma Beale. This request was first considered by the Board of Adjustment on May 4, 1971. At that time the Board recommended denial and Mr. Beal appealed the decision to the City Council.

At the request of Mr. Beale, it was removed from the City Council agenda and referred back to the Board of Adjustment pending new evidence. The Board of Adjustment considered the request on September 21, 1971, and recommended denial. Then, Mr. Beale again met with the Board on November 30, 1971 and the Board again recommended denial.

The petitioner has again requested to appear before the City Council to appeal the Board's decision. The following is an excerpt from the minutes of the November 30<sup>th</sup> meeting of the Board of Adjustment.

"Mr. Beale appeared before the Board once again and submitted the following information:

1. The patio was built approximately seven years ago by the first owner.
2. The second owner removed same approximately four years ago.
3. The present owner, Mr. Beale, started to replace that which had previously existed.

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Mr. Beale's statements were substantiated by the next door neighbor.

Discussion by the Board as follows: No permit was issued for the first illegally built patio cover and no permit was issued for the present patio cover under construction. The present patio is attached to the existing dwelling and extends to the north property line and is in complete violation of the required 7' 6" sideyard in Ordinance No. 1115.

This property is located at 1246 Homer Avenue, Lot 23, Block 12, Packer Addition, Division No. 3 in an R-1 zone.

Board Action: It was moved and seconded this appeal be denied."

Based on the previous action of the Board, this department recommends denial of the request.

s/ Rod Gilchrist

Mr. Beale appeared before the Council, accompanied by his attorney, Mr. Roger Cox. Mr. Cox explained that the patio in question was built in 1964 by another party and was blown down by the wind. Mr. Beale was in the process of reconstructing the patio when he was advised by the Building Department that it was in violation of the Code. Cox said the floor plan of the house was such that no alternate building plan was feasible. Cox reminded the Council that none of the nearby neighbors object. The concrete slab, built at the time the house was constructed, has never been altered.

City Planner Gilchrist appeared briefly to say that if the patio is permitted there would be no side yard set back between the patio and the property line. Mr. Cox said that, in his opinion, matters pertaining to zoning and variance should be flexible enough to recognize individual situations such as this one. He said there would be thirty feet between the patio and the closest house. Councilman Hovey asked when Mr. Beale learned he was in violation. Mr. Beale answered by saying that he took out a permit to build a fence and learned of it at that time. He said he was of the opinion that no permit was needed for the patio, inasmuch as it was not a matter of construction but reconstruction. He said the violation notice was served September 1<sup>st</sup>, 1970. He explained that the noticeable elapse of time was occasioned because of requests for postponement by the Board of Adjustment or by himself.

Mr. Earl Graham, 1245 Homer, a nearby neighbor, appeared before the Council. Speaking for himself and his neighbors, Mr. Graham said they were all sympathetic with Mr. Beale. He verified the fact that no neighbors object to the patio as it would not interfere with the property or structures of the neighbors. Mr. Beale noted that it was not his intention to entirely enclose the patio and that there would always be limited access in case of fire or some other emergency. Asked for an opinion, the City Attorney said that in instances of this kind, it is not the prerogative of the Board of Adjustment to render a decision. All they are empowered to do is recommend. Councilman Wood said that he was not in accord with the Board of Adjustment recommendation and that, even though he could understand the position taken by the Board of Adjustment, he felt this issue must stand on its own merit and that, in view of all facts, he had no objection to the variance. It was moved by Councilman Wood, seconded by Parish that the Arden Beale request for a variance, as described, be granted because of the unusual circumstances as stated with the

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understanding that, under no conditions, should it be implied that any precedent has been set. Roll call as follows: Ayes, 5; No, none; carried. Councilman Nelson abstaining.

The City Clerk drew attention to the need for scheduling a zoning hearing on the Groberg property and suggested the date of January 20<sup>th</sup>, 1972. It was moved by Councilman Wood, seconded by Nelson, that a zoning hearing be scheduled as recommended and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

A contract was presented between the City and Williams, Gaskill, and Ferguson covering the auditing of the City records for 1971, with identical terms and conditions as previous years. It was moved by Councilman Parish, seconded by Hovey, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Presented by the City Treasurer, through the City Clerk, was an agreement between the City and the Idaho First National Bank whereby that agency would act as paying agent for the secondary sewage treatment revenue bonds. It was noted that that bank had been named to that capacity in the Bond Ordinance. It was moved by Councilman Parish, seconded by Hovey, that the Mayor and City Clerk be authorized to sign subject to approval of the agreement as to good legal form by the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls  
December 20, 1971

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd, P. E.  
SUBJECT: 17<sup>TH</sup> STREET – ST. CLAIR TO CHURCH FARM ROAD

We are submitting herewith an original and one copy of a Resolution and Project Agreement for the construction of 17<sup>th</sup> Street from St. Clair to Church Farm Road. The estimated cost of the project is \$414,700.00 and based upon a City-County split of 26/74 percent, the City's share would be \$122,750.00. This project has been reviewed in detail with the Public Works Committee and we are requesting authorization for the Mayor and City Clerk to sign the City's approval subject to the availability of funds.

Respectfully submitted,  
s/ Don  
Donald F. Lloyd

Councilman Nelson said the Resolution referred to in the foregoing memo had been studied by the City Attorney who had advised that the latter portion of said Resolution be amended, as follows:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Project Agreement for Federal Aid Secondary Highway Project S-6709(3) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Project Agreement on behalf of the City of Idaho Falls.

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3. That duly certified copies of the Resolution shall be furnished the Department of Highways.

Reflecting the above amendment, then, this Resolution was presented:

**R E S O L U T I O N (Resolution No. 1971-44)**

WHEREAS, the Department of Highways of the State of Idaho has submitted a Project Agreement stating obligations of the State of the City of Idaho Falls, Idaho, for the construction of 17<sup>th</sup> Street between St. Clair Avenue to Church Farm Road within the corporate limits of the City of Idaho Falls, Bonneville county, Idaho, as described in the Project Agreement, which improvement is to consist of excavation and grading, base, drainage, curb gutter, paving and traffic controls on 0.62 miles of FAS Route 6709 to be constructed under Federal Aid Project SU-6709(3); and

WHEREAS, the State, by agreement with the Federal Highway Administration, is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal Aid Secondary System when there is Federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Project Agreement; and

WHEREAS, the State cannot pay for any work not associated with the State Highway System; and

WHEREAS, the City is fully responsible for all costs related to the project; and

WHEREAS, it is intended that the project shall be developed and constructed so as to receive Federal participation;

NOW THEREFORE, BE IT RESOLVED:

1. That the Project Agreement for Federal Aid Secondary Highway Project SU-6709(3) is hereby approved.
2. That the Mayor and City Clerk are hereby authorized to execute the Project Agreement on behalf of the City of Idaho Falls.
3. That duly certified copies of the Resolution shall be furnished the Department of Highways.

It was moved by Councilman Nelson, seconded by Parish, that this resolution be adopted and passed and the Mayor and City Clerk be authorized to sign the attached Project Agreement, SU-6709(3), with the understanding that construction is subject to the availability of funds. Roll call as follows: Ayes, 6; No, none; carried.

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The Mayor noted that effective January 1<sup>st</sup>, 1972, the Parking Committee is losing a member by virtue of Mr. Norris Gesas becoming a Councilman. The Mayor, therefore, appointed Mr. Wayne Blasius as his replacement. It was moved by Councilman Erickson, seconded by Wood, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Airport Manager was presented through Councilman Wood:

City of Idaho Falls  
December 20, 1971

TO: Mayor and City Council  
Attention Councilman Wood  
FROM: H.P. Hill, Director of Aviation  
SUBJECT: Renewal of Hughes Air West and Western Airlines Leases

Attached for your consideration are renegotiated airport terminal leases and airport use agreements for the subject air carriers. Both agreements are of the same content and for 5 years duration. Principal changes from the preceding leases follow:

Airport use fees raised from \$.09 per 1,000 lbs. of aircraft landing weight to \$.12.

Counter space rental from \$4.00 per square foot per year to \$5.50.

Office space from \$3.50 per square foot per year to \$4.00.

Airport use fees to be renegotiated upwards in the event of major runway expansion, overlay or repair within two plus years, or upon promulgation by the FAA airport certification (crash-fire-rescue and security) requirements raising our operational costs.

Under present flight scheduling, the new proposals will increase the City airport revenue from these airlines \$11,380.00 per year, or a gross income of \$42,484.00 minimum. An approximate 30% overall increase.

In addition, and outside of these agreements, both carriers will contribute \$20.83 each per month for one year (total \$500.00) towards the installation of background music.

The City Attorney's office has approved these agreements. The Airport Committee recommends favorable consideration.

s/ H.P. Hill  
Airport Manager

It was moved by Councilman Wood, seconded by Nelson, that the Western Airlines renegotiated lease be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood then presented an agreement between the City and Valley Cab, Inc., stating terms and conditions for a one year lease on a parking-loading space at the airport. It was

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moved by Councilman Wood, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Councilman Wood presented a lease renewal agreement between the City and National Rent-A-Car with identical terms and conditions as the one about to expire. It was moved by Councilman Wood, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood then reported that there is flagrant violation of the 20 minute parking provision around the Airport Terminal Building. It was moved by Councilman Wood, seconded by Erickson, that the Police Chief be directed to see that that area is effectively policed. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made in this book of minutes to page 62 and, more specifically, a declaration of nuisance as prepared by the City Attorney, authorizing the razing of a structure at 450 Garfield. Councilman Parish noted that no action had been taken in this regard. The Mayor said he would see that this matter received immediate attention.

Councilman Erickson made reference to the signs within the downtown business area indicating two hour parking from 8:00 A.M. to 6:00 P.M. He said that the tire markers, to date, have not started marking until 9:00 to 9:30 A.M., giving early parkers free parking virtually all morning. Erickson advised that, effective immediately, the tire marking would start at 8:00 A.M.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 8:50 P.M., carried.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

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