

NOVEMBER 19, 1970

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Regular Meeting on Thursday, the 19th day of November, 1970, at the hour of 7:30 o'clock P.M. at the City Council Chambers, in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City.

On roll call, the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilmen Jim Freeman, Dale Parish, Gordon Nelson, Paul Hovey, Melvin Erickson, and Jack Wood. Absent: None. Also present: Roy C. Barnes, City Clerk; John Evans, City Controller; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Robert Fanning, representing the City Attorney firm of Albaugh, Bloem, Smith and Pike.

Minutes of the last Regular Meeting, held November 5th, 1970, were read and approved.

Noting Mr. Art Johnson of the Idaho Lumber Company in the Council Chambers, the Mayor asked the City Clerk to present and read this memo from the City Planner:

Idaho Falls, Idaho
November 19, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: APPEAL FROM A DECISION OF THE BOARD OF ADJUSTMENTS

On November 3, 1970, Mr. Arthur Johnson submitted an appeal to the Board of Adjustments requesting permission to construct an apartment house at the corner of 12th Street and St. Clair Road which would extend approximately four feet into the thirty foot triangle which is reserved to provide a clear view of intersecting streets.

The Board denied this request primarily based upon the present and anticipated traffic volumes at this intersection.

s/ Rod Gilchrist

Councilman Wood said he was also concerned on this matter, due to the heavy traffic at the intersection in question. Wood suggested moving the proposed structure four feet south. Mr. Johnson said this would not give sufficient back yard clearance. Councilman Hovey proposed moving the structure four feet west. Johnson explained that this would create an unsymmetrical condition, due to the fact that the sidewalks are already installed, in line with a covered walkway through the garages. In view of the fact that there appeared two alternates available to Mr. Johnson, it was moved by Councilman Wood, seconded by Parish, that the appeal for a variance be denied with the understanding that the Building Department be instructed and directed to honor Mr.

Johnson's request to move the proposed structure four feet to the south or west from the original building plan. Roll call as follows: Ayes, 6; No, none; carried.

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This memo, also of interest to Mr. Johnson, was then considered:

Idaho Falls, Idaho
November 19, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: REQUEST TO VACATE EASEMENT - BLOCK 9, MELBOURNE PARK

At the City Council Meeting November 5, 1970, this same request was considered and denied by the City Council at that time. The petitioner has appealed for further consideration. Upon further investigation the Electric Department has agreed to vacate the easement contingent upon the property owner granting an easement to continue the existing line in its present location.

Attached are copies of correspondence from Intermountain Gas Co. and Mountain Bell and copies of new easements which the property owner has granted.

s/ Rod Gilchrist

Upon further investigation by the Electric Department it had been ascertained that the easement as requested was not needed. It was moved by Councilman Wood, seconded by Parish, that the easement as requested be vacated and the City Attorney be directed to prepare a vacating ordinance accordingly, with the understanding that the property owner grant an easement to continue the existing line in its present location. Roll call as follows: Ayes, 6; No, none; carried.

With regard to the foregoing easement, Mr. Johnson then asked for a side yard variance from 7'6" to 5' on Lot 5, Block 9, of this addition in the event excavation revealed that the present location of the telephone cable interfered with the location of the proposed structure's foundation. Councilman Parish suggested, instead, that he proceed with excavation and deal directly with the Telephone Company when location of the cable was established.

In the interests of Mr. Russell Dahl, who was present in the Council Chambers, the Mayor asked the City Clerk to present the following:

Idaho Falls, Idaho
November 19, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: VACATION OF EASEMENT

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A request has been made to vacate an existing easement for the sanitary sewer line between Lots 21 and 22, Block 12, Kelsey Estates, No. 3. This easement is not in use. The sanitary sewer is in the alley and the Engineering Department has given their approval of the request. There is an existing alley which was built over this easement.

This easement was not shown on the plat of the area and was not discovered until the title search was completed of the property. This Department recommends approval of the request.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Parish, that the easement in question be vacated and the City Attorney be directed to prepare an Ordinance accordingly. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then recognized Mr. Grif Harman in the Council Chambers. His presence was occasioned because of an item on the agenda having to do with Council consideration of a plat of the Harman Addition, also, possible annexation of said addition, located south of 17th Street on the east side of the intersection of 17th Street and proposed Jennie Lee Drive with a depth of 225 feet. The Mayor also recognized Mr. and Mrs. Arden Lee in the Council Chambers represented by their attorney, Mr. Willis Benjamin whose presence was occasioned because of an item on the agenda having to do with possible annexation of an unplatted area east of the Harman Addition extending east to the City limits with a depth of 235 feet. Mr. Benjamin noted that the Planning Commission, in proposing annexation, recommended that the area in question be initially zoned R-3A. Benjamin, in the interests of his client, protested this proposed zoning on the grounds that it is presently zoned commercial. Councilman Wood explained that the City is not obliged to conform to County zoning and, on the contrary, the County, when zoning this area commercial, acted in conflict with the land use map which at one time was approved and adopted by both the City and the County. Mr. Benjamin warned the Council that this type of zoning would be financially damaging to his client and that, if accomplished, he would have no alternative but to resort to legal action. Mr. Lee appeared before the Council to advise that he had recently conferred with an interested developer who registered an opinion that this property, because it faces an arterial, could not be profitably developed under any other than a commercial zone for at least 500 feet in depth, buffered to the south with R-3A zoning. Mr. Lee continued by saying that the commercial zoning placed on the property by the County created no protests nor objection from the residents across the street. Councilman Wood took exception to this statement. Mr. Lee said he was aware of the protest registered but that the protesting party lived several houses west, not immediately across the street. Wood said the Council must take all protests and all concerned parties into consideration on any precedent-setting zoning such as this one. Asked by the Mayor his opinion on the proposed zoning, Mr. Harman said he objected to R-3A on the grounds that said zoning is not conducive to

development of the area in question. Inasmuch as City Attorney Smith was not present, it was moved by Councilman Wood, seconded by Hovey, that these matters be referred to legal counsel for consideration and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

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Reverend Jack Viggers, Chairman of the AD HOC Committee on Housing, appeared before the Council and presented the following report:

Mayor and City Council
City of Idaho Falls
Idaho Falls, Idaho

Honorable Sirs:

We the members of the Ad Hoc Committee on Housing, appointed to investigate the need for the establishment of a local Housing Authority for the City of Idaho Falls; after meeting together to discuss the issue; and after conducting a conference and workshop at which the persons on the attached list were present and after listening to and participating in the discussion of the issues involved conclude:

1. There is sufficient need for housing for elderly persons; for whom private enterprises cannot provide adequately to justify the immediate appointment of a Local Housing Authority under Sections 50-1901 through 50-1927 of the Idaho Code.
2. We recommend that the Local Housing Authority so appointed should represent Real Estate, the Construction Liability Industry, Banking and Finances; Community or Industrial Planning, and one citizen at large who can represent the interest of the poor.

Since the task we have been assigned is completed, we beg our discharge as an Ad Hoc Committee, and stand ready to assist the Local Housing Authority in anyway possible as it begins its task.

s/ Jack Viggers
CHAIRMAN

s/ James D. Soule
s/ Floyd Heyrend
s/ William E. Brooks
s/ Jack A. Wood
MEMBERS

The Mayor thanked Reverend Viggers and the members of his Committee for a comprehensive job well done. It was moved by Councilman Erickson, seconded by Nelson, that the findings of the above Committee be referred to the Planning Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

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License applications for RESTAURANT, Everett G. Jordan for Stardust, Millard M. Divine for Broadway Café & Lounge; JOURNEYMAN ELECTRICIAN, Bruce A. Wheeler; APPRENTICE ELECTRICIAN, John A. Ockerman with Whipple Electric, Rod Dockstader with Electrical Equipment; PHOTOGRAPHER, Jack B. Nimble Portraits, Inc.; ROOMING HOUSE, Yolinde LaCombe for Rialto Rooms; DANCE HALL, Everett G. Jordan for Stardust; BEER, (Canned, bottled, and draught to be consumed on the premises), P. B. Coburn for The Factory, Everett G. Jordan for Stardust, Millard M. Devine for Broadway Café and Lounge; BEER, (Canned & bottled, not to be consumed on the premises), Bob Martin for Safeway Store, Gary White for Albertsons on 1st Street; BEER, (Transfer only), from Richard Clayton for The Jolly Roger to Charles R. Jacetta for Golden Crown, 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 reported that, on November 18th, 1970, in the interests of time, the Mayor and City Clerk had signed an assignment of the James R. McGeachin Airport Industrial Park lease over to the Idaho First National Bank without formal Council approval. It was moved by Councilman Wood, seconded by Nelson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was submitted:

City of Idaho Falls
Idaho Falls, Idaho
November 19, 1970

Lease Nine 1971 Police Cars

Honorable Mayor and Councilmembers:

Tabulation of bids for nine leased 1971 four door sedans is attached.

Evaluation of bids received show Ellsworth Brothers, Inc. submitting the low bid of \$214.00 per month per car with full maintenance.

It is the recommendation of the Police Department and the Purchasing Department that the low bid be accepted.

This recommendation subject to your approval.

s/ John D. Evans
Purchasing Department

It was moved by Councilman Erickson, seconded by Wood, that the low bid with full maintenance in the amount of \$214.00 per month per car from Ellsworth Bros. be accepted. Roll call as follows: Ayes, 6; No, none; carried.

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From the Public Works Director this memo was read:

City of Idaho Falls
November 19, 1970

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: MOUND AVENUE SANITARY SEWER, PHASE 2

On November 17, 1970, only one bid was received on the above captioned project - Hartwell Excavating Company. This bid exceeded the engineer's estimate by \$2,000. We would recommend that the bid be rejected and the project re-advertised in January or February, 1971.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the one bid on the Mound Avenue Sanitary Sewer, Phase 2 project be rejected for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was presented, as follows:

City of Idaho Falls
November 17, 1970

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ENGINEERING CONTRACT

We are attaching hereto two copies of an agreement with David E. Benton to furnish engineering services for the detailed design of the East Interceptor Sewer. This interceptor was included in the September bond issue. Council's Public Works Committee has reviewed this agreement, and we would recommend that the Mayor and City Clerk be authorized to sign the City's approval.

s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that this engineering contract between the City and David Benton, as described, be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Planner was presented and read:

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Idaho Falls, Idaho
November 19, 1970

MEMORANDUM

TO: Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: APPEAL FROM A DECISION OF THE BOARD OF ADJUSTMENTS

At the regular meeting of the Board of Adjustments on November 3, 1970, Mr. Fred C. Arnold, 910 W. Elva, submitted a request to leave an existing patio cover extending to the side property line in an R-1 zone. The Zoning Ordinance requires a five foot side yard.

The Board denied this appeal on the basis that they felt their powers were limited to administrative matters as set forth in the ordinance and it was not the function of the board to grant a request which would have the effect of amending the Zoning Ordinance. There were no objections to this request. The petition contains the signature of the adjacent property owners.

This patio cover is located adjacent to the rear portion of the house and is needed for protection from the sun. This office has no objection to this request.

s/ Rod

It was moved by Councilman Wood, seconded by Parish, that this appeal be granted on a temporary basis and the City Attorney be directed to prepare and execute an agreement whereby Mr. Arnold would agree, if necessary in the interests of the City, to remove the patio cover at his own expense. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Civil Service Commission Secretary was presented and read:

City of Idaho Falls
Idaho Falls, Idaho
November 12, 1970

TO: The Mayor and City Council
FROM: Lorna Coughlin, Secretary
SUBJECT: REQUEST OF DAVID MURDOCK, CITY FIREMAN

David Murdock, City Fireman, has asked for permission to live in Jefferson County. The Idaho Falls Municipal Code reads that he must live in Bonneville County within 10 miles of City Hall. The Civil Service rule reads the same. The Commission feels that because it is a

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Municipal ruling that the Mayor and Council should act first. Then if it is denied, David could appeal to the Commission.

I am attaching a copy of two letters received regarding this matter.

s/ Lorna Coughlin

Councilman Freeman observed that Mr. Murdock would be living within 10 miles of the City Building even though it would be outside Bonneville County. Freeman said he felt the Council should consider amending the City Code in this regard, inasmuch as in his opinion, distance is the important factor, rather than County boundaries. It was moved by Councilman Freeman, seconded by Hovey, that the request be granted, subject to the approval of the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Parish introduced Ordinance No. 1280 entitled:

“AN ORDINANCE CONCERNING COSTS AND EXPENSES OF LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS, CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL IMPROVEMENT DISTRICT NO. 40 FOR IDAHO FALLS, IDAHO, FOR SEWER IMPROVEMENTS, APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT, PROVIDING FOR THE PAYMENT IN INSTALLMENTS OF THE COSTS AND EXPENSES OF THE IMPROVEMENTS TO BE MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING THE COST OF THE IMPROVEMENTS AGAINST THE LOTS, BLOCKS AND PARCELS OF LAND IN SAID DISTRICT CONTIGUOUS OR ADJACENT TO, FRONTING OR ABUTTING UPON SAID IMPROVEMENTS IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS; AND PRESCRIBING THE MANNER OF THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING FOR THE CREATION OF A LOCAL IMPROVEMENT GUARANTY FUND FOR THE PAYMENT OF SAID IMPROVEMENT BONDS, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN EFFECT,”

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

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

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It was moved by Councilman Erickson, seconded by Councilman Wood, that the Ordinance pass its third reading, and that the same be adopted, and the Clerk be instructed to publish the same as required by law, and the same being put to a vote, it was unanimously carried: the vote being as follows: Councilmen Freeman, Parish, Nelson, Hovey, Erickson, and Wood.

The Mayor reported that a vacancy exists on the City Planning Commission and, in the interests of coordinating the City and the County Planning Commissions, he appointed Mr. Richard T. Skidmore to fill the vacancy. The Mayor noted that Mr. Skidmore is also a member of the County Planning Commission. It was moved by Councilman Wood, seconded by Parish, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson reported that he had recently attended a City sponsored auction sale and commended the City Clerk for the manner in which it was conducted.

Erickson then drew attention to a problem that exists on Riverside Drive, particularly when ball games take place at Civitan Park. Erickson said the problem is caused because Riverside Drive, at that point is only one-half improved. Therefore, acting upon recommendation from the Traffic Safety Committee, he moved that Riverside Drive be posted for no parking along the northeast curb between Temple Place and Elva Street. This motion was seconded by Councilman Wood. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Parish proposed that all red capped parking meters be redesigned to accept and give parking time with pennies or nickels. He said that there are some that do not register with pennies and others that accept dimes which should also be eliminated. It was moved by Councilman Erickson, seconded by Wood, that this be referred to the City Clerk for correction of the problem. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Parish, that the meeting adjourn at 9:10 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
