

MARCH 20, 1969

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The City Council of the City of Idaho Falls met in a Regular Meeting, Thursday, March 20, 1969, at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilwoman Lyn Smith, Councilmen Dale Parish, Jim Freeman, Mel Erickson, Jack Wood, Gordon Nelson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; LaWayne Chapman; Personnel Director; William Fell, Electrical Engineer.

Minutes of the last Regular Meeting, held March 6<sup>th</sup>, 1969, were read and approved.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to consider the rezoning of two parcels of property. First to be reviewed was a petition by Alex Creek, W. O. Kunter, Raymond A. Burns, William Harker, and Ora Lake, requesting that Lots 1 through 4 and Lots 39 through 44, Block 22, Capital Hill Addition, be rezoned from R-3A to C-1. There were no protests. At the invitation of Councilman Wood, Mr. Alex Creek, one of the petitioners, appeared before the Council to say that the petition had been amended as a means of satisfying the Planning Commission and that the petitioners are now asking that the first 100 feet bordering Holmes Avenue be rezoned R-3A to serve as a parking area and that only the balance of the property be rezoned C-1. Mr. Creek said this met with the approval of the Planning Commission and all the petitioners. Councilman Wood registered an opinion that this matter should be considered further, inasmuch as this would constitute spot zoning, and proposed that the Council meet with the Planning Commission relative to this entire area. Hearing no objections, it was moved by Councilman Wood, seconded by Smith, that this portion of the hearing be recessed and continued until the next Regular Council Meeting on April 10<sup>th</sup>, 1969. Roll call as follows: Ayes, 6; No, none; carried.

Next to be considered was a recommendation from the Planning Commission that the following lots be rezoned from C-1 to R-3A:

Lots 41 through 44, Block 6; Lots 1 through 4 and Lots 41 through 44, Block 11; Lots 1 through 4 and Lots 41 through 44, Block 14; Lots 1 through 4 and Lots 41 through 44, Block 19, Capitol Hill Addition.

Councilman Wood drew attention to a revised recommendation from the Planning Commission, concurrent with the previously discussed revision on the Creek petition, that the first 100 feet in depth of this property, along Holmes, be rezoned R-3A and the balance GC-1. As a property owner within this area, Mr. Peter Maheras appeared before the Council, protesting any change from the existing C-1 zone. He drew attention to the fact that in November, 1966, he and others had petitioned the Council and had obtained approval at that time to have the area in question rezoned C-1. He said he knew of no recent developments justifying any change. He also registered a protest on the grounds that this rezoning was being recommended without his request or permission or that of any of the other affected property owners. He said he was further confused on the most recent development relative to a recommendation for R-3A zoning for the first 100 feet to represent a buffer zone. He said most of the existing structures along this street are within a few feet of the sidewalk

MARCH 20, 1969

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and do not qualify for R-3A zoning. He said he had prospects, until recently, for the sale of his property for purposes of development, but the prospects have now deferred because of the unsettled zoning problem. It was moved by Councilman Wood, seconded by Councilwoman Smith, that this portion of the zoning hearing also be recessed and continued until the next Regular Council Meeting. Roll call as follows: Ayes, 6; No, none; carried. Councilman Parish explained to Mr. Maheras that this Council action was only temporary and was occasioned because the Council had reason to believe there was further zoning objectives of this area.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the purpose of hearing discussion in favor of and/or protests against the granting of a CATV franchise to the Upper Valley Telecable Company.

Mr. William Holden, local attorney representing the Upper Valley Telecable Company, appeared before the Council and submitted the following:

March 20, 1969

The Honorable Mayor and  
Members of the City Council  
Idaho Falls, Idaho

A hearing on the proposal of Upper Valley Telecable Company, Inc., for the issuing to it of a franchise for the installation and operation of a non-exclusive CATV system in the City of Idaho Falls is scheduled for 7:30 P.M. this evening.

Since this hearing was scheduled, other applicants have submitted proposal to obtain a similar franchise.

We presume that the City Council intends to hold a public hearing on each application and with that thought in mind, it occurred to us that a fair procedure would be to hold a single hearing on all applications.

Accordingly, we respectfully request that the hearing on the application of Upper Valley Telecable Company, Inc., set for this evening be continued to a future date at which time a joint hearing be held on all pending applications. We further request that all applicants be informed of the ground rules and of the time and place for such hearing, and we are hopeful that such a hearing could be held sometime within the next week or ten days.

Respectfully,  
Upper Valley Telecable  
s/ R. W. Bauchman  
President

MARCH 20, 1969

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Mr. Holden noted that the company he represented was the first to file an application for a CATV franchise and that, in the interim period, there have been three other applicants. He said he was authorized by his client to propose, in the interests of fairness, that a joint public hearing for all four applicants be scheduled and that this hearing this night be recessed and continued until that time. By invitation, the City Attorney reviewed the State Statute in this regard by reiterating the fact that a franchise cannot be granted by a City Council until 30 days after an introductory ordinance has been published but that there is no minimum nor maximum limitation as to when a public hearing may be scheduled. Smith urged that all introductory ordinances be published as soon as possible for this reason.

Mr. Holden reminded the Council that from the timing standpoint of awarding a franchise, time is of the essence in view of the season. Holden also suggested that, if a joint hearing is decided upon, all applicants be given basic ground rules to be followed at said hearing. It was noted that attorneys for all four applicants were present in the Council Chambers, as follows: Upper Valley Telecable, William Holden; Benay Corporation, Eugene Bush; Idaho Falls Cablevision, Inc., Tim Hopkins; Idaho Falls Cable TV, Inc., Jack Voshell. Polled by the Mayor, they all agreed to a joint hearing as suggested. Therefore, it was moved by Councilwoman Smith, seconded by Nelson, that a joint public hearing for all four CATV franchise applicants be scheduled for April 24, 1969 and that this public hearing this night be recessed and continued until that time. Roll call as follows: Ayes, Councilmen Nelson, Parish, Freeman, Wood and Councilwoman Smith; No, none; carried. Councilman Erickson abstaining.

It was moved by Councilwoman Smith, seconded by Nelson, that the franchise ordinance of the Idaho falls Cablevision, Inc., be officially introduced and published. Roll call as follows: Ayes, Councilwoman Smith, Councilmen Parish, Freeman, Wood, and Nelson; carried. Councilman Erickson abstaining.

Councilwoman Smith then moved that the franchise ordinance of the Idaho Falls Cable TV, Inc. be officially introduced and published, subject to final checking and approval of the Council Electrical Committee. This motion was seconded by Nelson, who qualified said second with the understanding that said ordinance be ready for publication as early as possible the following week. Roll call as follows: Ayes, Smith, Parish, Freeman, Wood, Nelson; No, none; carried. Councilman Erickson abstaining.

The Mayor advised that the conduct of the proceedings at the joint hearing will be determined by the City Council and the applicants will be advised accordingly. Any printed material so prepared, such as general information, questionnaires, ground rules, etc., will be delivered to the respective counselors. Councilman Parish proposed that all of the information from the applicants of a classified or preferential nature should be handed to the City Clerk in a sealed envelope just before the hearing. Councilman Nelson took exception to this procedure, in part. He said that in his opinion, this should be the prerogative of the applicant, inasmuch as said classified information would be made public, anyway, at the hearing. The City Attorney concluded the discussion by saying that it was his intention to recommend to the Council that all written statements submitted by the applicants at the hearing be incorporated by reference and would become part of the application.

License applications for GROCERY STORE, Harvey Oswald for Harvey's Store; RESTAURANT, Royal Fork, Ada's Café, Arctic Circle (2) Turf Café, Andy's Quik San, Flamingo MARCH 20, 1969

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Restaurant, Prairie Dogs # 1 and #2, Skylark Restaurant; DAIRY, Reed Brothers Dairy, Pleasant Valley Milk Farm, Wallace Dairy; PHOTOGRAPHER, Staker Photo & Blueprint Co., Green Fairy, Caprice Studio, Pixy Pin-ups, Special Promotions, Inc., Melville Studio, Photo Shop; SECOND HAND STORE, Dean's Antiques and Second Hand Store; COMMERCIAL KENNEL, Jones Pet Clinic, Allen Veterinary Hospital; MOTEL, Flamingo Motel, Kruse Motel; DANCE HALL, Flamingo Restaurant & Bar, The Hub Bar; ELECTRICAL CONTRACTOR, Atlas Mechanical, Inc., Electrical Equipment, Co; JOURNEYMAN ELECTRICIAN, Leonard Bateman, Dale Dockstader, Francis Shearer, George Christian Bidstrup, Max Cobbley, Charles W. Bateman; APPRENTICE ELECTRICIAN, Glayde Hill with Jewell Electric; MASTER PLUMBER, Glen B. Reed with Reed Plumbing; JOURNEYMAN PLUMBER, Robert Dale Carruthers, Roger K. Sanderson; CLASS C CONTRACTOR, WARM AIR HEATING AND GAS FITTING, Schriener Heating and Air Conditioning, Robert Schriener also received application for CLASS C JOURNEYMAN, WARM AIR HEATING AND GAS FITTING, as did Roger K. Sanderson with American Plumbing and Heating Company; CLASS D JOURNEYMAN, WARM AIR HEATING, William E. Ray, Lester Watson; BARTENDER, Robert Dick Smith, Joseph B. Krysty, Wilma J. Orcutt; BEER (TRANSFER ONLY) from Ray W. Jones for Pizza Inn to Glen C. Frandsen; BEER (CANNED AND BOTTLED, TO BE CONSUMED ON THE PREMISES), David C. Drysdale for 19<sup>th</sup> Hole Café; LIQUOR, Roger B. Hougen for Flamingo Restaurant and Bar, C. B. McNeill for Bon Villa Club, were presented. It was moved by Councilman Freeman, seconded by Erickson, 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.

This memo from the Purchasing Department was presented:

City of Idaho Falls  
March 19, 1969

Honorable Mayor and Council Members:

The Purchasing Department and the Public Works Division request approval to advertise for bid: New Microfilming Camera.

This recommendation subject to your approval.

s/ W. J. Skow

It was moved by Councilman Parish, seconded by Nelson, that approval be given to advertise for bids on the camera as described. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was read:

City of Idaho Falls

March 20, 1969

MARCH 20, 1969

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TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: WATER LINE CONTRACTS (HIGHAM, FREMONT, CANYON)

We have prepared the Plans and Specifications for a portion of our annual system renewal and extension projects located in the extreme north end of the City. Our estimate of the cost is \$22,000.00. We would recommend that the City Clerk be authorized to advertise on March 30 and April 6 for competitive bidding and open bids at 10:00 a.m., Tuesday, April 8<sup>th</sup>.

Respectfully submitted,  
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the City Clerk be authorized to publish this legal notice as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, this memo was reviewed:

City of Idaho Falls  
March 20, 1969

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: AERIAL PHOTOGRAPHY

We have discussed with the Mayor and Public Works Committee the need for up-dating and expanding our photography coverage of the City. Accordingly, our Engineering Department has interviewed and received proposals from five (5) different aerial survey companies for the required technical services. We have requested that 42 square miles be photographed and this work must be done before the trees leaf out and after the snow has disappeared. In order to properly schedule this work with this company, we are requesting that the Council now authorize the Mayor to contact the Aerial Mapping Company of Boise, Idaho to furnish these services.

Respectfully submitted,  
s/ Donald F. Lloyd

By way of explanation, Public Works Director Lloyd appeared to say that the last photograph of this nature was in 1964 which has proven to be invaluable and is being used daily. Lloyd said this would

be a similar project except to incorporate one mile to the west and one mile to the north within the area to be photographed. It was moved by Councilman Parish, seconded by Nelson, that this service be approved through the Aerial Mapping Company, Boise, Idaho. Roll call as follows: Ayes, 6; No, none; carried.

MARCH 20, 1969

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Finally, from the Public Works Director, came this memo:

City of Idaho Falls  
March 20, 1969

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: LEAVE OF ABSENCE

John Beard and Nick Defilippis, Jr., employees of the Sewer Department, have been accepted for water & sewer treatment operators training course, sponsored by MDTA, and financed by the Federal Government. The training begins April 7, 1969 and ends March 6, 1970 and is held in Albany, Oregon. Since it is becoming increasingly difficult to hire men trained in this field, we would recommend to the Mayor and Council that these employees be granted a one year leave of absence, without pay.

s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that a leave of absence for the two City employees in question be granted for the period as indicated with the understanding that City participation in all fringe benefits become inactive for that period, except life insurance and hospitalization. Roll call as follows: Ayes, 6; No, none; carried.

From the City Planner, this memo was submitted:

March 20, 1969

MEMORANDUM

TO: Honorable Mayor and City Council

We have received an appeal from Mr. Darol Forsythe to operate a warehouse at 1765 ½ East 17<sup>th</sup> Street. This is an existing building located in R-3A zone. The building was in existence prior to adoption of the City Zoning Ordinance No. 1115.

This warehouse while under the ownership of Ed Strobel was used for the storage of books as a non-conforming use, after the Ordinance was adopted. This property has now changed ownership and the proposal is to change the occupancy which is in violation of Article 3-1-C of

the Ordinance which states "A non-conforming use of a building or lot shall not be changed to another non-confirming use. Any change of use whatsoever must be to a conforming use". The proposed use of the building is for the storage of fans, louvers, shutters, humidifiers, pumps and control panels.

MARCH 20, 1969

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As this is in direct violation of the Zoning Ordinance, this office has no authority to grant the request and the property owner is appealing our decision to the City Council.

Very truly yours,  
s/ Rod Gilchrist

Councilman Wood said this matter has been drawn to his attention and that there were several questions to which he needed answers before he would be in a position to take action pertaining to such things as access, anticipated use and property ownership. It was moved by Councilman Wood, seconded by Smith, that this appeal be tabled until April 10, 1969 and, meanwhile, referred to the Building and Zoning Committee. Roll call as follows: Ayes, 6; No, none; carried.

This letter from the Aiman Construction Company was presented and read:

City of Idaho Falls  
P. O. Box 2231  
Idaho Falls, Idaho  
March 15, 1969

C. A. Sundberg and Associates  
111 East 16<sup>th</sup> Street  
Idaho Falls, Idaho

Attention: Mr. Keith Sundberg

SUBJECT: REQUEST FOR EXTENSION OF CONTRACT TIME  
CONTRACT: DOG POUND - CITY OF IDAHO FALLS

Gentlemen:

In compliance with Paragraph 15(b), of the General Conditions of the Contract, we are requesting a 45-day extension of Contract Time, due to the unusually severe weather conditions that we are experiencing during the months of February and March.

The progress to date has been the completion of the excavation of the footings and foundation walls and placing of concrete for same. The next step is to complete the backfill within the walls, place concrete floors, masonry and etc. The backfill cannot be completed, due to frozen

ground, if weather conditions change to normal for this time of the year, the backfill could be placed within the next two or three weeks.

If this request is approved, we can assure you that we will expedite the completion within the shortest time possible.

MARCH 20, 1969

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Yours very truly,  
s/ Floyd Aiman  
Aiman Construction Co.

It was moved by Councilman Erickson, seconded by Freeman, that the 45-day extension beyond May 1, 1969 be approved as requested. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented and read this letter from Hartwell-Callan, Realtors:

Hartwell-Callan, Inc.  
689 Park Avenue  
Idaho Falls, Idaho  
March 19, 1969

The Honorable S. Eddie Pedersen  
Mayor of Idaho Falls, Idaho

Sir:

As a representative of Holy Rosary Catholic Church, and a member of Real Estate Procurement Committee, I would like to request that a portion of land owned by the City of Idaho Falls, located directly west of the First Baptist Church and bordered on the west by Freeman Avenue and on the south by John Adams Parkway and north by 4<sup>th</sup> Street, be placed for sale. The legal description is as follows:

Beginning at a point that is south 1021.78 feet and east 1135.72 feet from the Northwest Corner of Section 20, Township 2 North, Range 38, East of the Boise Meridian (said point of beginning being the point of intersection of the south property line of 4<sup>th</sup> Street and the west property line of Wabash Avenue) and running thence N. 89° 17' 10" west 265.45 feet to the true point of beginning, thence west to east line of Freeman Avenue, thence south 96.55 feet, thence east to the southwest corner boundary line of First Baptist Church property, thence north along said boundary line 96.55 to a point of beginning.

The intent of the Parish is to build an educational building and staff it with Sisters for the teaching of Catholicism.

Sincerely,  
s/ L. P. Callan  
Member of Holy Rosary  
Parish

MARCH 20, 1969

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It was moved by Councilman Freeman, seconded by Erickson, that this be referred to the Finance Building Committee for study and recommendation. 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 9:15 p.m.; carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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