

JANUARY 23, 1969

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The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday, January 23, 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 Mel Erickson, Jack Wood, Gordon Nelson, Dale Parish and Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; William Fell, Electrical Engineer; Don Lloyd, Public Works Director; Robert Pollock, Police Chief.

Minutes of the last Recessed Regular Meeting, held January 9<sup>th</sup>, 1969, were read and approved.

The Mayor reported on the local flood condition affecting, primarily, the Hidden Village area. It was learned that there had recently been an emergency meeting of the Flood Control District and that Jay Painter, County Engineer, was placed in charge of coordinating effort to combat the flood. The Mayor continued by saying the problem, to date, had been held to a minimum but has not been eliminated, due to ice blocking in the creek channel. He said there had been splendid cooperation from officials of Bonneville County, the City of Ammon, and the City of Idaho Falls, as well as a substantial number of volunteer workers. The Mayor concluded by saying that, after some delay, it was determined that the flood met the criteria of a public threat and, at 5:35 p.m., this day, as a result of a direct phone call to the Governor, was declared a Disaster Area, thus qualifying it for assistance from the Army Engineers.

At the invitation of the Mayor, this letter was read by the City Clerk:

Wallace Hanson  
Bonneville County, Idaho  
January 23, 1969

City of Idaho Falls Councilmen  
City of Idaho Falls  
P. O. Box 220  
Idaho Falls, Idaho

RE: EXTENSION FAS-6709

Dear Sirs:

We are proposing that Bonneville County and the City of Idaho Falls jointly request that Seventeenth Street Extension of FAS-6709 routing be placed on the Federal Aid Secondary System.

We are making this proposal with the understanding that the proposed Seventeenth Street River Bridge be built on the fifty-fifty basis with the City of Idaho Falls, provided local funds are used.

Balance of project to be built with Federal Funds as they become available and the use of such funds to be correlated with other County projects.

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Very truly yours,  
Board of Commissioners  
Bonneville County

s/ Jared H. Wirkus  
Chairman

s/ Dean G. Huntsman  
Member

s/ Jean R. Tracy  
Member

Councilman Nelson commented to the effect that this move on the part of the County Commissioners has merit and value, not as a means of helping finance the bridge which would detain its construction until 1972, but as a medium for providing financial assistance on the approaches.

License applications for RESTAURANT, Phillip Mah for Liberty Café, Bette C. Lewis for Buckhorn Café, Thomas Godfrey for J. B.'s Big Boy, Sam D. Wong for Bonneville Hotel Restaurant, Jack W. Carey for Pay 'N Save Drug, Bonnijean Kirkham for Lantern Café; PHOTOGRAPHY, P. R. Grams for Jack B. Nimble Portraits, Inc.; HOTEL, Zella D. Edie for Edie Hotel; PAWNBROKER, Ed Buky for Buky's Village; NON-COMMERCIAL KENNEL, Maxine Williams for Maxwill's at 1579 Stanger Drive; ELECTRICAL CONTRACTOR, Richard Davis for Davis Electric, Leroy D. Hale with Bauchman's I. F. Electric; JOURNEYMAN ELECTRICIAN, Scott Davis, Richard Davis, Leroy Hale, Allen Millward, John E. Boyle; APPRENTICE ELECTRICIAN, Linford Christensen with A. L. Brown Electric; MASTER PLUMBER, J. C. Siqueiros for J & R Plumbing, Ivan Mathews for Mathews Plumbing and Heating; JOURNEYMAN PLUMBER, Darwin Mathews; APPRENTICE PLUMBER, Gene Mathews with Mathews Plumbing and Heating; JOURNEYMAN, CLASS C, WARM AIR, REFRIGERATION, GAS FITTING, Lavell Harrop; CLASS B, WARM AIR, REFRIGERATION, GAS FITTING, Lavell Harrop; CLASS C JOURNEYMAN, GAS FITTING AND WET HEAT, J. C. Siqueiros; CLASS C CONTRACTORS, GAS FITTING AND WET HEAT, J. C. Siqueiros; BARTENDER, Laurel A. Thiessen, Thomas C. Jensen; LIQUOR, J. W. Banks for Hub Bar, were presented. It was moved by Councilman Freeman, 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, in the interests of time, he had published Notice of Zoning Hearing on February 6, 1969 without formal Council approval. It was moved by Councilman Wood, seconded by Councilwoman Smith, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk submitted two license applications on which denial had been recommended by the Police Chief because of unsatisfactory police records, as follows: CAB DRIVER, Rick Wheeler; BARTENDER, Gary Huit. It was moved by Councilman Erickson, seconded by Wood, that the

recommended action of the Police Chief be upheld and these applications be not granted. Roll call as follows: Ayes, 6; No, none; carried.

A lease was submitted between the City and Imperial Motors, stating terms and conditions for the leasing of nine vehicles for use by the Police Department during 1969. It was noted that said

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terms and conditions were identical to a previous lease with the same firm. It was moved by Councilman Erickson, seconded by Wood, that the lease be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the City Controller this memo was submitted:

City of Idaho Falls  
January 21, 1969

Mayor S. Eddie Pedersen and City Council  
City of Idaho Falls, Idaho

Gentlemen:

Enclosed herewith is a tabulation of bids for Public Employees Faithful Performance Blanket Position Bond.

Please note that Holden-McMurray Agency, Inc. and Homer Koster Company are low bidders.

We have received a letter from Homer Koster Company stating that they were agreed with Holden-McMurray Agency that Holden-McMurray Agency will write the bond, subject to your approval and I recommend that we ask for the \$2,500.00 coverage with the required excess at the \$1,424.00 premium.

Very truly yours,  
s/ L. I. Jenkins  
City Controller

It was moved by Councilman Parish, seconded by Freeman, that the Blanket City Employee Surety Bond be awarded to the low bidder as indicated and recommended. Roll call as follows: Ayes, 6; No, none; carried.

The City Planner presented the following:

City of Idaho Falls  
January 9, 1969

Building and Zoning

TO: Mayor and City Council

FROM: William R. Gilchrist, City Planner  
SUBJECT: TRAILER AT DORA ERICKSON SCHOOL

Mr. Clifford Lloyd representing School District #91 requests permission to allow the School District to place a 10' X 60' trailer on the Dora Erickson School grounds. This trailer would be  
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used for a school library facility. This would not be established as a permanent fixture. They would leave the wheels on the trailer and block it up for the present time.

This trailer does not have windows in it. It would be paneled and carpeted with electric baseboard heat.

They would like permission for this as soon as possible.

s/ William R. Gilchrist  
City Planner

Councilman Wood reported that the trailer facility is not unsightly, it would be located adjacent to City owned property one half a block from the sidewalk and there is only one near-by private property owner who has given his written consent. Wood explained, further, that this would be the first step toward a permanent library and that the School District has agreed, verbally, that the trailer would not be used in excess of five years. It was moved by Councilman Wood, seconded by Smith, that this variance be granted with the understanding that it can be cancelled at any time, subject to receipt of a letter from the School District stating that this arrangement is limited to a maximum of five years and subject, also, to further checking by the Building Inspector to determine definitely if the trailer meets all safety requirements including a fire exit. Roll call as follows: Ayes, 6; No, none; carried.

From the Police Chief, acting in the capacity of Chairman of the Traffic Safety Committee, this memo was read and studied:

City of Idaho Falls  
January 17, 1969

TO: Honorable Mayor and City Council, City of Idaho Falls  
FROM: Traffic Safety Committee  
SUBJECT: IMPROVED ROUTE FOR EAST RIVER ROAD TRAFFIC

Your consideration is requested for the establishment of an improved route for the traffic on East River Road.

Our suggestion is to provide the route as: coming south on East River road or Jefferson to Fairview, west to Fremont, south to Interchange.

To accomplish this installation of STOP signs at Jefferson on the south of Fairview, Canyon and Elmore on the north and south of Fairview, Fremont on the north of Fairview, and Fairview on the west, Presto and Higham on both east and west on Fremont along with elimination of other signs along what was the State's detour route during their project construction.

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Respectfully submitted,  
s/Robert D. Pollock  
Traffic Safety Committee

It was moved by Councilman Wood, seconded by Erickson, that all facets of this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1233**

AN ORDINANCE AMENDING SECTION 5-13-3 OF THE CITY CODE OF IDAHO FALLS, IDAHO, BY FIXING THE ANNUAL LICENSE FEE FOR POOL HALLS, BILLIARD HALLS, AND SIMILAR PLACES OF AMUSEMENT AT TWENTY DOLLARS (\$20.00); AMENDING SECTION 5-1-10 OF SAID CODE BY FIXING THE ANNUAL LICENSE FEE FOR INDOOR ROLLER SKATING RINKS AT TWENTY DOLLARS (\$20.00), AND BY FIXING THE ANNUAL LICENSE FEE FOR BOWLING ALLEYS AT TWENTY DOLLARS (\$20.00); REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Wood, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

At the invitation of the Mayor, the City Attorney reported on the most recent developments pertaining to CATV. He said there had been several meetings between City Officials and interested parties but that, at this time, it was only in the negotiation stage. Councilman Erickson, recognizing that a written indication of interest was about to be submitted from his own company of which he is a minority stockholder, said he would be abstaining from any and all official action taken by the Council in this regard. The City Clerk was then directed to present the following:

KTEE Information Radio  
January 17, 1969

The Honorable Mayor S. Eddie Pedersen  
and the City Council of Idaho Falls

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Due to changed thinking of the Federal Communications Commission of Washington D.C. we feel that the Council may wish to consider an application, other than the one presently under consideration, for a CATV franchise in the City of Idaho Falls.

Therefore, we would like to inform the Council that the Benay Corporation intends to submit an application for a CATV franchise in the near future.

Respectfully,  
s/ Leo U. Higham  
President-Benay Corp.

The City Attorney continued by relating to the Council the wish and the desire of the Upper Valley Telecable Company (formerly the Snake River Cable Company) that the Council approve a franchise ordinance as soon as possible so that the program could be properly initiated and so that a franchise could be let prior to the construction season. Smith noted that originally, there were several points at issue, one of which had been resolved; namely, an agreement had been reached that the franchise would be of a non-exclusive nature. Smith explained, further, that a franchise ordinance may be amended after its original approval, providing said amendment results in more benefit to the City. If the amendment is less beneficial, then an amending ordinance must be passed which would also be subject to the 30 day waiting period before it became effective. Asked about the pole agreement, the City Attorney explained that this should be provided for in the ordinance. He said this was not mandatory, however, and that an ordinance could be presented prior to the acceptance of a pole agreement, as said pole agreement is actually included in the franchise agreement. However, Smith said he would not recommend final passage of an ordinance until and unless a satisfactory pole agreement had been agreed upon. Smith concluded his remarks by saying that the F.C.C. has not, as yet, established rules and regulations pertaining to this interstate function although it is to be assumed that this will eventually be accomplished. Councilwoman Smith explained that the Electrical Committee has about twelve proposed changes involving amendments, additions and/or deletions in the proposed ordinance. The Mayor concluded the discussion by saying that, even though it is important in the general interests of the community that the matter be resolved at the earliest possible moment, the Council was obviously in no position to take action this night. It was moved by Councilman Nelson, seconded by Smith, that the matter be temporarily tabled with the understanding that the Electrical Committee continue to diligently pursue all facets of the problem. Roll call as follows: Ayes, 5; No, none; carried. Councilman Erickson abstaining; carried.

This letter was read by the City Attorney who asked that it be made a matter of record:

Whittier, McDougall &  
Dwyer  
January 17, 1969

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City of Idaho Falls  
Idaho Falls, Idaho

Gentlemen:

Taysom Construction Company, a client of this office, has called to our attention the fact that they were the contractors who constructed the Skyline High School at Idaho Falls, Idaho. The notice calling for bids for construction was advertised; all plans and specifications determined; and a clearance for the construction was had from the County of Bonneville at the time that the Taysom Construction Company bid, and was accepted as the successful bidder to construct the recently completed Skyline High School. It appeared that later, on or about the 9<sup>th</sup> day of March, 1967, Ordinance No. 1177, City of Idaho Falls, was passed, annexing this area, and the Ordinance was recorded on the 11<sup>th</sup> day of April, 1967. Immediately thereafter you made demand on Mr. Taysom to obtain a building permit from the City and pay the fee of \$2,000 for the building permit.

I have researched the law and have found that the assessment of such a fee is an ex post facto action on the part of the City and the imposing of such a fee upon a builder who has bid upon a public building wherein no requirement is stated for the obtaining of any permit from the City of Idaho Falls is an unconstitutional usurpation of powers.

Mr. Taysom, to avoid delay in the construction of the High School, paid this building permit fee under protest.

Since the imposing of this fee was an unconstitutional action on the part of the City and unlawful in every respect, demand is hereby made for a refund of the building fee paid to you by the Taysom Construction Company for the Skyline High School. If we do not hear from you within two weeks from date, an action will be instituted to recover the amount of the building permit.

We know that upon your reconsidering and consultation you will want to avoid this difficult and unnecessary expense, and we will look forward to receiving your check refunding the building permit fee.

Sincerely,  
s/ R. M. Whittier

The City Attorney said it would be the recommendation of his Department that payment, as demanded, be not made at this time. It was moved by Councilman Wood, seconded by Smith, that this matter be referred to the Legal Department for appropriate handling. Roll call as follows: Ayes, 6; No, none; carried.

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Councilman Erickson reintroduced the subject of the Golden Circle Parking Meter Token attachment. He said he had followed the instructions of the Council and had advised Richard Clayton, President of the Downtown Improvement Association, that the parking meter token program had been authorized on the existing meters but that the Council did not feel it advisable to provide for platoon parking until a decision was reached relative to a Downtown Local Improvement District. Councilwoman Smith questioned the advisability of even proceeding with the token attachment for the same reason. The City Clerk drew attention to the fact that this program, when adopted, would require one additional full time service man. Inasmuch as this expense item had not been fully considered, it was moved by Councilman Erickson, seconded by Nelson, that the matter again be referred to the Fiscal Committee for further study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

With reference to discussion which took place at the last Regular Council Meeting, relative to the Skyline Gun Club, the Mayor said he was of the impression that there was some misunderstanding. He explained that their offer to pay a twenty year lease rental was for the existing site. He said they had been tentatively offered another location but there has since been certain questions raised about this proposal, due to its proximity to the Airport. He recommended that no action be taken on either location until the Council has an opportunity to discuss the matter further with the Airport Manager who is temporarily out of the City. Councilman Nelson then registered concern about permitting the Gun Club to remain at their existing location, due to its proximity to the river. He said he would hate to see them invest additional money in improvements, only to have their operation declared prohibitive some time in the future, inasmuch as the Snake River at that point is a navigable stream. It was moved by Councilman Freeman, seconded by Smith, that the matter be tabled for the time being with the understanding that all affected and interested parties be notified when the subject is again placed on the agenda for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Nelson, 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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