

FEBRUARY 8, 1968

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday, February 8, 1968, at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said meeting, Mayor ProTem Jim Freeman; Councilwoman Lyn Smith, Councilmen Dale Parish, Mel Erickson, Jack Wood, Gordon Nelson. Absent: Mayor S. Eddie Pedersen. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Ernie Craner, Parks & Recreation Director.

Minutes of the last recessed regular meeting held January 25, 1968, and a special joint session held with the Bonneville County Commissioners on January 30, 1968, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider the rezoning petition of Glen Anderson and Mountain States Development Company, covering Lots 11 through 18, Block 26, Capital Hill Addition, 525 Gladstone Street. It was noted that rezoning had been requested to add two units to an apartment house. It was noted, further, that the Planning Commission had recommended approval of the rezoning request. No protests were registered. It was moved by Councilman Wood, seconded by Councilwoman Smith, that these lots be rezoned from R-2 to R-2A and the Building Official be authorized to incorporate this zoning change on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Official was presented and read:

City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho
February 8, 1968

MEMORANDUM

TO: Honorable Mayor and City Council

GENTLEMEN & MADAM:

Mr. B. A. Wackerli has requested permission to permit the construction of a metal carport on Block 8 in West Broadway Addition.

The proposed construction is on the property line facing Seattle Street on the south and Utah Avenue on the east. (See attached plan).

This property is located in an I&M-1 zone and Ordinance No. 1115 requires a setback of 30' from the property line.

This request is not within the jurisdiction of the Adjustment Board since it would have the effect of changing the zone.

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Respectfully submitted,
s/ Ray Browning
Building Official

Mr. Leon Tippet, contractor for the proposed carport, appeared before the Council to explain that the structure, to be efficiently located, must be on the property line; otherwise, there is waste space that could be profitably used. Tippet drew attention to the fact that other buildings on this street are built on the property line. He also pointed out that the structure with 9 foot clearance would not constitute a sight hazard and would be so constructed that it could be moved at a later date. Councilman Wood and Councilwoman Smith had inspected the site and registered no objection. It was moved by Councilman Wood, seconded by Councilwoman Smith, that a variance be granted for construction of the carport in question. Roll call as follows: Ayes, 6; No, none; carried.

Recognizing certain citizens in the Council Chambers interested in the snowmobile problem, the Mayor asked Councilman Erickson for a progress report. Erickson said the Police and Recreation Council Committees had met with representation of the snowmobile association who had favorable consideration of the following proposed rules and regulations:

1. Curfew - 10:00 P.M.
2. No snowmobiling within 100 ft. of public ice-skating rinks.
3. Right to cross sidewalk, street, or road with or without a license.
4. All machines used on roads should be licensed and insured according to all State and City traffic regulations and codes.
5. All snowmobiles will yield right of way to all moving traffic.
6. We request the City to fence off any damageable areas of golf course and parks and permit snowmobiling on them.
7. Snowmobiles are to travel at the very minimum speed on congested pedestrian areas.
8. Avoid riding machines near hospitals, nursing homes. and schools during school hours.
9. No snowmobiles are to run parallel on any state highways or freeways.
10. All snowmobiles are to abide by all State safety and traffic regulations.

City Attorney Smith then related the State Law as it applies to snowmobiles and, as interpreted by that Attorney General, to-wit: A snowmobile is a motor vehicle but, not complying with State safety regulations on such fixtures as lights, cleated tracks, lug wheels. etc. , cannot be licensed. Being non-licensable, they are prohibited from operating on City streets. Councilman Erickson said this had been explained to the Committee by the City Attorney and they now concur, relative to street travel. They do feel, however, continued Erickson, that parks, being a public place, should be made available to them, at least to a limited, restricted degree and that they were particularly interested in the eastside location. They also felt that the open portion of Tautphaus Park, across Boulevard from the Sacred Heart Hospital should be applicable. Noting the proximity of the nurse's home, they greed to be restricted a reasonable distance away from same. Erickson said the committee also agreed that

snowmobile activity within the City should be prohibited to any machine without a stock muffler. That it would be within the City's right to limit all operations to suitable weather and snow cover conditions, and that a 10:00 P.M. curfew was in order. Finally, they agreed that any regulatory resolution passed by the City Council should be of a pliable nature, subject to amendment, as if and when additional problems arose. Erickson concluded his remarks by saying the Committee had required use of the golf course with the understanding that there would be certain restricted areas and that this had been referred to the Golf Course Committee for recommendation.

Mr. Al McGlinsky, 269 6th Street, appeared before the Council to urge caution in any rules and regulations permitting the use of snowmobiles in public parks, noting that the snowmobile users are a minority, special interest group, whereas parks are a public place for everyone, including children, and that the two are not compatible. McGlinsky said that, in his opinion, a decision made at this time would be of long lasting importance toward making Idaho Falls a better City in which to live, as its population and the number of snowmobiles increase.

Mr. Micky Kilgore, 275 N. Holmes, appeared before the Council, concurring with the remarks of Mr. McGlinsky. He said he felt there would be many others feeling similarly and that they would have made their appearance this night if they had known the matter was to be discussed. In earlier discussion, golf carts had been mentioned as an exception to the rule of unlicensed motor vehicles being permitted to operate. Kilgore said this was a particular type of vehicle, designed to be compatible to the area in which they were operating and that snowmobiles were not so designed. Kilgore concluded his remarks by saying he could not picture a developed park concept which would adapt itself to snowmobile activity, restricted or otherwise.

Councilwoman Smith, noting the various restrictive suggestions, such as curfew, mufflers, restricted areas, etc., registered concern as to whether or not all of these could be effectively policed. Pertaining to Tautphaus Park and the suggested permissive operational portion, she also was concerned from the standpoint of traffic concentration in a relatively small area.

Sand Creek Park was mentioned as an available area. Councilman Erickson noted that cutter racing has become popular in this park and that, because of the use of horses, cutter racing and snowmobiles are not compatible. Parks and Recreation Director Craner appeared to say that there is available area at Sand Creek Park, isolated enough not to conflict with cutter racing. Airport Manager Hill also appeared, noting an alfalfa field at the airport which could be used. Councilman Parish registered apprehension about the precedent which would be set by providing any access to developed parks. He said any new or unusual type of motor activity poses policing problems, citing model airplanes, motor scooters and motor cycles as illustrations. He felt the Council should adhere to a previous decision limiting snowmobile activity to undeveloped parks plus the area mentioned by the Airport Manager. Councilman Nelson concurred, arguing that, inasmuch as it had been established that they are barred from City streets, making mandatory their conveyance across town by trailer or some comparable manner, it should make little difference whether said conveyance takes five to ten minutes. Councilman Erickson, still hoping to find some accessible area within the City, said the open portion of Tautphaus Park was considered because of the absence of any other type of winter activity including skating rinks. He said he believed the Snowmobile Association would honor and respect any restrictions the Council would impose upon this area. It was moved by Councilman Erickson, seconded by Freeman, that Tautphaus Park, with the restrictions as discussed,

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plus the little mentioned open area west of Rollandet, be made available to snowmobiles. Roll call as follows: Ayes, Freeman and Erickson; No, Parish, Wood, Nelson, and Smith; defeated.

It was moved by Councilman Nelson, seconded by Erickson, that the Parks and Recreation and the Police Council Committees be authorized to designate the appropriate areas as indicated this night for use by snowmobiles and also to determine other rules and regulations not in conflict with State law and in line with the Council's open discussion this night. Roll call as follows: Ayes 6; No, none; carried.

Because Mr. Zane Hall was present in the Council Chambers, the Mayor requested that the following be considered at this time:

City of Idaho Falls
January 25, 1968

MEMORANDUM

TO: Roy C. Barnes, City Clerk
SUBJECT: ANNEXATION AND ZONING OF HALL PARK ADDITION, DIVISION NO. 1

Attached is a copy of the final plat of Hall Park Addition, Division No. 1, which was approved by the City Council on 4-20-67. This is attached for your information to show the location of the proposed annexation.

Also attached, is a copy of the annexation agreement and annexation ordinance.

The City Planning Commission held a public hearing on the property on 5-9-67 and recommended annexation to the City of Idaho Falls and also recommended that the property be zoned RSC-1.

The Engineering Department has reviewed the attached agreement and has recommended annexation of the property.

Respectfully submitted,
s/ Rod Gilchrist
Director
Building and Planning

Submitted, then, was an annexation agreement on the Hall Park Addition, Division No. 1, signed by Maurine and Zane Hall; Charles and Annie Ziebarth. It was moved by Councilman Wood, seconded by Councilwoman Smith that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

In connection with the foregoing, the following was presented:

ORDINANCE NO. 1200

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO.
(Hall Park Addition, Division No. 1)

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Councilwoman Smith, 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.

It was noted that a public zoning hearing had been lawfully advertised and conducted on the Hall Park Addition, Division No. 1, by the Planning Commission and that governing body had made recommendation accordingly. Having been duly annexed, it was moved by Councilman Wood, seconded by Councilwoman Smith, that this area be initially zoned RSC-1 and the Building Official be authorized to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of January, 1968, having been properly audited by the Fiscal Committee, were presented in caption form, as follows:

<u>FUND</u>	<u>SERVICE AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$110,775.80	\$53,800.34	\$164,576.14
Fire Bonds	35,461.03	3,710.18	39,171.21
Water & Sewer Fund	8,653.56	16,294.10	24,947.66
Electric Light Fund	30,499.82	75,668.36	106,168.18
Police Retirement Fund	2,483.01	.00	2,483.01
Recreation Fund	<u>930.80</u>	<u>443.55</u>	<u>1,374.35</u>
<u>TOTAL FUNDS</u>	<u>\$188,804.02</u>	<u>\$149,916.53</u>	<u>\$338,720.55</u>

It was moved by Councilman Parish, seconded by Freeman, that the bills be allowed and the Controller be authorized to draw 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 January, 1968, and, there being no objection, were ordered placed on file in the Office of the City Clerk.

License applications for RESTAURANT, Ray A. and Earlene Campbell for Turf Café; DAIRY, B. Harper Bare for Home Delivery Dairy; PHOTOGRAPHERS, S. Darrell Reeder for D. R.'s Photo

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Lab, Glen F. Tabor for 201 Nevada, No. 60; MOTEL, Mrs. Annie Warren for Handy Cabins; HOTEL, Norma J. Bailey for Nelson Hotel; ELECTRICAL CONTRACTOR, Mardell Oakey for Oakey Electric, Lloyd A. Davis for Davis Electric; JOURNEYMAN ELECTRICIAN, Jerald Oakey, Mardell Oakey, Leonard Bateman, Lloyd F. Moldenhauer; APPRENTICE ELECTRICIAN, Jay Van Orden with Jewell Electric; CLASS C CONTRACTOR, WET HEAT AND GAS FITTING, J. C. Siqueiros with J & R Plumbing and Heating; MASTER PLUMBER, D. R. Wilding for Wilding Plumbing, J. C. Siqueiros for J. and R. Plumbing and Heating; CLASS C JOURNEYMAN, GAS FITTING AND WET HEAT, Roger K. Sanderson, J. C. Siqueiros; JOURNEYMAN PLUMBER, Roger K. Sanderson, D. W. Wilding, Dale E. Terry; BARTENDER, Beverly Leavitt, Herbert L. Kappel, Harry McMillan; LIQUOR, Vernon Scheets for Stardust Restaurant, Von McAtee for Samoa Club, Patrick J. Boylan for Shamrock, were presented. It was moved by Councilman Erickson, seconded by Parish 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.

Reference is made to page 33 in this book of minutes and, more specifically, a copy of the joint agreement between the City and Bonneville County for construction of the 17th Street Bridge. The City Clerk drew attention to the fact that, on January 30th, 1968, after the public hearing, the Mayor was authorized, by informal approval of the Council, to sign the contract on behalf of the City. It was moved by Councilman Nelson, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Pedersen presented the following, through the City Clerk:

Office of the Mayor
February 6, 1968

TO: City Councilmembers

There are four members of the Planning Commission whose terms are expiring. They are:

B. W. Bandel
L. E. Erickson
Keith Sundberg
Howard E. Noble

I contacted these men and they are willing to accept another term and with enthusiasm.

For your consideration for ratification, I would like to appoint Mr. Sundberg and Mr. Bandel for six year terms, and Mr. Howard Noble and Mr. L. E. Erickson for five year terms.

Sincerely,
s/ S. Eddie Pedersen

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It was moved by Councilman Wood, seconded by Councilwoman Smith, that these reappointments be confirmed for the terms as indicated. Roll call as follows: Ayes, 6; No, none; carried.

A five year extension rider to Union Pacific lease agreement L. & T. #11983 was presented. It was noted that this covered the portion of Sportsman's Park where the museum is located. It was moved by Councilman Parish, seconded by Councilwoman Smith, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was studied:

City of Idaho Falls
Public Works

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AUTHORIZATION TO ADVERTISE FOR EQUIPMENT

The 3/8 yard truck mounted backhoe is not generally adapted to the work done by Water and Sewer crews and can be most fully utilized for the City assigned to the Street Department. To replace this transfer we are in need of a smaller loader backhoe combination machine. It is estimated this machine will cost approximately \$11,000 and we are requesting authorization to prepare specifications for advertising for the purchase of this machine.

s/ Don

It was moved by Councilman Nelson, seconded by Parish, that the Purchasing Agent be authorized to advertise for bids as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The Building Official presented the following:

City of Idaho Falls
February 6, 1968

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Gentlemen & Madam

We have a request from the Public Works Division for a Conditional Use Permit to construct and operate a storm sewer lift station at the following location:

Beginning at a point that is S 89° 28' 18" E 1645.33 feet and N 0°13'42" W 690.00 feet from the southwest corner Section 20, T, 2N., R. 38, E.B.M. and running thence N 0°13'42" W 175.08 feet to the Idaho Canal right-of-way; thence S 89°28'18" E 245.57 feet along said Idaho Canal right-of-way;

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thence S 0°31'42" 234.86 feet; thence N 66°58'18" W 76.62 feet; thence to the left along a 400 foot radius curve 157.08 feet; said point also being N 66°58'18" W 70.56 feet and N 89°28'18" W 79.56 feet from the beginning containing 1.09 acres.

This is located in an R-1 zone.

This request requires Council action and a public hearing Section 4-26 K Page 56 of Ordinance #1115.

Respectfully submitted,
Ray Browning

Attached to the memo, it was noted, was a petition from 13 near-by property owners, indicating their approval to the proposed storm sewer lift station. It was moved by Councilman Wood, seconded by Councilwoman Smith, that a public hearing to consider the issuance of conditional use permit for the facility, as proposed, be scheduled for February 23, 1968, and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

This petition with thirty signers, all downtown employees, was presented and considered:

January 31, 1968

TO WHOM IT MAY CONCERN:

We, the undersigned, petition the City Council to take under advisement lifting the two-hour parking limit on the west side of the railroad tracks and making it all-day parking for the employees of downtown merchants.

It was moved by Councilman Erickson, seconded by Wood, that this be referred to the Police Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the need for a public zoning hearing. It was moved by Councilman Wood, seconded by Councilwoman Smith, that said hearing be scheduled for March 7th, 1968, and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood, presented a renewal to FAA Lease No. FA68WE-4338, covering an auxiliary power plant on the east side of the Airport directly south of the Airport electric vault. It was moved by Councilman Wood, seconded by Councilwoman Smith, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Also presented by Councilman Wood, was a Declaration of Lease Restrictions and Covenants for the Airport Industrial Park, Fanning Field, Idaho Falls, as prepared by the office of the City Attorney with the assistance and recommendation of Councilman Parish, the City Planner and the Airport Manager. Asked for an opinion as to whether or not the instrument completely satisfied the

legal department, City Attorney Smith said it had a few ambiguities, siting, as example, the need for a clearer definition of the word "enclosure"; also the section on dust control. Airport Manager Hill appeared, drawing attention to the fact that approval of this instrument must precede a lease agreement with any interested lessee, that there were prospective lessees and, therefore, time was of the essence in obtaining Council approval. Hill proposed that it be approved subject to its re-writing to clarify said ambiguities as described. One interested lessee, Mr. Robert Bauchman, appeared before the Council, concurring with the Airport Manager that time was of the essence but that on the other hand, he would not be interested in the instrument's passage until all ambiguities were clarified or better defined. It was moved by Councilman Wood, seconded by Smith, that this be referred to the next Council work session with the understanding that, in the interim period, every effort be made to rewrite the instrument completely satisfactory to all concerned parties and, if accomplished, the instrument then be informally passed by the Council subject to later ratification. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to page 31 in this book of minutes and, more specifically, a recommendation from the Traffic Safety Committee that there be restricted parking on both sides of the Lomax entrance to the First Street Blacksmith. At the invitation of Councilman Erickson, Police Chief Pollock appeared to say that, after consulting the owner, the Committee had revised their recommendation to limit the restricted parking to 12 feet west of the driveway. It was moved by Councilman Erickson, seconded by Wood, that this revised recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Wood, that the meeting adjourn at 9:18 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ James R. Freeman
MAYOR
