

JANUARY 25, 1968

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday, January 25, 1968, 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 Jack Wood, Gordon Nelson, Dale Parish, Jim Freeman, Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Ray Browning, Building Official.

Minutes of the last recessed regular meeting, held January 11th, 1968, and a special session, held January 18, 1968, were read and approved.

The Mayor announced that this was the time and the place for reconvening a recessed zoning hearing pertaining to Lots 8 and 9, Block 1, Blackburn Addition. In view of the fact that the petitioner had requested that this matter again be considered by the Planning Commission, it was moved by Councilman Wood, seconded by Councilwoman Smith, that this again be referred back to the Planning Commission for further study. Roll call as follows: Ayes, 6; No, none; carried.

The following written appeal was presented and read aloud:

130 Carol Avenue
Idaho Falls, Idaho
December 11, 1967

City Clerk, Idaho Falls Municipality
Municipal Building
Idaho Falls, Idaho 83401

Gentlemen:

I wish to register an appeal to the City Council in accordance with the "Recourse from Decision of the Board of Adjustment", Zoning Ordinance #1115, Page 2-J-1. This recourse is filed since it is my belief that the Board of Adjustment erred in its determination of my appeal requesting permission to leave an existing six (6) foot wood fence where it exists on my property, and as presented to the Board of Adjustment at its regular meeting held Tuesday evening, November 21, 1967.

In the Board's finding in writing to me, they stipulated, "Your appeal was denied because the Board cannot grant a request which would be contrary to the spirit of the Zoning Ordinance or its objectives and purposes". It is my contention that the location of my fence is not in violation of the Ordinance, and that it is not contrary to the spirit of the Zoning Ordinance or its objectives and purposes and for the following reasons:

1. Section 4-26-N (fences) of Zoning Ordinance #115 stipulates, "No fence which is more than three (3) feet in height shall be constructed within fifteen (15) feet of a front lot line or side lot line which abuts on a street". My side lot line (south) in

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1st Street is approximately 17 feet from my lot line, and my fence in question is approximately 9 feet in from my lot line. To further clarify what exists, going from the north edge of 1st Street (as shown on the City's map of the same) toward my fence, one traverses the following in sequence:

- a. Approximately 17 feet of off-street, paved parking terminated by a curb.
 - b. An approximate 5 feet boulevard.
 - c. An approximate 4 feet sidewalk.
 - d. My 6-foot high fence.
2. Under these existing conditions, this fence does not provide any obstruction to the clear view of the intersecting street. Even the City Inspector admitted this to be the case, and my appeal to the Building & Zoning Division had the required signatures of members of the neighborhood attesting to their agreement that the fence provided no view obstruction and further testifying that they had no objection to the fence in its present position. The present location of my fence then meets both the written requirement and the intent or spirit of the Ordinance.

I am in full sympathy with the Zoning Ordinance and its primary intent to protect the clear view of intersecting streets and thereby insure reasonable visibility and safety in residential districts such as ours. I would be the first to object if a neighbor of mine put an obstruction in violation to the Ordinance.

I only ask that the City Council give my appeal a fair and reasonable review and look at the Ordinance in terms of intent and spirit. I would be pleased to provide any additional facts and information that may be of use to the Council in reaching a fair and equitable decision.

Sincerely yours,
s/ J. E. Hebert

Mr. Hebert appeared before the Council, claiming that the location of his fence does not violate the intent of the ordinance. He pointed out that First Street is improved for only two lanes of traffic with right of way for four lanes, resulting in 17 feet of clearance between the closest land and his fence. Mr. Hebert explained that the area east of his home is undeveloped. Building Official Browning submitted a plot plan of the property and sketched same on the blackboard. Councilman Parish agreed that, under present circumstances, the fence poses no problem but that he would not approve a permanent variance because of the problem the fence might create in the future, due to housing and street development. It was moved by Councilman Wood, seconded by Smith, that this matter be referred to the appropriate Council Committee who, working with the City Attorney, would be

authorized to prepare a temporary use permit and that said permit be submitted to the Board of Adjustment for their study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

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License applications for GROCERY STORE, Dale Parker for Parker Bros. Poultry, Delaine R. Young for Pleasant Valley Drive Inn, 910 Ada and at 1257 E. 17th Street; RESTAURANT, Griffith Harman for Colonel's Take Home, Lennis Terrill & Don Taylor for Mobile Café - Prairie Dog #1 and #2, Sister M. Monica for Sacred Heart Hospital, Sam Wong for Liberty Café, Sam D. Wong for Bonneville Coffee Shop, W. J. Kristofferson for Chicken Broaster, Keith Barrus for Rainbow Café, Jesse R. Walters, Sr., for Stockyard Café; HOTEL, N. Earl Arave for Marion Hotel; JUNK DEALERS, Charles Stewart, Jr., for Stewart's Wood and Metal; ELECTRICAL CONTRACTORS, J. R. Unsworth with Skyline Electric, Dick Wheeler with Dick Wheeler Electric, Gilbert R. Shaw with Johnson Service Co.; JOURNEYMAN ELECTRICIAN, Robert E. Brown, Preston Olsen, Garold Standlee, Dick Wheeler, O. J. Brown, Gilbert R. Shaw, Elmer H. Scherbinske, Gordon O. Webb, J. F. Unsworth; APPRENTICE ELECTRICIAN, David G. Martin, Linford Christensen, Philip Baldtree; CLASS A CONTRACTOR, WARM, AIR, WET HEAT & GAS FITTING & REF., Wayne C. Hammond, Wendell Sanderson; CLASS B CONTRACTOR, WARM AIR HEATING & GAS AND REF., W. Lowell Harrop; CLASS C CONTRACTOR, GAS FITTING, WARM AIR HEATING, Robert Schriener, Norman Godfrey; CLASS D CONTRACTOR, GAS FITTING, Darrell O. Bennett; MASTER PLUMBER, Wayne C. Hammond, Wendell Sanderson; CLASS B JOURNEYMAN, WARM AIR, GAS FITTING, REF., Gordon Powell, W. Lovell Harrop; CLASS C JOURNEYMAN, WARM AIR HEATING, GAS FITTING, REF., Clair Layton, Ivan Hill, J. Clifford Cook, Lyle M. Charlesworth, Norton Sage, Norman Godfrey, Robert Schriener; CLASS C JOURNEYMAN, GAS FITTING AND WET HEAT, Cal Smith; CLASS D JOURNEYMAN, REF., Lemar Eslinger; JOURNEYMAN PLUMBER, Cal Smith, Wayne Bowden; APPRENTICE PLUMBING, Dale McBide with J. & R. Plumbing; BARTENDER, Verla Staples, Barbara Robison, George R. Ellis, Ray V. Robison; BEER, (Canned and bottled to be consumed on the premises), Glen T. Rowberry for Skyline Bowling Lanes; CAB DRIVERS, George Martindale, Frank Johnson, Robert Vernon Dawson all with Yellow Cab; LIQUOR, Merrill B. Ingelstrom for Ford's Cigar Store, S. C. Montague for Starlite Cocktail Lounge, Leonard Messmer for Fanning Field Lounge, Charles R. Jachetta for Idaho Falls Catering Service, Ray V. Robison for Ray's Bar, Ray Metcalf for Turf Bar, 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.

In the interests of time, the City Clerk reported that, after due approval by the Police Chief and the Sanitary Inspector, he had issued a beer license transfer on January 19, 1968 in favor of the Hawaiian Supper Club, reflecting a change of address be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a recommendation from the Police Chief, based upon his police report findings, that a cab driver's license in the name of Scott Lee Jones not be granted. It was moved by Councilman Erickson, seconded by Wood, that this recommendation be upheld and the license be denied. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that he had published legal notice for a public zoning hearing on February 8, 1968, without formal Council approval. It was moved by Councilwomen

Smith, seconded by Councilman Erickson, that this action be ratified. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Official this memo was reviewed:

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MEMO TO: Mayor and Council

Riv-Eon Sign Company requests permission to reinstall a pole sign for the Medical Mart at 395 Elm Street, as shown on the attached plan.

The sign is located in R-3A zone and requires Council action.

Respectfully,
s/ Ray Browning
Building Official

It was moved by Councilman Wood, seconded by Councilwoman Smith, that the pole sign be re-installed at the address as indicated. Roll call as follows: Ayes, 6; No, none; carried.

The following petition, signed by ten property owners residing in the 500 block of 12th Street on the 1100 block on Holmes, was presented and read:

Mayor S. Eddie Pedersen
Idaho Falls, Idaho

Dear Mayor Pedersen:

We, the undersigned, residents of the 12th Street and Holmes Avenue area of Idaho Falls, request that the City of Idaho Falls move the signal light now located at the corner of 14th Street and Holmes Avenue to the corner of 12th Street and Holmes Avenue.

With the opening of the canal bridge located at 12th Street and Bonneville Drive, 12th Street has become a main arterial thoroughfare for people traveling from east Idaho Falls to the downtown area.

The signal light was originally installed at the corner of 14th Street and Holmes Avenue to assist the students at East Side School a safe crossing. With the closure of East Side School this fall, it appears that this signal light would serve a better purpose at the 12th Street and Holmes Avenue intersection.

Motivated by the foregoing, this memo from the Traffic Safety Committee was submitted:

January 25, 1968

Office of Police Division

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TO: Honorable Mayor and City Council, City of Idaho Falls
FROM: City Traffic Safety Committee
SUBJECT: TRAFFIC SIGNAL REQUEST FOR 12TH STREET AND HOLMES

Enclosed is the letter referred to this Committee for their recommendation along with a traffic count at the intersection of Holmes and 12th Street.

As to moving the traffic signal from 14th Street and Holmes to 12th and Holmes:

1. It would be contrary to the Uniform Traffic Code which was accepted by the City, whereas any new installation of traffic signals should comply to the Code. Specifically dual controls.
2. The single head traffic control is presently handling the volume of traffic at Holmes and 14th Street reasonably well. To remove it and place a STOP sign on 14th to allow through traffic on Holmes would create a hazard for any vehicle to enter Holmes from the east at 14th because of sight restriction of northbound traffic on Holmes approaching 14th Street.

The traffic count as shown does not warrant a traffic signal at Holmes and 12th Street at this time. A fixed time signalization would add to the problem rather than alleviate it by stopping the flow on Holmes unnecessarily.

A traffic actuated signal would do the job, but due to the expense and lack of warrant for the need, this money should be used for priority projects.

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

Police Chief Pollock appeared to say that the count of 12th Street traffic immediately east of Holmes was heaviest between 8:00 a.m. and 10:30 a.m. Pollock discouraged installation of a fixed semi fore signal on this intersection on the grounds it would tend to slow Holmes Avenue traffic. He said a traffic actuated signal would be justified except that the cost would probably be prohibitive. It was conceded that a signal would likely increase the traffic count. Noting the petition proposed moving

the signal light from 14th to 12th on Holmes, Pollock discouraged this, on the grounds that the existing signal is needed, due to the raise on Holmes Avenue at the canal bridge, causing poor visibility for north bound traffic on Holmes Avenue. Councilman Erickson registered sympathy for the petition signers and said that 12th Street, since it has become a through street east of Holmes, carries an ever increasing flow of traffic and that any increased traffic on 9th Street should not be

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encouraged. Councilman Parish proposed, as long as the signal on 14th Street must stay, that some thought be given toward making 14th Street, west of Holmes, eastbound, thus encouraging traffic on that street. The Mayor suggested, instead, the possibility of a two-way street. It was moved by Councilman Erickson, seconded by Freeman, that this matter be referred back to the Traffic Safety Committee for further study, taking into consideration all facets of this night's Council discussion, especially the proposal to make 14th Street either eastbound or two-way. Roll call as follows: Ayes, 6; No, none; carried.

A second memo from the Traffic Safety Committee was then presented, as follows:

City of Idaho Falls
January 25, 1968

TO: Honorable Mayor and City Council
FROM: City Traffic Safety Committee
SUBJECT: RECOMMENDATION

It is recommended that parking be restricted on Lomax for twenty feet on both sides of the driveway to the First Street Blacksmith to allow entry and exit of large trucks.

Respectfully submitted,
s/ R. D. Pollock
Chairman, Traffic Safety
Committee

The question arose as to whether or not the needs of the Blacksmith could be satisfied with restricted parking on only one side of the driveway. It was moved by Councilman Erickson, seconded by Wood, that in view of the foregoing suggestion, this be referred back to the Traffic Safety Committee for further study. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson reported that a committee has been appointed to make recommended revisions in the City's dog ordinance. Erickson said that, among other suggestions, there would be a section controlling cats. Erickson concluded his report by saying that the proposed ordinance is now being submitted to the Police Committee and the City Attorney for study and consideration.

The Mayor reported that there are several snowmobile clubs which have been organized and, working together with the City, are desirous of submitting suggestion in compliance with State Law for snowmobile control within the City. The Mayor said there had been complaints especially from the Sacred Heart Hospital, of snowmobile traffic in Tautphaus Park. Some activity in Kate Curley

and Central Parks was also noted. City Attorney Smith, in answer to a question, said the City would be within their rights to control or eliminate the vehicles on streets and also to control on the basis of noise. Police Chief Pollock asked and received authorization to police the problem in an effort to control the noise. The Council were in complete agreement that they could be used in undeveloped Eagle Rock Park. It was moved by Councilman Erickson, seconded by Wood, that the use of snowmobiles be prohibited within any and all developed parks, that the parks be posted accordingly,
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and that, meanwhile the over-all problem be referred to the Police Committee for study and recommendation to the Legal Department. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1198

AN ORDINANCE AMENDING SECTION 5-16-10 OF THE CITY CODE OF IDAHO FALLS, IDAHO; REQUIRING ALL APPLICANTS FOR TAXICAB LICENSES, AS A CONDITION TO THE ISSUANCE OF ANY SUCH LICENSES TO FILE PROOF WITH THE CITY CLERK THAT THE PUBLIC IS INSURED AGAINST LOSS ARISING FROM THE OPERATION OF SAID TAXICABS IN THE MINIMUM AMOUNTS AS FOLLOWS: PROPERTY DAMAGE - \$5,000.00, BODILY INJURY TO ONE PERSON - \$10,000.00, BODILY INJURY TO MORE THAN ONE PERSON \$20,000.00; REPEALING 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.

ORDINANCE NO. 1199

AN ORDINANCE ADOPTING THE NATIONAL ELECTRICAL CODE, 1965 EDITION, PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, AS PART OF THE ELECTRICAL CODE OF IDAHO FALLS, IDAHO; SETTING FORTH THE SCOPE OF SAID CODE; PROVIDING THAT THREE (3) COPIES THEREOF SHALL BE HEREAFTER KEPT ON FILE IN THE OFFICE OF THE CITY CLERK;

REPEALING 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 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

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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.

Reference is made to page 640, Book #13 in the official minutes of the City and, more specifically, certain Council action to invoke the penalty clause on the contractor for the #11 well in the amount of \$2550.00. It was moved by Councilman Nelson, seconded by Councilwoman Smith, that previous informal Council action be ratified to lower that amount by \$1,000.00. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith reported to the Council that the Secretary and the Attorney for the Skyline Gun Club had contacted him and had withdrawn their application for a five year lease renewal and had asked, instead, for a one year lease agreement. They explained that they wished to explore all other possible areas for a permanent location where there would be no possibility, because of their activities, of creating any kind of conflict with near-by residents or property owners. they said, further, that if a one year lease were approved, it would be with the understanding that any improvements made during said year would be at their own risk.

There being no further business, it was moved by Councilman Freeman, seconded by Parish, that the meeting adjourn at 9:20 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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