

MARCH 9, 1967

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday March 9, 1967, at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmembers Smith, Wood, Nelson, Parish, Freeman, Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Robert Pollock, Police Chief; Ray Browning, Building Official.

Minutes of the last Recessed Regular Meeting, held February 23rd, 1967, were read and approved.

Noting the presence of Mr. Dale Rockwood, Chairman of the Board of Commissioners, Bonneville County Fire Protection District #1, in the Council Chambers, the Mayor asked the City Attorney to present a recently prepared joint agreement which outlined terms and conditions for the City to provide adequate fire protection for the District until it has the personnel and facilities for its own operation. Included in the agreement was a provision for the District to remit \$2848.00 to the City for the loan of certain firemen until April 30th, 1967. Mr. Rockwood asked when this would be due and payable. The City Attorney explained that no specific payment date was mentioned, intentionally, in view of the uncertainty as to when the District would have available funds. Mr. Rockwood reported that the District was in the process of obtaining the proper liability insurance as required under the terms of the agreement. Councilman Erickson praised the members of the Board and said it had been a pleasure working with them. In the absence of further comment, it was moved by Councilman Erickson, seconded by Freeman, that the Mayor be authorized to sign the agreement in behalf of the City. Roll call as follows: Ayes, 6; No, none; carried.

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

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$105,176.08	\$42,888.89	\$148,064.97
Fire Bonds	33,568.41	3,927.08	37,495.49
Water & Sewer Fund	8,049.66	34,106.11	42,155.77
Electric Light Fund	28,931.50	58,522.04	87,453.54
Recreation Fund	2,068.60	477.44	2,546.04
Police Retirement Fund	<u>2,333.41</u>	<u>.00</u>	<u>2,233.41</u>
<u>TOTAL FUNDS</u>	<u>\$180,127.66</u>	<u>\$139,921.56</u>	<u>\$320,049.22</u>

It was moved by Councilman Parish, seconded by Wood, that the bills be approved for payment and the Controller be authorized to issue 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, 1967, and, there being no objections, were ordered placed on file in the office of the City Clerk.

License applications for RESTAURANT, Ray Hudson for Hudson's Donuts and Café, Shirley Nelson for Bowl-Ero, Ray's In' N Out (2), Paxman's Drive In, Bonneville Hotel Coffee Shop, Liberty MARCH 9, 1967

Café, Mary's Café, Hotel Rogers, North's Chuck Wagon, A & W Root Beer, Woolworths; MOTEL, Keith Howes for San-Dee Hotel, Ross Gillespie for Hotel Idaho, J. C. Bennett for Bonneville Hotel; SECOND HAND STORE, George Steel for Park Avenue Furniture Co.; MASTER PLUMBER, Glen Reed; ELECTRICAL CONTRACTOR, Earnest Briggs with J & J Electric; JOURNEYMAN ELECTRICIAN, LaVar Bosworth, Earnest J. Briggs; APPRENTICE ELECTRICIAN, Jay Van Orden with Jewel Electric; James B. Emery with J & J Electric; BARTENDER, Orleen Nielsen; CLASS B JOURNEYMAN, WARM AIR HEATING, GAS FITTING & REFRIGERATION, Gordon Powell for American Plumbing & Heating, were presented. It was moved by Councilmember Nelson, seconded by Smith, 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.

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATIONS OF THE CITY OF IDAHO FALLS, IN THE STATE OF IDAHO, AND FOR THE APPROPRIATION OF THE SEVERAL FUNDS AND PURPOSES DURING THE FISCAL YEAR 1967, AND PROVIDING THE NUMBER OF MILLS ON THE DOLLAR APPROPRIATED FOR EACH OF SAID FUNDS.

The foregoing ordinance was again presented. It was generally agreed that there was certain pending State legislation, financially important enough to the City to warrant further delay in the final passage of this ordinance. It was moved by Councilman Parish, seconded by Wood, that this be passed on its second reading. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 522 in this Book of Minutes at which time approval of the Skyline High Addition plat was tabled, pending clarification pertaining to the dedication for the additional right of way when it was explained to them the area would not be needed for traffic purposes. It was moved by Councilmember Wood, seconded by Smith, that the plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

By memo, the City Planner drew attention to the need for a public hearing by the Planning Commission to consider the issuance of conditional use permits for the East Side School and the Holy Rosary Catholic Elementary School. It was moved by Councilmember Wood, seconded by Smith, that authorization be granted for legal publication with the understanding that the hearing be scheduled for April 17, 1967. Roll call as follows: Ayes, 6; No, none; carried.

This written appeal for a variance was submitted:

March 6, 1967

Appealing Adjustment Board

City of Idaho Falls
Idaho Falls, Idaho

MARCH 9, 1967

Attention: Ray Browning

RE: Clint and Gloria Duncan, Block #3, Lot 28 of Falls Valley Addition (471 Davidson Drive), Idaho Falls, Idaho

Gentlemen:

On February 12, 1967, we poured a foundation for a small entrance addition onto the front of our home at 471 Davidson Drive located in Falls Valley Addition. I was aware that we must obtain a City building permit, but since I work everyday I had to do this job on a day when I could get someone to help me with the cement. On February 14, 1967, I applied to the City of Idaho Falls for a permit. Upon giving the plan and measurements to them I was informed that we would be in violation of a City ordinance because the house improvements would extend three (3) feet beyond the specified distance from the street. I asked him if there was anything that could be done. He informed me that I would have to get a petition signed by the surrounding neighbors and then re-present the application for a building permit, which I did as instructed, obtaining thirteen neighbor's signatures. Upon presenting the application a second time, it was again declined. As a last resort, we are appealing to you for reconsideration.

We are not adding on for appearance, it is a necessary addition. We have four boys, all of grade school age, and we have no place to hang our coats and put our boots, plus the fact that we are unable to keep our living room area decent without it.

I think the Board of Adjustment erred in their decision for the following reasons:

Adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which is unnecessary in order to carry out the purposes of the zoning plan.

The hardship has not been caused by an action of the property owner taken after the effective date of this ordinance.

Yours truly,
s/ Clint Duncan
471 Davidson Drive

Councilman Wood confirmed the fact that written consent had been obtained from all neighbors. He also noted that the Council Committee were in agreement that the variance should be granted, inasmuch as the set back was within three feet of complying with the Code. He noted that this had been denied by the Board of Adjustments only because that agency felt it wasn't within their

MARCH 9, 1967

jurisdictional power to approve. It was moved by Councilmember Wood, seconded by Smith, that the variance be granted. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Official was submitted:

February 28, 1967

MEMORANDUM

TO: Honorable S. Eddie Pedersen and City Council
FROM: Ray I. Browning

I am sure that you are aware that under the provisions of the Idaho Public Employee Retirement System, I am scheduled for retirement effective June 1, 1967.

The matter of my retirement has been discussed with my Council Committee, the Mayor and Mr. Rod Gilchrist, City Planner. Although it is the plan of the City Council to appoint Mr. Gilchrist as Division Director in the Planning and Zoning Division effective June 1st, it was felt as a result of meeting with the Council Committee that it would be in the best interests of the City if my retirement were to be postponed for approximately one year, during which time I would serve as Building Official under the direction of Mr. Gilchrist and would be able to help him in the re-organization and transition period while he was familiarizing himself with the duties of his new office.

I am aware that the retirement law provides that I would not contribute to the program after June 1, 1967 and therefore would not be increasing my retirement benefits. I am also aware that the retirement law provides that in the event of my death during such postponement that my widow would receive only that amount that I have contributed to the program.

I do feel that it would be in the best interests of the City that I remain for a period of time to assist Mr. Gilchrist in the Department.

Respectfully submitted,
s/ Ray I. Browning
Building Official

The question arose as to whether or not provision had been made in the proposed budget for the personnel arrangement and was answered in the negative by the Controller. It was moved by Councilmember Wood, seconded by Smith, that the matter, therefore, be tabled and referred to the Building and Zoning and Fiscal Committees for further study. Roll call as follows: Ayes, 6; No, none; carried.

By memo, the Building Official drew attention to the fact that terms of two members of the Board of Adjustment had expired. The Mayor proceeded to reappoint Messrs. Grover Bennett and

MARCH 9, 1967

Worth Wright for four year terms in this capacity. It was moved by Councilmember Wood, seconded by Smith, that these reappointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

In response to a directive by the Council, the City Attorney submitted the following legal opinion:

Albaugh, Bloem, Smith & Pike
P. O. Box 428
Idaho Falls, Idaho
March 6, 1967

Honorable Mayor S. Eddie Pedersen
Mayor, City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho

RE: Dog Licenses

Dear Mayor Pedersen:

At the latest Meeting of the Council an interpretation of Section 6-3-7 was requested of this office. I understand that a Dr. McCue wishes a license to keep more than two adult dogs on his premises. I also understand that his premises are in a zone not permitting commercial activities, which would be the selling and dealing in dogs for profit. I further understand that his dogs are registered under the rules and regulations of the American Kennel Club.

The ordinance is not as clear as it might be concerning the difference between a commercial and non-commercial license, and in fact I would recommend that the Council give consideration to an amendment definitely fixing the fee for a commercial license.

At any event, it is clear that no commercial activity may be carried on in a residential zone, and so no commercial license could be issued for dogs in such a zone.

It is the opinion of this office that Dr. McCue may obtain a non-commercial kennel license for his dogs, provided he is not maintaining his dogs for commercial purposes. If his dogs are registered under the American Kennel Club rules and regulations, his annual license is \$10.00.

It is also the opinion of this office that Dr. McCue should obtain the consent from his neighbors as set forth in the ordinance before the license is issued.

Sincerely,
A. L. Smith
City Attorney

MARCH 9, 1967

It was moved by Councilman Erickson, seconded by Freeman, that this matter be referred to the Police Committee and the City Attorney for further review and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Nelson, recognizing that there is on file in the City Clerk's office, two applications for dog kennel licenses, moved that the City Clerk be authorized and directed to advise the applicants that, because they reside in a residential zone, they are prohibited from receiving a commercial license and, therefore, in order to qualify for a non-commercial license, they must provide written consent of 75% of all residents within 100 feet of their premises to accompany their applications with the understanding that if this is not forthcoming by the next Council Meeting, the applications be denied. This was seconded by Councilman Wood. Roll call as follows: Ayes, 6; No, none; carried.

From the City Clerk came this memo:

City of Idaho Falls
Office of the City Clerk
March 9, 1967

To the Honorable Mayor and Councilmembers
Idaho Falls, Idaho

Resting in the outer lobby of the City Clerk for several years, for want of a more adequate storage place, are three antiquated, obsolete carriage-type billing and posting machines. These were in use prior to the acquisition of the NCR billing machine which, in turn, has become obsolete since conversion to automation.

Repeated attempts to dispose of these machines have met to no avail including one contract through a New York firm to dispose of them overseas. Recently, a business machine salesman told the writer that they have been hauling more modern machines than these to the sanitary land fill.

To have our own maintenance men dispose of them in this manner would result in some man power cost. A local salvage company has offered \$5.00 a ton for such material. If this offer is accepted we would receive about \$1.00 for the three machines but they would at least be hauled from the premises at no cost to the City.

Your authorization to proceed in this manner is requested.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

MARCH 9, 1967

It was moved by Councilman Parish, seconded by Wood, that the City Clerk be authorized to dispose of the machines in question in whatever manner most profitable to the City. Roll call as follows: Ayes, 6; No, none; carried.

The Police Chief presented a proposal for eliminating free, unlimited parking south of the library on Elm Street and, instead, utilize the spaces only for loading and unloading. He said this had been proposed by the City Librarian and met with the approval of the Traffic Safety Committee. It was moved by Councilman Erickson, seconded by Freeman, that this proposal be approved. Roll call as follows: Ayes, 6; No, none; carried.

An application for a permit and license for an underground transmission cable across the Sand Creek Park was presented from the Mountain States Telephone Company. It was moved by Councilman Freeman, seconded by Erickson, that the Mayor be authorized to sign after being signed by an official of the Telephone Company, subject, first to the approval of the Electrical Engineer and the Public Works Director. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman proposed that an offer in the amount of \$1415.00 be accepted for the painting of the Highland Ball Park, \$300.00 of which would be donated by the local ball club, resulting in a net expenditure to the City of \$1115.00. This, however, was tabled, pending passage of the appropriation ordinance.

There being no further business, it was moved by Councilman Freeman, seconded by Parish, that the Meeting adjourn. Carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
