

**FEBRUARY 9, 1967**

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The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday, February 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, Freeman, Erickson. Absent: Councilman Parish. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; William Fell, Electrical Engineer.

Minutes of the last Regular Meeting, held January 7, 1967, were read and approved.

The Mayor made note of the excused absence of Councilman Dale Parish and explained that, as Realtor of the Year, he was required to be in attendance at Boise for a meeting of the Presidents and Secretaries Council of the Real Estate Boards and also on proposed State Legislation affecting cities.

The Mayor then acknowledged the presence of Vernon Webb in the Council Chambers and asked him to be seated around the Council table, in recognition of Scout Week and the fact that he was working for his merit badge.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for consideration of the 1967 appropriation bill which provides for a tax levy for general revenue purposes in excess of ten mills. The Mayor then called upon Controller Luther Jenkins, who presented a resume of anticipated expenditures, by Department and fund, as follows:

**BUDGET ESTIMATE FOR THE CALENDAR YEAR 1967**  
**CITY OF IDAHO FALLS, IDAHO**

The following is an estimate of the amount of money necessary for all purposes to be raised by taxation or otherwise in the City of Idaho Falls, Idaho, during the calendar year 1967, for which an appropriation is to be made as provided by law; and money to be appropriated for the purposes of paying indebtedness now existing and to accrue against the various funds of the City of Idaho Falls, Idaho as follows, to-wit:

**DEPARTMENT AND/OR FUND**

General and Administrative	\$ 298,205.00
Finance	75,160.00
City Clerk	71,305.00
Police	529,195.00
Inspection, Zoning and Planning	83,405.00
Animal Regulation	12,705.00
Public Works	721,905.00
City Parks	322,990.00
Airport	<u>230,360.00</u>
Total General Fund	\$2,345,230.00

FEBRUARY 9, 1967

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Municipal Fire Fund	514,190.00
Municipal Water and Sewer Fund	704,500.00
Municipal Electric Light Fund	1,513,908.00
Municipal Recreation Fund	75,500.00
Municipal Library Fund	117,039.00
Municipal Auditorium Bond	
Redemption and Interest Funds	32,449.00
Municipal Police Retirement Fund	31,818.00
Municipal Fire Improvement Bond	
Redemption and Interest Funds	<u>48,362.00</u>
 Total Other Funds	 \$3,037,766.00
 Total Appropriation	 \$5,382,996.00

The entire revenue of the City of Idaho Falls, Idaho for the calendar year 1967 based upon the receipts of the previous twelve (12) months including receipts from Water & Sewer System and Hydroelectric Plant, is as follows: to-wit:

Revenue from tax levy based upon certified valuation of \$30,027,201.00.

21.54 Mills General Levy	\$ 646,657.00
1.84 Mills Municipal Fire Department Fund, Special Levy	55,271.00
3.68 Mills, Municipal Library Fund, Special Levy	110,539.00
0.46 Mills Municipal Police Retirement Fund, Special Levy	13,818.00
1.01 Mills Municipal Auditorium Redemption Fund, Special Levy	
1.84 Mills Municipal Recreation Fund, Special Levy	55,271.00
1.61 Mills Municipal Fire Department Improvements Bond Redemption and Interest Fund, Special Levy	<u>48,362.00</u>
 31.98 Mills Total Tax Levy	 <u>\$ 960,314.00</u>
 Franchises	 43,200.00

Licenses and Permits	139,000.00
Interest and Rentals	92,100.00

**FEBRUARY 9, 1967**

Charges for Current Services	325,229.00
Sale of Electrical Energy	2,606,000.00
Revenue from Other Agencies	369,100.00
Miscellaneous Other Revenues	131,053.00
Water and Sewer System	699,500.00
Municipal Library Collections	6,500.00
Contributions and Interest	<u>11,000.00</u>

<b>TOTAL REVENUES</b>	<b><u>\$5,382,996.00</u></b>
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Mr. Philip Leahy, 325 South Skyline Drive, appeared before the Council and asked if there were any proposed departmental budget increases and was answered in the affirmative; namely, General Government, Electric Light, Airport and Parks. Leahy then asked if there was a proposed increase in the over all budget and was answered in the affirmative; namely, by \$182,996 but that this would be provided by other sources than an increased mill levy.

Mr. Alex Creek, 656 11<sup>th</sup> Street, appeared before the Council with a series of questions, a few of the more salient being as follows: Is increased personnel anticipated? Is there any proposed expenditures for the 17<sup>th</sup> Street Bridge, other than right of way appraisal? What is the extent and nature of the proposed 17<sup>th</sup> Street improvement, east of Holmes? Is there anything budgeted for personnel overtime? If so, why, when there is personnel policy provisions for compensatory time? Why is there provision for part time help? What has the City done, mill levy wise, about increased property tax assessment? What is the substation controversy in connection with the John's Hole Interchange? How can the City justify three employees in the Electric Department selling electric service, resulting in direct competition with tax paying businessmen in other competitive businesses? These questions were answered by the Mayor, a Councilman or a Division Head, in substance, as follows: There is no anticipated increase in personnel. There is no proposed expenditures for the 17<sup>th</sup> Street bridge except right of way appraisal. The 17<sup>th</sup> Street Improvement, east of Holmes is estimated to cost \$500,000, \$300,000 of which would be forthcoming from Federal Funds and \$200,000 from City or County Funds. The project plans call for \$200,000 expenditures in two miles of storm drainage, a full street development with curb, gutter and parallel parking and the bridge at 17<sup>th</sup> and Holmes to be widened and west of the bridge, there is a transition into two lanes. There is a little over \$96,000 budgeted for overtime. There are certain jobs not conducive to compensatory time, such as firemen and policemen. Part time help has proven economical to fill seasonal jobs, as an example, in the parks. There is no anticipated increased revenue from higher property assessments. Mill levy has been lowered accordingly, to offset the increase. The Crowley Street substation is located within the confines of the John's Hole Interchange and, in the interests of beautification, the City would like to see it moved. Negotiations are presently under way with the State Highway Engineers toward that end. The three Public Use Advisors, employed by the Electrical Department are performing a needed service. They are available for consultation by the public. As an example, they have

performed a very beneficial service for the School District. Their primary function, explained the Mayor, is not one of selling but advertising. Creek commented to the effect that they should be so instructed and that there are known instances where they have engaged in hard selling. Creek asked

FEBRUARY 9, 1967

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that it be made a matter of record that he protested the employment of these three City employees as an inclusion in the budget. Creek, in his concluding remarks, protested deficit spending in 1966, and asked how this was legally justified. The Mayor corrected Mr. Creek by reminding him that the total budget for 1966 was under expended, not over expended. Creek said he was referring to certain departmental budgets which were over expended in the total amount of \$168,000. He quoted from the State Code and said that, according to his interpretation, deficit spending by department, is illegal and the Mayor and Councilmen can be held personally liable for said deficits. City Attorney Smith said he was aware of this section in the State Statute, that it is and always had been subject to court interpretation, that several District Judges, to his knowledge, have refused to rule on it and that it has never been tested in the Supreme Court. In view of all this, continued the City Attorney, he said he was prepared to defend inter-departmental transfers as a means of arriving at a balanced budget at the end of any given fiscal period. Mr. Leahy reappeared and asked why the general government budget was increased and was answered to the effect that there are many tentative projects impossible to specifically budget and, also, the possibility of certain salary increases which were not provided for under personal services. Leahy then asked about the library plans. The Mayor said it is likely that the option to purchase the adjoining property will be exercised.

Mr. William Skinner, 801 Claire View Lane, appeared before the Council, concurring with Mr. Creek relative to his comments about the Electrical Division and also the fact that commercial electric rates are higher than the nearby private utilities. Councilman Nelson noted that the City is under contract with B.P.A. and that it is with that agency's encouragement that every reasonable effort be made to sell electric service. Nelson reminded Skinner that the electric revenue substantially subsidizes the general fund which keeps the mill levy down and that only through increased usage can this continue to be effective. With regards to Skinner's comments relative to electric rates, he was told this is now under study and that lower commercial rates are desired by the administration if possible and practical.

Mr. Leahy again reappeared and said that in his opinion, the electrical system, at one time ran down and being financially milked, was sadly in need of the rehabilitation program now being applied. He said it is only by sound business practice and the dictates of the B.P.A. that the system has been successfully upgraded. He said the administration would be more subject to criticism if this had not been accomplished. On the subject of selling electric service, Councilman Wood asked what the citizens could expect if the system were privately owned and operated and was answered by the Electrical Engineer to the effect that there would be at least twice as many sales representatives in the field.

In the absence of further comment, the Mayor announced that the Councilmembers were in agreement that the budget appropriation be not approved this night due to the fact that the State Legislature is still in session and that, there is a possibility of increased revenue for municipalities from pending legislation. It was moved by Councilman Nelson, seconded by Freeman, that

consideration of the appropriation bill be continued until the next Regular Meeting or a Special Meeting for the reason as stated by the Mayor. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Skinner reappeared and protested the advertising on the golf course. He said that, in his opinion, this should either be prohibited entirely or permitted by any who are desirous of placing

**FEBRUARY 9, 1967**

advertising in the area. It was agreed that Mr. Skinner meet with the Council at an agreeable time to discuss the matter further.

Bills for the month of January, 1967, having been properly audited by the Fiscal Committee, were presented in caption form, as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$156,854.35	\$89,354.51	\$246,208.86
Fire Bonds	51,532.07	6,363.26	57,895.33
Water & Sewer Fund	12,267.69	34,768.02	47,035.71
Electric Light Fund	45,310.94	88,586.06	133,897.00
Recreation Fund	2,822.43	4,244.22	7,066.65
Police Retirement Fund	<u>2,234.45</u>	<u>.00</u>	<u>2,234.45</u>
 <b><u>TOTAL FUNDS</u></b>	 <b>\$271,021.93</b>	 <b>223,316.07</b>	 <b>\$494,338.00</b>

It was moved by Councilmember Wood, seconded by Erickson, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 5; 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 GROCERY STORE, John S. Gamble for Gamble's Fine Foods; RESTAURANT, Arthur Herrera for Frontier Bar, Sister M. Regula for Sacred Heart Hospital, D. W. Mander of Doug's Dairyland Kitchen, Danny Hong for Lantern Café, Vernon Scheets for Stardust Restaurant, Mrs. Earl Van Haetsma for Dutchman's Café; SECOND HAND STORE, C. A. McGinty for Trading Post, J. I. Broom for Ken Garff Furniture Sales, Frank Lindholm for Frank's Square Deal, Donald F. Austin for Circle Dot Furniture; JUNK DEALER, C. K. Newton for McCarty's Inc.; PHOTOGRAPHER, M. Mason for Jack B. Nimble Portraits, DBA Pictureland Studios; MOTEL, Ben H. Donaldson for Flamingo Motel; ROOMING HOUSE, Frank Lindholm for Eagle Rock Rooms; DAIRY, Upper Valley Snake River Valley Dairymen's Association, Inc., Cream Top Dairy, B. Harper Bare for Home Delivery Dairy; PAWN BROKER, Jim Kechajias for Broadway Jewelry, Edwin Buky for Buky's Village; ELECTRICAL CONTRACTORS, Gilbert R. Shaw with Johnson Service Co., Ray S. Griffith with Griffith Electric, Dick Wheeler with Dick Wheeler Electric, Thomas Snouffer Electric, A. C. Bidstrup with A. C. Bidstrup Electric, Lloyd Davis with Davis Electric; JOURNEYMAN ELECTRICIAN, O. J. Brown with Dick Wheeler Electric, Preston Olsen, A. C. Bidstrup, Kenneth

Fisher, Albert Dale Nyman, Thomas Snouffer, Ray Griffith, Gilbert R. Shaw, J. Russell Morton; APPRENTICE ELECTRICIAN, Linford Christensen, Jerry Griffith, Marjorie Griffith, Everett Milton Barker, Del Wilkins; CLASS B CONTRACTOR, GAS FITTING, Robert Jones with Jacobsen Mechanical Contractors, Inc., W. Lovell Harrop with Bonneville Service Center; CLASS D CONTRACTOR, WARM AIR HEATING, Paul Hammond with Hammond Furnace Co.; CLASS D CONTRACTOR, GAS FITTING, Lloyd Winn with Upper Snake River Valley Dairymen's Association;

**FEBRUARY 9, 1967**

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MASTER PLUMBER, D. R. Wilding with Wilding Plumbing & Heating; JOURNEYMAN PLUMBER, Dallas Pope, D. R. Wilding, Roger K. Sanderson, Cal Smith; CLASS B JOURNEYMAN, WARM AIR HEATING, GAS FITTING & REFRIGERATION; W. Lovell Harrop; CLASS C JOURNEYMAN, GAS FITTING & WET HEAT, Roger K. Sanderson, Cal Smith, Dallas D. Pope; CLASS D JOURNEYMAN, WARM AIR HEATING, Paul Hammond, Dale Fife; JOURNEYMAN GAS FITTER, Lloyd Winn, Edward Nixon; APPRENTICE GAS FITTER, Arlo Belnap with Upper Snake River Dairyman's Association; CLASS D APPRENTICE REFRIGERATION, George R. Barnett with Scott's Refrigeration; DANCE HALL, Stardust Restaurant & Lounge; BARTENDER, Sally Johnson, Richard J. Purcell, Carl J. Wochner, Wallace Deardon, Mary Jane Summers, Ray Metcalf; LIQUOR, Ray Metcalf for Turf Bar, Patrick J. Boylan for Shamrock, Von McAtee for Samoa Club, Vernon Scheets for Stardust Restaurant and Lounge, George M. Mikissick for New Grand Bar, Herbert & Dorothy Lehman for Hub Bar, Lloyd Brown for Fraternal Order of Eagles, Roger B. Hougen for Flamingo Motel & Lounge, were presented. It was moved by Councilman Nelson, seconded by Erickson, that these licenses be granted subject to the approval of the appropriate Division Director where required. Roll call as follows: Ayes, 5; No, none; carried.

Bartender permit applications were presented in the names of Arden Sellars and Lloyd Kennedy. The City Clerk explained that due to findings as a result of a police investigation, in both instances, these applications carried a recommendation from the Police Chief that their issuance be denied. It was moved by Councilman Erickson, seconded by Freeman, that this recommendation be upheld and these permits be denied. Roll call as follows: Ayes, 5; No, none; carried.

Non-commercial kennel license applications were presented in the names of Doctor E. S. Bills and Doctor James McCue. It was noted that these were not accompanied by the written consent of nearby neighbors, as prescribed by ordinance. It was moved by Councilman Nelson, seconded by Freeman, that these licenses be denied, pending the receipt of the written consent as described. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk drew attention to a Notice of Completion of Public Works covering the Highland Park Sewage Lift Station, published in the interests of time, without formal Council approval. It was moved by Councilman Nelson, seconded by Freeman, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood presented the following:

**RECOMMENDATION OF COMMITTEE**

**SMITH CHEVROLET CO., INC.,**  
**UPON APPLICATION FOR REZONING AND/OR VARIANCE**

WHEREAS: Heretofore a Committee appointed by the City Council made recommendations to the Council concerning the disposition of an application by Smith Chevrolet Co., requesting certain variances in relation to the use of its property on North Holmes Avenue in Idaho Falls, and recommended that no penalties be imposed for failure to obtain a Building Permit provided that Smith Chevrolet Co. should comply with the recommendations; and

**FEBRUARY 9, 1967**

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WHEREAS: The City Council adopted said recommendations, including the granting of certain permanent variances in relation to the use of said property; but Smith Chevrolet Co. did not comply with said recommendations and was subsequently adjudged guilty in police court of violating the provision of the ordinance requiring the obtaining of a building permit before installing any structure, and was fined \$300.00; and

WHEREAS: Following said conviction Smith Chevrolet Co. has filed its petition seeking a rezoning of its property, and has petitioned for the granting of further variance in setback on Holmes Avenue;

NOW THEREFORE, the Committee recommends as follows:

(1) The subject property should not be rezoned because HC-1 is the proper zone for this land when all circumstances and characteristics of the neighborhood are considered.

(2) No further variances should be granted to the subject property because a variance confers a right permanent in nature and can be changed only upon a material change in the characteristics of the neighborhood. It is believed that the granting of any further variances should be contrary to the welfare of the City and would ignore highway plans in that area.

(3) It is recognized that the particular structure now installed on the land is not at this time objectionable because the area in which it is situated has not yet fully developed; and the highway plans in that area have not yet been accomplished.

(4) It is recommended that Smith Chevrolet Co. be permitted to apply for and receive, upon the payment of all regular permit fees and charges, including the building permit fees, a conditional use permit, temporary in nature, permitting the carport to remain where it is situated until the City Council shall make and enter upon its official minutes a finding that removal of the carport is required in the interest of the health, welfare, and safety of the inhabitants of the City; and that such permit recite that the owner of the land shall remove the carport, at the expense of said owner, so as to be in conformity with the 20-foot setback requirements, upon receiving thirty days written notice from the Building Official that the City Council has found that such removal is required in the interest of the health, welfare,

and safety of the inhabitants of the City. It is further recommended that the terms of such conditional permit be acknowledged and accepted by Smith Chevrolet Co. in writing as a condition of its issuance.

(5) It is further recommended that following the dismissal of the appeal in the building permit case, the payment of the fine, and the obtaining of the temporary conditional use permit by Smith Chevrolet Company, there be no further prosecutions instituted in connection with the subject property arising out of the violations heretofore existing.

**FEBRUARY 9, 1967**

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Dated this \_\_\_\_ day of February, 1967.

Wood noted that this instrument had previously been reviewed by the Council at an informal meeting and that the appropriate Council Committee had been authorized to sign at that time. It was moved by Councilman Wood, seconded by Erickson, that the Council's informal action in approving this written recommendation of the Committee and authorizing the Committee to sign be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Electrical Engineer was submitted:

City of Idaho Falls  
Electric Division  
February 7, 1967

TO: Mayor and City Council  
FROM: W. H. Fell  
SUBJECT: ELECTRICAL CONDUCTOR BID REQUEST AUTHORIZATION

The Electric Division requests authorization to receive bids for about \$30,000 of electric power conductor. This material is required for increasing transmission and distribution capacity, and new and increased services, both overhead and underground. These items are provided for in the budget and must be bid now to assure delivery as required for our construction schedule.

s/ W. H. Fell

It was moved by Councilmember Smith, seconded by Erickson, that the Purchasing Agent be authorized to advertise for bids accordingly. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

TO: Honorable Mayor and City Council, City Hall  
FROM: Donald F. Lloyd, Public Works Director  
SUBJECT: L.I.D. ASSESSMENTS ON OMITTED LANDS  
DATE: February 3, 1967

During the construction of sewer improvements in Highland Park area under L.I.D. #27, assessments were placed on property which has since been declared omitted lands. The Highway Department is now purchasing right-of-way for the extension of Highway 20.

On seven (7) parcels the individual properties are now split so that a portion of each of these seven ownerships is now government land. The Highway Department is permitted to purchase only private lands.

**FEBRUARY 9, 1967**

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After discussion with the Public Works Committee and the City Attorney, it appears the only reasonable approach is to pro-rate the assessment debt in accordance with the area of land remaining in private ownership.

I therefore, would recommend the Mayor and Council instruct the City Attorney to draft a resolution for pro-rating those L.I.D. assessments which would be affected by the relocation of Highway 20.

Respectfully submitted,  
s/ Donald F. Lloyd

It was moved by Councilmember Nelson, seconded by Smith, that the City Attorney be instructed to draft a resolution for pro-rating the L.I.D. assessments in question, as recommended. Roll call as follows: Ayes, 5; No, none; carried.

The Police Chief submitted the following:

City of Idaho Falls  
Police Division  
February 8, 1967

TO: Honorable Mayor and City Council, City of Idaho Falls  
FROM: Office of the Chief of Police  
SUBJECT: SUGGESTED AMENDMENT TO CITY ORDINANCE

It is recommended that City Ordinance 10-10-11 be amended to coincide with the present Idaho State Code 49-752a.

49-752a (In part) - All traffic overtaking or passing a school bus from either direction shall stop when the stop arm is extended and shall remain stopped until the stop arm is retracted or until signaled by the bus driver to proceed.

10-10-11 - PASSING SCHOOL BUS: The driver of a vehicle upon any street or alley in the City, upon meeting or overtaking from either direction any school bus, which has stopped on such street or alley for the purpose of receiving or discharging any school children, shall stop his vehicle before reaching such school bus, and shall not proceed until the school bus resumes motion, or until signaled by the driver to proceed. (Ordinance 949-9-8-59)

Suggest 10-10-11 be amended to read similar to:

The driver of a vehicle upon any street or alley in the City, upon meeting or overtaking from either direction any school bus, which has stopped on such street or alley for the purpose of receiving or discharging any school children and has the STOP ARM EXTENDED, shall stop  
**FEBRUARY 9, 1967**

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his vehicle before reaching such school bus, and shall not proceed until the STOP ARM IS RETRACTED, or until signaled by the bus driver to proceed.

Respectfully submitted,  
s/ Robert D. Pollock  
Chief of Police

It was moved by Councilman Wood, seconded by Erickson, that the City Attorney be directed to prepare an appropriate amendment to the City Ordinance as recommended. Roll call as follows: Ayes, 5; No, none; carried.

This communication was presented and read:

Idaho Surveying - Rating Bureau  
Boise, Idaho  
February 8, 1967

Mr. S. E. "Eddie" Pedersen, Mayor  
City of Idaho Falls  
Idaho Falls, Idaho

Dear Mayor:

I have just been informed by the American Insurance Association that their offices will perform the grading of the fire protection facilities of the City of Idaho Falls, and that this grading will be conducted sometime this spring. They indicated that there had not been a definite date set for this grading but that your office would be informed a week or so prior to the arrival of their Engineers.

If this office can help you in any way please feel free to contact us.

Very truly yours,  
s/ Karl K. Goble  
Chief Engineer

No Council action was considered necessary.

From the Airport Manager the following memo was considered:

City of Idaho Falls  
February 6, 1967

TO: Mayor and City Council  
FROM: Airport Manager  
SUBJECT: SPACE CHANGE - AIRPORT TERMINAL BUILDING  
**FEBRUARY 9, 1967**

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Western and West Coast Airlines have requested permission to expand into the area formerly occupied by Frontier Airlines. Mutual agreement has been made as to the sharing of the additional space.

At no cost to the City they desire to:

1. Seal two interior office doors.
2. Install two interior doors at different locations.
3. Relocate two counter partitions.
4. Install an additional cargo gate in the loading area fence.
5. Refinish interior as needed.

If approved, footage and rental fee changes will be incorporated in the airline's present leases.

I recommend approval of this request.

s/ H. P. Hill

It was moved by Councilmember Wood, seconded by Smith, that the renovation in the airport terminal building by the airline companies be approved as recommended. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor made the following re-appointments: To the Recreation Commission, for three year terms, Messrs. Wes Deist and N. D. Anderson; to the Planning Commission, for six year terms, Messrs. Floyd Heyrend, Richard Poitevin and Richard Clayton. It was moved by Councilman Wood, seconded by Nelson, that these appointments be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

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

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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