

JANUARY 5, 1967

The City Council of the City of Idaho Falls met in a Regular Meeting, Thursday, January 5, 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, Nelson, Parish, Freeman, Erickson, Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Ray Browning, Building Official; Don Lloyd, Public Works Director; Les Corcoran, Fire Chief.

Minutes of the last recessed Regular Meeting, held December 22, 1966, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for considering the rezoning of the Sacred Heart Hospital property. It was noted by Building Official Browning that this carried with it a recommendation from the Planning Commission that it be rezoned from R-P and R-1 to RPA so that a conditional use permit could be issued for new construction. Councilman Parish, recognizing that certain nearby residents object to this proposed rezoning, registered an opinion to the effect that it would be within the power of the City Council, with a properly advertised public hearing, to authorize the issuance of a conditional use permit in an RP zone and thus, eliminate the necessity of rezoning. Parish continued by admitting that the Planning Commission apparently did not share this opinion but felt this was occasioned, not by an express prohibitive directive in the Zoning Ordinance but, rather because the Ordinance is ambiguous with reference to what is and is not prohibited with relation to semi-public uses and particularly hospitals. Councilman Nelson, also noting that nearby neighbors objected to any change of zone, concurred with Councilman Parish and said he would not be so prone to agree except that the Ordinance provided for public use facilities in any zone. He continued by saying that it was surely the intent of the Planning Commission to have the hospital remain in this high residential zone, as indicated by the fact that they voiced no objection to its continuance when the City was completely zoned or rezoned when the comprehensive Zoning Ordinance was passed. The Mayor asked the City Attorney whether or not it would be within the rights of the Council to grant a conditional use permit this night if they so decided. The City Attorney said that, in instances of ambiguities such as this one, the construction and interpretation determined by the Council is very important but that, in his opinion, in the absence of public protest, this hearing this night should suffice and that, if the Council were to so decide, a conditional use permit for a hospital could be granted in any zone. He recommended, however, that if this were done the Ordinance should be amended as soon as possible to eliminate ambiguities and to clarify said action, particularly with regard to hospitals.

Mr. Lloyd Stalker, Chairman of the Board of Adjustments but also a nearby resident, appeared before the Council to explain why he and other nearby residents objected to any zone change. He cited an Idaho court decision involving residential property across from commercial property. He said the court ruled that, because of the commercial zone across the street, the residential property was entitled to a similar zone. Stalker concluded by saying that, in his opinion, the intent of the Zoning Ordinance would be better served by a conditional use permit in the existing zone. Messrs. Vincent Mullin, Lloyd Holden and Richard Boyle, all nearby residents, appeared briefly and concurred with Mr. Stalker. In the absence of further comment, it was moved by Councilmember Wood, seconded by Smith, that the rezoning proposal for the Sacred Hospital property be denied. Roll call as follows: Ayes, 6; No, none; carried.

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It was then moved by Councilmember Wood, seconded by Smith, that the Building Official be authorized and directed to issue a conditional use permit, when requested, for the proposed construction on the property in question and that the City Attorney be directed to draft an appropriate amendment to the Zoning Ordinance pertaining to hospitals for treatment of human beings to permit the issuance for conditional use permits in any zone. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this concluded the zoning hearing. Later during the Council session, Mr. Howard Nobel, Chairman of the Planning Commission, appeared. The Mayor explained to him in detail the Council's deliberations and thinking on the matter and, finally, the action taken.

Mrs. Dorothy Hickey, City Librarian, appeared before the Council, urging that the Council exercise the purchase option on the Wackerli property prior to its expiration on April 1st, 1967, so that Federal building funds can be applied for. The Mayor explained that this expenditure would be given every consideration in the 1967 budget.

The Mayor submitted his State of the City Message as follows:

Office of the Mayor
Idaho Falls, Idaho
January 4, 1967

STATE OF THE CITY MESSAGE

With pendulum-type public philosophy, it behooves us as City Administrators to more closely scrutinized our fiscal position. Programming for the year 1967, as the members of the City Council have recognized, has become difficult because of the urgency of so many capital improvements.

I would hasten to recommend that we not submit for election, at this time, a proposal to issue general obligation bonds against our bonding capabilities.

Projects such as the Library and a river bridge will have to be funded by this type of financing. The actual construction of these necessary facilities will have to be considered in the near future. Already Federal-aid projects authorized and committed, to date, total \$1,200,000.00 City share is approximately \$400,000.00 to develop. These include Parks improvements, 17th Street construction and the Airport. City's share must be budgeted from current revenue.

There are City-County joint functions which are examples of good economy.

First: Medicare is now a reality and the transition has caused no great problems because of the cooperation received from both hospitals - other public health responsibilities are worked out with mutual accord.

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It is quite apparent that the Water Department will be asked to furnish a feasibility report to the Council to evaluate a fluoridation program for City water.

Specifically, a City problem the Council will recognize the need to upgrade our medical program under the health and welfare activities of the City.

Today, workman's compensation and prisoner care cases are just handled as they occur, without predetermined procedure for functional or financial responsibility. It is only through good fortune that costly liabilities have not occurred within our jail. We would propose a realistic medical program.

The City Civil Service Board operates, as an example, of a fine medical standards policy.

Second: Law enforcement is an example of governmental bodies working together for the best public interest. This mutual cooperation, exists on a Federal, State, County and City level - with improved equipment and fine personal relations, they more closely function as one organization.

Third: Another example of City-County cooperation is within our Engineering Staff. On technical matters where coordination counts, duplicating efforts have been avoided.

To further enhance our working relations, I would suggest more frequent formal meetings of the two governing boards. Also, records should be kept to eliminate any misunderstandings.

Cooperation between City and School Districts in matters of mutual interest is at a high level.

It is my firm belief that the City should, where advisable, actively participate in the promotion of the gradual growth of the National Reactor Testing Station. We are extremely fortunate to have such professional and physical capabilities within our area and, in the future, they should attract new testing projects.

The long range plan for the operation of our Municipal electric utility is to furnish the best electrical service at the lowest possible cost, in keeping with sound business practices.

The past two years the Council has seen fit to make sizeable investments in capital improvements in this utility. It appears that equal funds must again be expended to maintain the same pace of new growth demand and system upgrade.

The upper dam serves as the keystone to a fine recreational and residential area. Investigations are proceeding to determine the most economical means to consider the manner

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in which this structure can be restored and if by including recreational cost benefits, it would be permissible to finance this project from electrical revenues on a long term basis.

At various intervals during the foregoing presentation, he gave each Councilmember an opportunity to be heard. Councilman Freeman, as Chairman of the Parks and Recreation Committee, spoke encouragingly about the past progress and the future toward the neighborhood concept of parks, swimming pools, and tennis courts. He said the purchase of land and the joint use arrangement with the School District has been and should continue to be successful. Councilmember Smith, as Chairman of the Electrical Committee, commended the Electrical Division for its man power dedication and ability, upgrading of the system and the successful extension into newly developed areas. Councilman Parish, as Chairman of the Fiscal Committee, reported on the City's financial position as of December 31st, 1966, with a cash position in all funds, dedicated and otherwise, of \$851,223.05, investments of \$504,427.46 for a total of \$1,355,650.51. He said that the City ended its yearly operation in the black and that, for the past two years, it has been completely on a cash basis, operating within its budget and in a position to promptly pay all bills and honor all warrants. Councilman Erickson, as Chairman of the Police and Fire Committee, reported specifically on an existing problem of fire protection deficiency in the County. He said the County Commissioners have acknowledged this and are in the process of creating a Fire District. He said a public hearing has already been held with no protests and that an election service arrangement for County Fire protection be continued. This motion was seconded by Councilman Freeman. Roll call as follows: Ayes, 6; No, none; carried. Councilman Parish, directing his comments to the press reporter, asked that accurate publicity be released, revealing the true cost to the City of approximately \$42,000 a year to man and maintain the Snake River Mutual Fire Truck.

Bills for the month of December, 1966, 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	\$150,490.68	\$67,076.84	\$172,567.52
Fire Bonds	33,159.32	3,874.07	37,033.39
Water & Sewer Fund	8,491.29	16,143.08	24,634.37
Electric Light Fund	29,797.16	77,465.83	107,262.99
Recreation Fund	2,002.85	1,974.69	3,977.54
Police Retirement Fund	<u>2,234.42</u>	<u>.00</u>	<u>2,234.42</u>
<u>TOTAL FUNDS</u>	\$181,175.72	\$166,534.51	\$347,710.23

It was moved by Councilman Parish, seconded by Wood, 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, 6; No, none; carried.

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Reports from Division and Department Heads were presented for the month of December, 1966, and there being no objections, were ordered placed on file in the office of the City Clerk.

License applications for PHOTOGRAPHER, Diane Sielinsky; TAXI CAB PERMITS, Norris W. Hendrickson for Yellow Cab; DANCE HALL, Bettie E. Lewis for Buckhorn Gardens, Arthur Herrera for Frontier Bar, Ray Hardisen for Geno's Bar; ROOMING HOUSE, Edythe Reynolds for Pack Rooms; DAIRY, Margaret H. Rowland for Rowland's Dairy; RESTAURANT, Irven Rock for Rock's Village Café, Robert Newman for Russett Bar & Café, Gary Pulfrey for J. J. Newberry, Lennis Terrill & Dan Taylor for Mobile Café; GROCERY STORE, Wayne Aiman for Aiman's Superette, Lowell Bybee for Bybee's Market, Dale Parker for Parkers Brothers Poultry, Richard Koster for Dick's Super Market, Andy Stavros for Midget Market, Lee A. Wilson for Wilson's Beeline, Duane Browning for Mite-E-Mart; ELECTRICAL CONTRACTORS, Earl D. Nelson for Nelson's Electric, Kenneth J. Fisher for Fisher Electric, Charles W. Bateman for Imperial Electric, Walter L. Whipple for Whipple Electric, C. P. Jeppesen for Sparks Electric, H. M. Groesbeck for Groesbeck Furnace Co., Almon L. Brown for A. L. Brown Electric, Albert Dale Nyman for C. L. Electric, Robert Oyler for Electrical Enterprise, Floyd M. Gifford for F & L. Electric, Loyale Babbitt for Babbitt Electric, Clarence Shore for Shore Electric; JOURNEYMAN ELECTRICIAN, Earl D. Nelson, Charles Bateman, Jack B. Dalton, Walter Whipple, Curtis Walter, H. M. Groesbeck, Norman L. Thompson, Larry E. Jensen, C. P. Jeppesen, Max Cobbley, Almon L. Brown, Ariel Hill, Robert E. Oyler, Floyd Gifford, Kay Thurman, Glen S. Landon, Thayle D. Monson, Clarence Shore, John D. Boyle, Robert E. Brown; APPRENTICE ELECTRICIAN, Weldon Whipple, Lynn Lish, Grant Carlson, Keith Garrett, Ronald A. Moore; MASTER PLUMBER, Wallace Pendleton with Wally's Plumbing and Heating, John Siqueiros with J. & R. Plumbing, Ray Goyen with Ramrk Plumbing, Max Groom with Modern Plumbing & Heating, F. L. Pendleton with Pendleton Plumbing & Heating, Aulden R. Kerr with Kerr Plumbing & Heating, W. C. Sanderson with American Plumbing & Heating, Ivan Mathews with Mathews Plumbing & Heating, Vern Saxton with Saxton Plumbing; JOURNEYMAN PLUMBER, Daniel R. Lewis, Lewis L. Thompson, Don C. Frisby, Dale E. Terry, Ray Goyen, Max Groom, Rex Rolfe, Blair Cuthbert, F. G. Pendleton, Darwin Mathews, Charles M. Olsen, Pat R. Rokus; APPRENTICE PLUMBER, Gene Mathews; CLASS C CONTRACTOR, WARM AIR HEATING, GAS FITTING, REFRIGERATION, Darrell Landon with Conan and Landon; CLASS C CONTRACTOR, WARM AIR HEATING, & GAS FITTING, Robert Schriener with Schriener Heating and Air Conditioning, Loyale Babbitt with Babbitt Electric & Refrigeration Co., Richard Wiemer with Wiemer & Wilcox Heating; CLASS C CONTRACTOR, WARM AIR HEATING, WET HEAT, Max Groom with Modern Plumbing & Heating; CLASS C CONTRACTOR, GAS FITTING, WET HEAT, Aulden R. Kerr with Kerr Plumbing & Heating, John C. Siqueiros with J. & R. Plumbing; CLASS D CONTRACTOR GAS FITTER, Darrell O. Bennett with Idaho Potato Growers, Inc.; CLASS D WARM AIR HEATING, H. M. Groesbeck with Groesbeck Furnace Co.; CLASS D CONTRACTOR, WET HEAT, Vern Saxton with Saxton Plumbing; CLASS D CONTRACTOR, REFRIGERATION, Darrell Baker with Baker Refrigeration; JOURNEYMAN GAS FITTER, John Siqueiros, Charles M. Olson; CLASS B JOURNEYMAN, WARM AIR HEATING & GAS FITTING, Wallace Pendleton; CLASS C JOURNEYMAN, WARM AIR HEATING & GAS FITTING, Richard Wiemer, Robert Schriener, Raymond Landon, Kent McGary, Elbert M. Willis, Max W. Russell; CLASS C JOURNEYMAN, GAS FITTER, WET HEAT, Daniel R. Lewis; CLASS D JOURNEYMAN, WARM AIR HEATING, H. M. Groesbeck, Donald Williams, Wilford Wilcock, Lee Wessell, James O.

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Walker, Leonard Sayer, John W. Baxter; CLASS D JOURNEYMAN, REFRIGERATION, Vaughn Johnson, S. A. Culbertson, Darrell Baker, Bill Johnson, Darrell D. Smith; CLASS D JOURNEYMAN, WET HEAT, Don Frisby; CLASS D APPRENTICE, GAS FITTER, Leonard Sayer, Keith Garrett, Alon C. Frisby; TAXI CAB DRIVER, Warren D. Miles, Donald E. Woods, Albert E. Lewis, Arthur Hammer, James I. Roland, Frank C. Gibbons, Donald R. Wilson; BEER, CANNED, BOTTLED & DRAUGHT, TO BE CONSUMED ON THE PREMISES, Ray A. Hardison for Geno's Bar, Ray V. Robison for Robison Motel & Bar, Arthur S. Herrera for Frontier Bar, Ruth Gibbons for the Blue Room, Jim Purcell for Fred & Kelly's; BEER, CANNED, BOTTLED AND DRAUGHT, TO BE CONSUMED ON THE PREMISES, Ted LeBaron for LeBaron's Coffee Shop; BEER, CANNED & BOTTLED, NOT TO BE CONSUMED ON THE PREMISES, Duane Browning for Mite-E-Mart, Andy E. Stavros for Midget Market, Ralph L. Coy for Fairway Service, John S. Gamble for Gamble's Fine Foods, Richard Koster for Dick's Super Market, Lowell G. Bybee for Bybee's Market, Wayne Aiman for Aiman's Superette, Donald J. Cook for Cook's Super Market, Lee Raymond Wilson for Wilson's Beeline Service; LIQUOR, Leonard Messmer for Leonard's Airport Lounge, Robert Newman & Lynn Pierce for Russett Bar & Café, Willard R. Wood for Westbank Coffee Shop & Lounge, Benevolent Order & Protective Order of Elks, Lodge #1087, Reed McKnight, Millard M. Divine for Broadway Café & Lounge, were presented. It was moved by Councilmember Nelson, seconded by Smith, that all licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This claim for damages was presented and read:

Sharp, Anderson & Bush
Attorneys at Law
Idaho Falls, Idaho
January 3, 1967

S. Eddie Pedersen
City of Idaho Falls
Idaho Falls, Idaho

Dear Mayor Pedersen:

In the early morning hours of December 24, 1966, an explosion occurred at the property of the Mel Brown Company, located on South Utah Avenue in Idaho Falls. Damages caused by the explosion and the resultant fire were extensive to the main building of the plant, a Quonset type building located immediately south thereof, and the contents of both buildings. Preliminary estimates indicate the loss in the neighborhood of \$60,000.00, although, of course, they have not yet been determined with certainty.

Our preliminary investigation indicates that the explosion was caused by a break in the natural gas service line extending in front of the Mel Brown Company property. Further, we have been informed that last summer the City employees, while engaged in the installation of a fire hydrant in front of the subject property, apparently accidentally struck the gas company

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line, causing the same to bend and, perhaps, fracture. At any event, investigation after the explosion, revealed the gas line had broken at the point of impact against the line, and that the gas escaping from the break, had found its way into the Mel Brown Company building where it was ignited.

In view of the foregoing, we feel the City has a responsibility for the explosion and fire and resultant extensive damage. Accordingly, demand is hereby made upon the City of Idaho Falls, Idaho, for the sum of \$60,000.00, being the tentative amount of damages sustained by the Mel Brown Company. We will, of course, reserve the right to amend the extent of our claim until such time as an accurate survey has been made to determine the exact loss so sustained.

We shall appreciate receiving from you a notification of the action taken by the City upon this claim.

Very truly yours,
s/ John M. Sharp

It was moved by Councilman Freeman, seconded by Erickson, that this be referred to the City Insurance Adjustor for investigation and proper handling. Roll call as follows: Ayes, 6; No, none; carried.

A notice of completion of public works was submitted, covering the runway project at the airport by Aslett Construction Company. It was moved by Councilmember Wood, seconded by Smith, that the City Clerk be authorized to publish as required by law. Roll call as follows: Ayes, 6; No, none; carried.

A City redemption tax deed was presented in favor of the State of Idaho, Department of Highway, accompanied by an appropriate resolution, to-wit:

RESOLUTION (Resolution No. 1967-01)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 15th day of November, 1961, recorded in Book 138 of Deeds at Page 187, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots Forty (40) and Forty-One (41), Block Thirty-Seven (37) Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, State of Idaho, Department of Highways, has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

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NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk, be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the Department of Highways, State of Idaho, a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 5th day of January, 1967.

APPROVED BY THE MAYOR this 5th day of January, 1967.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Freeman, seconded by Nelson, that the Mayor and City Clerk be authorized to sign the resolution and the deed. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was studied:

City of Idaho Falls
Office of the Purchasing Agent

Motor Fuels & Lubricants (School & City)

Honorable Mayor and Councilmembers:

Tabulation of bids for motor fuels and lubricants is attached.

Evaluation of the bids as accepted follows:

Ethyl Gasoline	Ray Groth Oil Company	\$2.008
Diesel Fuel	Humble Oil Company	\$1.147
Diesel Oil	Ray Groth Oil Company	\$5.794
Motor Oil Regular	American Oil Company	\$5.589
Motor Oil Viscosity	American Oil Company	\$5.795

This is a joint bid City of Idaho Falls and School District #91 for fuel and oil for City vehicles for the year 1967.

It is the recommendation of the Purchasing Department that the above bids be accepted.

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This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Nelson, seconded by Parish, that the various bids for the motor fuels and lubricants be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

An urban planning assistance contract was presented, covering Phase II of the 701 Planning Program. City Planner Gilchrist reported that he had studied the instrument and that it met all the necessary requirements. City Attorney Smith said it was in proper legal form. It was moved by Councilmember Wood, seconded by Smith, that this contract be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1176

AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, SECTION 20 OF THE CITY CODE OF IDAHO FALLS, IDAHO, CHANGING THE FEES TO BE ASSESSED WITHIN THE CITY OF IDAHO FALLS, IDAHO FOR THE COLLECTION OF GARBAGE; 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 Councilmember Parish, seconded by Nelson, that the provisions of Section 50-2004 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 50-2004 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.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
