

NOVEMBER 22, 1966

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Tuesday, November 22, 1966, 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, Erickson, Wood, Nelson, Parish, and Freeman. Also present: Roy C. Barnes, City Clerk; Robert Fanning, representing the City Attorney Firm of Albaugh, Bloem, Smith, & Pike; Ray Browning, Building Official; Robert Pollock, Police Chief; Don Lloyd, Public Works Director; William Fell, Electrical Engineer.

Minutes of the Last Recessed Regular Meeting, held November 10, 1966, were read and approved.

The Mayor announced that this was the time and the place for conducting a public hearing for the purpose of considering the zoning or rezoning of certain properties, as advertised. First to be considered was the recently annexed Homer Commercial Addition. There were no protests. It was moved by Councilmember Wood, seconded by Smith, that upholding the recommendation of the Planning Commission, the area be zoned GC-1 except for Lots 1, 2, 3, Block 3; Lot 1 and the southerly 275 feet of Lot 2, Block 2, these exceptions to be zoned HC-1. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor then introduced the petition of the Home Investment Company and Smith Chevrolet Company, requesting rezoning of Lots 41 to 46 inclusive, Block 9, Mayflower Addition, from HC-1 Limited Business to either GC-1, General Commercial or I & M-2, Industrial and Manufacturing. It was noted that this carried a Planning Commission recommendation for denial.

Mr. John Sharp, local attorney, appeared before the Council, representing the Smith interests, and drew attention to the fact that this rezoning request met with the approval of all property owners within 200 feet as indicated by a signed petition to that effect. Mr. Sharp said his client admits that construction of the structure on this property, a canopy covering for used cars, posed a problem by proceeding without a building permit, noting further, that this resulted in the issuance of a citation and a fine by the Municipal Court which is presently under appeal. He said his client, by this rezoning petition, is not attempting to avoid the penalty for the wrong doing, if proven so by the Court. He said his client is prepared to furnish the City with a restrictive covenant, in legal form, which could be recorded and which would restrict the use of the property to that of a used car lot. He described the use of all the surrounding property. Sharp said that, in his opinion, the canopy over the used cars is not a disadvantage to the City and that, due to its utilitarian value and appearance, is an advantage to his client and the area.

Councilman Parish noted that, if the zone is changed as requested, the frontage requirements would change accordingly, and that, under those circumstances, even a letter of agreement would be of no value, especially if the property were to change hands. Sharp said this could be handled by a restrictive covenant which could be conveyed with the title. Parish said that he would rather leave the zone as is with the understanding that in the event the street is widened or converted to an arterial, the structure must be removed. The Mayor noted that this street will eventually be designated as the main highway out of the City toward Yellowstone Park and the width will eventually be needed for traffic. Councilmember Smith commented to the effect that the structure, as long as it remains, will pose a problem from the standpoint of view obstruction. Councilman Wood

said he felt it was unfair to make demands toward the removal of the structure and still permit the parked cars. Wood said he could foresee no problem in the granting of a variance as long as the

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Council had received the assurance that the structure would be removed if needed for street purposes and as long as the property owner was willing to back up said assurance in writing. Councilman Parish reminded the Council that the purpose of this hearing was not to determine whether or not a variance was to be granted but, rather, to determine whether or not the property was to be rezoned and again reiterated the fallacy of any further rezoning consideration. It was moved by Councilmember Smith, seconded by Parish, that the Planning Commission recommendation be upheld and the rezoning request be denied. Roll call as follows: Ayes, Councilmembers Parish, Freeman, Erickson, Nelson and Smith; No, Councilman Wood. Carried.

Councilman Parish, noting the "No" vote of Councilman Wood on the foregoing rezoning issue, drew attention to his previous comments which seemingly favored the granting of a variance. Parish asked Wood if he actually favored rezoning the area in question which, if permitted, would set a precedent for similar rezoning of all other nearby property. Wood explained that he was only interested in a solution to the problem by one means or another. Parish suggested, with general Council agreement, that the City Attorney and Mr. Sharp confer on the matter and study the Zoning Ordinance to explore every legal means of resolving the problem in a manner that would be valid, sound and workable and that their findings should then be presented to the Board of Adjustment for their perusal and recommendation.

Mr. Ray Longhurst, local merchant, appeared before the Council representing downtown businessmen, several of which were also present, reporting that several meetings have been held with the City Engineer and the Police Chief in an effort to find a solution to the downtown traffic problem during the holiday season. Mr. Longhurst noted that approximately \$1,000,000 per week in retail sales could be expected during the next few weeks and that the traffic is a discouraging factor to these potential customers. He sited several key intersections where traffic congestion could be expected and proposed that these intersections be subject to rigid patrol as a means of keeping traffic moving. Police Chief Pollock appeared briefly and said that certain things could be done and that his Department had plans for stationing patrolmen on intersections where necessary to keep traffic moving.

Mr. Kenneth Slusser, of the Slusser Wholesale Company, also appeared briefly, representing certain local businessmen, and said a resolution would be forthcoming shortly for Council consideration relative to 5th Street widening and conversion to two way traffic.

Mr. Floyd Williams, Instrumental Musical Director for Clair E. Gale Junior High School, appeared before the Council to introduce the subject of summer music activity in City parks. He proposed that this be initiated at a cost of approximately \$2,800.00. It was moved by Councilmember Erickson, seconded by Smith, that this proposal be referred to the Parks and Recreation Committee, and the Recreation Commission for further study. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Robert Sterling, local manager of the Chamber of Commerce, appeared and reminded the Council that the downtown traffic problem is covered in the second phase of the Rupeiks study and is worthy of serious study. He also concurred with Mr. Williams that the summer music activity has tremendous possibilities and is worthy of merit providing the cost is not prohibitive.

License applications for GROCERY STORE, Highland Grocery; JOURNEYMAN ELECTRICIAN, Richard Davis; DANCE HALL, Don's Bar; BEER, CANNED, BOTTLED AND DRAUGHT TO BE CONSUMED ON THE PREMISES, Stockman's Bar and Bon Villa Club; BEER, NOVEMBER 22, 1966

CANNED AND BOTTLED TO BE CONSUMED ON THE PREMISES, Stardust Restaurant & Lounge; BEER, CANNED AND BOTTLED NOT TO BE CONSUMED ON THE PREMISES, Highland Grocery; BEER, TRANSFER ONLY, from, Fred Huth to Floyd Murray for Fred and Kelly's Broiler, were presented. It was moved by Councilman Erickson, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Directors, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a notice of completion of public works on street improvement under L.I.D. #36. It was moved by Councilman Nelson, seconded by Parish, that authorization be granted to publish, as required by law. Roll call as follows: Ayes, 6; No, none; carried.

A termination rider was presented to Union Pacific L & T Lease Agreement #15207, covering a sign board site no longer needed by the City. It was moved by Councilmember Freeman, seconded by Smith, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilmember Smith reported that the request for a sign at the Nielsen home occupation residence at 688 North Holmes Avenue had been investigated. She said approving signatures had been obtained of all nearby property owners. Councilman Freeman registered concern that this appeal, if approved, would be precedent setting because of the residential zone plus the fact that this was in the home occupation category. It was moved by Councilmember Smith, seconded by Parish, that approval for installation of the sign in question, be granted. Roll call as follows: Ayes, Councilmembers Wood, Nelson, Parish, Erickson, and Smith; No, Councilman Freeman, carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
