

NOVEMBER 10, 1966

The City Council of the City of Idaho Falls met in a Recessed Regular Council Meeting, November 10, 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 Parish, Freeman, Erickson, Wood, Nelson. Absent: Councilmember Smith. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; Ray Browning, Building Official; Robert Pollock, Police Chief.

Minutes of the Last Recessed Regular Meeting, held October 27th, 1966; were read and approved.

The Mayor announced that this was the time and the place for reconvening a portion of a previous zoning hearing for further consideration of an amended rezoning petition by Peter Maharas and others on previously described Holmes Avenue property. It was noted that the Planning Commission had recommended denial on November 8th, 1966 by a 4-4 vote, broken by the Chairman. A new article covering said Meeting had reported that property owners on the east side of Holmes had appeared at the Meeting and had demanded consideration to rezone their side of the Street if the Commission voted to recommend the rezoning. In this connection the City Clerk presented and read the following:

503 Gladstone
Idaho Falls, Idaho
November 10, 1966

Mr. Eddie Pedersen, Mayor
City of Idaho Falls
Idaho Falls, Idaho

ATTN: Idaho Falls City Council

Dear Mayor Pedersen:

Please note attached news clipping which appeared in the November 9 edition of the Post Register. The paragraph regarding property owners on the east side of Holmes Avenue demanding consideration to rezone their side if the Commission voted to recommend approval is false. No demands were made by other property owners.

This matter is brought to your attention only because it could influence your decision in considering the petition of Mr. Peter Maharas.

Sincerely yours,
s/ Mrs. Bruce B. Brush

Mr. Howard Noble, Planning Commission Chairman, appeared and agreed that Mrs. Bush was correct. He did caution, however, that in the opinion of the Planning Commission, rezoning

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demands from the east side residents would eventually be inevitable. Councilman Nelson said he assumed, in view of the manner in which the entire area is zoned, that the need for a buffer is limited to one of protecting the east side residents. Councilman Wood noted a decision in a recent court case where it was ruled that a street can serve as a zone boundary. Noble said that in his opinion and contrary to the opinion that a street suffices as a buffer, the Council, when faced with a decision on rezoning the east side of the Street, will realize that the Street, in itself, will not suffice as a buffer strip.

Mrs. Molly Micek, 1035 12th Street, appeared before the Council, noting that she and her husband own commercial property within 200 feet of the area now being considered for rezoning, and protested the rezoning petition. She said such action would establish an unwanted and unneeded precedent for Holmes Avenue. Mrs. Micek reminded the Council that there is a substantial amount of C-1 zoned land within the City which remains undeveloped, thus adding to the weed problem. She noted that this property is next to a church and across from a park and that C-1 zoning would add to the traffic problem and create an additional safety hazard, especially for children. She continued by saying that the present R-3A zone was properly established as a buffer for residential property across the street. In her opinion, commercial zoning, in itself, does not add to property values but does lower the value of the surrounding residential property. Noting that Mr. Richard Nielsen, living east of Holmes Avenue, was now favoring the rezoning, she said that, as recently as a year ago, he protested commercial zoning but has now had a change of heart by virtue of the fact that he owns and operates a gift shop as a home occupation. Mr. Nielsen appeared to correct Mrs. Micek and to say he had protested highway commercial rezoning, not C-1 zoning.

Mr. Vern Kidwell, Attorney for Mr. Maharas, appeared before the Council, noting that the area immediately in back of the Maharas property is now zoned light commercial and that the land use map designates all the area north of Garfield for commercial use. Mr. Kidwell registered an opinion that, in view of the circumstances, probably one of the reasons this property is not developed is because of its present zoning. He said it was difficult for him to understand the need for a buffer for residents living on the west side of the street when they, too, favored the rezoning. He said that, in the opinion of his client, the City is now over developed with apartment houses and professional buildings and that C-1 would permit non-retail business which would not be detrimental to the area.

Mr. W. K. Robison appeared before the Council representing his father, Roy A. Robison, 3195 East 25th Street, presenting and reading the following:

Idaho Falls, Idaho
November 10, 1966

To Mayor Pedersen and the Council of the City of Idaho Falls.

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Greetings:

Not being able to appear at the scheduled Council Meeting, I am authorizing my son, W. K. Robison to present my views in regards to the rezoning of No. Holmes to C-1 Zoning. Let me say that a leading realtor of Idaho Falls, after appraising 11 lots on Holmes and College belonging to me made the statement 5 years ago that in his estimation all of Holmes Avenue, north of First Street on both sides, should be commercial zoning. Remember, as a property owner we buy the paving and sidewalks, and pay the taxes and not the City Council or the Planning Commission, so we should have the right to take advantages of any change for the better. This area has been held back from commercial zoning until it has become a semi-slum area, and will remain so until the change is made. I for one will not develop my property under the present zoning. I would rather let it go and become an eye sore to the City than invest unwisely. This area is not adapted to homes or apartment buildings. I will also advise that this street should be C-1 back 200 feet from the property line to allow for off-street parking. Can the City afford the loss of taxes from business on this street that may locate out of the City. I will also make a statement that this street has been considered a four-lane street and also the City placed no parking signs on both sides of Holmes and I for one was not contacted regarding the signals. If I parked in front of my own property I could get a police summons for doing so, now I am asking the Mayor and City Council to make the change so that this City can develop as it should. If the change is not made, then in my opinion, the City Council and Mayor are being unfair to the property owners of this area.

Thank you very kindly,
s/ Roy A. Robison

He noted that his father owned property to the north of the Richard Nielsen property.

Mr. Rex Bischoff, 816 11th Street, appeared before the Council as an owner of property on the west side of Holmes on the corner of May and Holmes Avenue. He noted that the income from his property is nominal and that there is no appeal nor demand for it under its present zoning. He said it should also be of interest to the City the fact that the tax revenue from his property suffers accordingly. Asked by Councilman Wood to what use he would put the property if rezoned, Mr. Bischoff said he presently had not development plans. He said there was a time that he did have either interested purchasers or development plans but these had to be abandoned, due to the improper zoning. Mr. A. W. Hunter, local realtor, appeared as an owner of property north of Mr. Bischoff's and said it would be better if Mr. Maharas were in a position to present a development plot plan but, even so, he favored the rezoning. Councilman Freeman urged that this rezoning matter be resolved at an early date, either by approval or denial, so that all affected property owners would better be in a position to plan on a long range basis. Freeman, drawing attention to the possibility of Holmes becoming an arterial, registered concern about the increased traffic and traffic congestion on this portion of Holmes if rezoned commercial. Councilman Parish said the land use map had not designated this street as an arterial but, rather, a collector. Parish did register concern, however, about the future of Holmes Avenue. He said he was not yet convinced that Holmes was destined to

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become commercial due, among other factors, to its minimum width, proven by the fact that it was found necessary to eliminate parking. Parish continued by saying that if the adjacent property were zoned commercial it would adversely affect said property for residential use. Parish concluded his remarks by noting that, in his opinion, if this property were rezoned, adjacent property east of Holmes Avenue must be handled similarly when or if the request is made. Councilman Nelson asked about anticipated use. Mr. Peter Maharas appeared briefly to say he had no immediate development plans. Instead, he hoped the rezoning, if approved, would create the demand. Maharas pointed out that the construction of apartment houses would, when occupied, result in the presence of more children which should be discouraged due to the heavy traffic. He said prospects for commercial development have, to date, gone elsewhere due to the R-3A zone. Councilman Erickson concurred with Councilman Parish on the question of whether or not Holmes was destined as a commercial street. He said it has already been proven that the elimination of parking has hurt certain property owners. He said there is a possibility that if this property is zoned the Council might find themselves in a contradictory position due to the increased traffic and traffic congestion. In the absence of further discussion, the Mayor noted that in his opinion, there are two salient questions: First, has the property owner been denied the most acceptable use of his property? and second, is this rezoning, whether approved or denied, in the best public interest. He said the members of the Council should consider these factors when casting their vote.

Councilman Parish, recognizing the fact that this rezoning issue was about to be put to a vote, said that in his opinion, the Council in this instance, did not have the usual majority recommendation of the Planning Commission as a guide and therefore, the decision must be made by the Council and should not reflect upon the Planning Commission. It was moved by Councilman Wood, seconded by Nelson, that the area covered by the amended petition, signed by Peter Maharas and others, be rezoned from R-3A to C-1. Roll call as follows: Ayes, Councilmembers Parish, Wood & Nelson; No, Councilmembers Freeman, & Erickson; carried. The Mayor instructed the Building Official to incorporate the foregoing zoning change on the official zoning map, located in his office. He then extended to the Planning Commission, through Chairman Howard Nobel, his sincere thanks for the many diligent hours of study and research on this rezoning issue.

Bills for the month of October, 1966, having been properly audited by the Finance 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	\$105,052.31	\$83,269.87	\$188,322.18
Fire Bonds	29,868.79	3,565.43	33,434.22
Water & Sewer Fund	8,526.97	27,062.73	35,589.70
Electric Light Fund	28,860.87	49,718.91	78,579.78
Recreation Fund	1,590.20	499.68	2,089.88
Police Retirement Fund	<u>2,234.42</u>	<u>.00</u>	<u>2,234.42</u>
<u>TOTAL FUNDS</u>	<u>\$176,133.56</u>	<u>\$164,116.62</u>	<u>\$340,250.18</u>

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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, 5; No, none; carried.

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

License applications for RESTAURANT, James C. Walp for North's Chuck Wagon; VENDOR, Homegrown Produce, LaMaun Esplin; APPRENTICE ELECTRICIAN, Mathalmo Florez; CAB DRIVERS, Bonnie Mae Telford; BARTENDER, Robert J. Rule, Lynn Pierce; CLASS D JOURNEYMAN, GAS FITTING, Ken C. Worthing; LIQUOR, C. B. McNeill, were presented. It was moved by Councilmember Erickson, seconded by Parish, that these licenses be granted, subject to the approval of the appropriate Division Directors, where required. Roll call as follows: Ayes, 5; No, none; carried.

This petition was presented and read:

PETITION

TO: THE MAYOR AND CITY COUNCILMEMBERS OF THE CITY OF IDAHO FALLS,
IDAHO
RE: APPLICATION FOR LICENSE AND LICENSE FEE FOR A POOL AND BILLIARD
HALL

WHEREAS, under the provisions of Section 5-13-2 of the Municipal Code of Idaho Falls, Idaho, your petitioner, Katz Nukaya, has made application for a license to operate a pool and billiards hall at 501 W. 17th Street, Idaho Falls, Idaho, under the style and firm name of Classic Billiards, and,

WHEREAS, your petitioner has at great expense to himself renovated such premises and placed therein ten tables for the playing of pool or billiards believing such business to be of a benefit to the City of Idaho Falls and to himself, and intending to operate such business on a permanent basis, and,

WHEREAS, the annual license fee on said ten tables would be \$92.00 under the provisions of Section 5-13-4 of the Municipal Code of Idaho Falls, Idaho, which in light of other businesses licensed under said City is a high rate of payment for said license, and,

WHEREAS, your petitioner desires to begin operating said pool and billiards hall during the month of November, 1966, and

WHEREAS, there are only two months or less remaining in the year 1966,

NOW THEREFORE, your petitioner, Katz Nukaya requests:

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1. That he be granted a license to operate a pool and billiard hall at 501 W. 17th Street, Idaho Falls, Idaho, under the style and firm name of Classic Billiards.
2. That a portion of the annual license fee of \$92.00 be waived for the year 1966 and that you allow your petitioner to pay 2/12 of such fee, a total sum of \$15.34.
3. That in consideration of such waiver, your petitioner hereby tenders the sum of \$15.34 for the year 1966 and \$92.00 for the year 1967, a total sum of \$107.84, for license fees for such years.

Respectfully submitted,
s/ Thomas C. Whyte
Attorney for Petitioner

It was moved by Councilman Erickson, seconded by Freeman, that the request be honored and a license be issued to Classic Billiards for 14 months from November 1, 1966 to December 31, 1967, in the amount of \$107.34. Roll call as follows: Ayes, 5; No, none; carried.

This damage claim was presented and read:

November 8, 1966

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

SUBJECT: RICHARD CRAMER DAMAGE CLAIM

(Taken from Police Report):

Richard Cramer was driving the above car going south on East River Road just north of the Union Pacific Railroad crossing at the northern City limits. A City of Idaho Falls dump truck, license (City) 20575 driven by Joseph Horner, was going north. As the two vehicles met a large rock fell from the truck striking the left side of the windshield on the Corvair shattering it in two places.

In compliance with a directive from the City of Idaho Falls' insurance carrier, The Shattuck Agency, dated May 27, 1966, I am submitting the attached loss notice for your consideration and action.

In view of the fact that it is dangerous to drive the vehicle in its present condition, an early consideration would be appreciated.

Respectfully submitted,
s/ A. Lowell Cramer
175 Evergreen Drive
Idaho Falls, Idaho

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It was moved by Councilman Nelson, seconded by Wood, that this be referred to the City insurance adjustor for investigation and proper handling. Roll call as follows: Ayes, 5; No, none; carried.

A City redemption tax deed was presented in favor of the State of Idaho, Department of Highways, accompanied by an appropriate resolution, as follows:

RESOLUTION (Resolution No. 1966-14)

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 16th day of January, 1956, recorded in Book 101 of deeds at Page 79, records of Bonneville County, Idaho, acquire title to and possession of the following described real property to-wit:

Lots Thirty-eight (38) and Thirty-nine (39), Block Forty-five (45), 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;

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 said State of Idaho, Department of Highways a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 10th day of November, 1966.

APPROVED BY THE MAYOR this 10th day of November, 1966.

It was moved by Councilman Freeman, seconded by Erickson, that the Mayor and the City Clerk be authorized to sign the resolution and the deed. Roll call as follows: Ayes, 5; No, none; carried.

Notices of completion of public works were presented on the following work projects: Foote Drive 8" water main, reconstruction of E Street and seal coating. It was moved by Councilman Nelson, seconded by Parish, that the City Clerk be authorized to publish these notices, as required by law. Roll call as follows: Ayes, 5; No, none; carried.

This appeal was presented and read:

**BEFORE THE CITY COUNCIL OF THE CITY OF
IDAHO FALLS, IDAHO**

NOVEMBER 10, 1966

In the Matter of the Petition of
HOME INVESTMENT COMPANY AND SMITH
CHEVROLET COMPANY, INC. FOR A REZONING

TO THE CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO:

NOTICE IS HEREBY GIVEN BY THE UNDERSIGNED petitioners of their appeal to the City Council of the City of Idaho Falls, Idaho, from that certain determination of the Planning Commission of said City of Idaho Falls, acting under the provisions and authority of the ordinances of the City of Idaho Falls, Idaho, said determination having been made in writing on the 17th day of October, 1966.

Appellants hereby allege that said Planning Commission erred in its determination that the request presented by petitioners and appellants was not reasonable and proper in the circumstances.

DATED AND FILED this 18th day of October, 1966.

Home Investment Company
s/ David H. Smith
and John M. Sharp

Smith Chevrolet Company, Inc.
s/ Albon L. Smith
and John M. Sharp

Receipt of the original and a copy of the foregoing Appeal from the Planning Commission of Idaho Falls, Idaho, is hereby acknowledged this 31st day of October, 1966.

s/ Roy C. Barnes
City Clerk

The City Clerk explained that there was no need for Council action, inasmuch as the property in question is being properly advertised for a zoning hearing on November 22nd, 1966. The Mayor directed the City Clerk to make the foregoing a matter of record.

This memo from the Purchasing Department was submitted:

City of Idaho Falls
Office of the Purchasing Agent
November 7, 1966

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Police Communications Console

Honorable Mayor and Councilmembers:

Tabulation of bids for Police Communications Console is attached.

The bid submitted by Miniver Radio Communications for \$6,875.71 is not the low dollar bid, but the low bid meeting specifications asked for by the Police Department.

It is the recommendation of the Police Chief and the Purchasing Department that this bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilmember Erickson, seconded by Freeman, that the low bid of Miniver Radio Communications be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

From the Police Chief, acting in the capacity of Chairman of the Traffic Safety Committee, this memo was studied:

City of Idaho Falls
Office of the Police Division
November 10, 1966

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: REQUEST FROM MANAGER TALBOT MOTEL

Request for establishment of a twenty (20) minute parking zone in front of the Talbot Motel on Water Avenue between their two (2) curb cuts.

Traffic Safety Committee recommends approval.

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

It was moved by Councilman Erickson, seconded by Freeman, that the twenty minute parking zone be permitted as requested. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the Traffic Safety Committee, the following was read:

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City of Idaho Falls
Office of the Police Division
November 10, 1966

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: REQUEST FROM MR. PARLEY RIGBY

Request from Mr. Parley Rigby on behalf of the Potato Company using the warehouse in Commercial Alley off Capital Avenue.

Establishment of a twenty (20) minute parking zone for the months of October to May in lieu of the first parking meter to the north of Commercial Alley on the east side of Capital Avenue. The Potato Company would utilize the limited zone for short periods of time to park a truck while the driver was backing in another truck to the warehouse for unloading.

Traffic Safety Committee recommends approval.

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

It was moved by Councilman Erickson, seconded by Freeman, that the parking zone, for the period and location as recommended, be approved. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Traffic Safety Committee, this memo was submitted:

City of Idaho Falls
Office of Police Division
November 10, 1966

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: PERMISSION TO INSTALL TRAFFIC SIGN

The Traffic Safety Committee recommends that permission be granted for installation of a YIELD sign on Syringa Street approaching Lincoln Drive.

The intersection is uncontrolled at present and Syringa is a stub street ending just east of Lincoln Drive. The heavier traffic flow is on Lincoln Road.

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

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It was moved by Councilman Erickson, seconded by Freeman, that the YIELD sign at the location as described be approved. Roll call as follows: Ayes, 5; No, none; carried.

From the Building Official came the following memo:

City of Idaho Falls
Building and Zoning Division
November 1, 1966

MEMO TO: Honorable Mayor and City Council

Gentlemen and Madam:

On January 6, 1966, Riv-Eon Sign Company presented an Appeal for the White Star Laundry to the Mayor and Council as follows:

Riv-Eon Company requests permission to erect a lighted, non-flashing double faced plastic and steel sign, four feet high and six feet long on the roof of the White Star Laundry building, located on the corner of 2nd Street and Holmes Avenue. The sign is to be mounted on top of the present sign (lettering is Sanitone). This property is zoned R-3, and requires Council consideration.

The Council action was:

Councilman Nelson was of the opinion that nearby residents, by petition, should be given the opportunity to approve or disapprove the sign. Councilman Parish and Wood registered their opinion to the effect that pre-existing conditions should be taken into consideration and, in fact, serve as justification for approving the sign installation. It was moved by Councilman Nelson, seconded by Smith, that a petition of nearby residents be circulated to determine their feeling as described. Roll call as follows: Ayes, Councilmembers Nelson, Parish, Freeman and Smith; No, Councilmen Wood and Erickson; carried.

Attached is the appeal requested by the Council.

Respectfully,
s/ Ray Browning

It was moved by Councilman Nelson, seconded by Wood, that in view of successful acquisition of nearby property owners' signatures consenting to the sign in question, approval be granted for its installation. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the Building Official, this memo was studied:

NOVEMBER 10, 1966

City of Idaho Falls
Building and Zoning Division
November 8, 1966

Memo to: Honorable Mayor and City Council

Gentlemen and Madam:

The Building and Zoning Department submits, for your consideration, an Appeal for Mr. Richard Nielson, 688 North Holmes Avenue, as follows:

Requests permission to locate a four foot by eight foot (4' X 8') non-flashing ground sign at the above address in center of the lot and four feet (4') inside of the City sidewalk. (See attached sketch). Ordinance No. 1115 allows:

Non-flashing signs advertising the service performed within the building, and signs designating the name of the building, providing such signs be attached to and placed flat against the wall of the building, and provided no part of such sign shall extend more than two feet (2') from the building wall.

The property legal description: Lots 21, 22, 23, and 24, Block 10, Capital Hill Addition, in an R-3A Zone, 688 North Holmes Avenue.

This appeal requires Council action.

Respectfully submitted,
s/ Ray Browning
Building Official

The Council registered concern as to the effect the proposed sign would have on nearby property owners. It was moved by Councilman Wood, seconded by Erickson, that this matter be referred to the Building and Zoning Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Finally from the Building Official, the following was submitted:

City of Idaho Falls
Office of the Building and Zoning
Division
November 9, 1966

MEMO TO: Honorable Mayor and City Council

NOVEMBER 10, 1966

Gentlemen and Madam:

The Building and Zoning Department would like to present, for your consideration, an appeal from Mr. Hunter, Mr. Tremelling, and Mr. Johnson, to construct a pole sign on the west side of the new office building, located at 885 South Holmes Avenue.

The sign is about five feet (5') inside the property line. It measures twelve feet high and two and one-half feet wide. (See attached sketch.) Ordinance No. 1115 allows:

Non-flashing signs advertising the services performed within the building, and signs designating the name of the buildings, provided such signs shall be attached to and placed flat against the wall of the building, and provided no part of such sign shall extend more than two feet (2') from the building wall.

The proper legal description: Lot 7, block 1, Blackburn Addition, in an R-3A zone, 885 South Holmes Avenue.

This appeal requires Council action.

Respectfully submitted,
s/ Ray Browning
Building Official

Councilman Nelson cited previous instances where such requests were investigated prior to approval and said he felt these nearby property owners deserve no less treatment. It was moved by Councilman Nelson, seconded by Wood, that this be tabled, pending receipt of a signed petition of all property owners within 200 feet giving their approval and consent. Roll call as follows: Ayes, 5; No, none; carried.

This written appeal was read:

Idaho Falls, Idaho
October 26, 1966

Honorable Mayor and City Council
City of Idaho Falls

I was contemplating buying a small piece of ground that is presently occupied by an old house containing 3 sub-standard apartments. This piece of ground is approximately 36' X 66' on the southeast corner of the Bennett's Paint Store building which I own. Bennett's have agreed that if I purchase this property and build a building, they would lease it from me for storage of automotive windshields and metal moldings which are presently stored in their present store building. This would relieve the congestion in their present store and would

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make it a safer place to work. This merchandise will be dispensed and received by the present Bennett personnel, so that this building will not require additional employee parking space over what they presently have; but it will relieve the parking space which the present apartment tenants are occupying. I feel that these apartments are on far too small a lot and are nestled in an otherwise business block and are extremely undesirable in appearance.

I appealed to the Board of Adjustment October 18, 1966, for a permit to build on this property out to the property line or for them to let me know what portion of this property I could use for a building. I told them that I own the Bennett's Building, The Vogue Beauty Salon building and Dick's Super Market Building and the vacant lots behind Dick's Super Market and now they are trying to tie all of these into parking requirements for this one small 36 x 66 ft. building site. I also told them that I have a large mortgage on several lots 50 feet west of these vacant lots that I own behind Dick's Super Market and all of these have been offered to the City for parking for as long as they are vacant.

On all of these above mentioned buildings, I purchased building permits that met all of the requirements at the time these permits were issued; and I Don not feel that now I should be asked to provide parking for these unless everyone else in town that owns buildings are made to provide parking for the buildings they have to meet present parking requirements. I do not feel that I should furnish parking now for buildings that permits were issued for years ago.

Approximately 10 years ago, I purchased 1500 shares of stock in the Off-street Parking Association to purchase the land across the street from these buildings in order to provide parking for the land and buildings I owned in this area. When I mentioned this at the Board of Adjustment Meeting, they informed me that this parking area now belongs to the City; this was really news to me.

I have had a petition signed by all the surrounding owners and all of these people expressed their desire to have this present old building removed and a new building constructed. The size of the lot the apartment house is on, is such that it would be of no value for anyone else except myself to build there; so if I cannot build on this property, the present unsightly buildings will always remain.

I therefore, feel that I would be doing the City and everyone in the area a favor by removing this present building and constructing the new building for Bennett's and I would be providing more parking area than is presently available and would be ridding the area of an unsightly building.

s/ Reed E. Bills
287 Cliff Street
Idaho Falls, Idaho

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It was noted that when this appeal was presented to the Board of Adjustments it was approved by that body, subject to Council interpretation pertaining to parking under Ordinance #1115. Councilman

Wood, noting that the proposed construction was for a warehouse requiring little demand for parking problem would be lessened if the proposed construction were permitted. Councilman Nelson, being familiar with the area, said Mr. Bills has sufficient area which could be used for parking within 400 feet of the building site in question. It was moved by Councilman Wood, seconded by Parish, that the Building Official be authorized to issue a building permit for the proposed construction as stated. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1175

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO (INDUSTRIAL CONTRACTOR'S SITE)

The foregoing Ordinance was presented in title. It was moved by Councilmember Wood, 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, 5; 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, 5; No, none; carried.

Councilman Erickson noted that on September 22nd, 1966, action was taken to convert 6th and 7th Streets, from Boulevard to Holmes, to two way traffic. Erickson said it is common knowledge that this has not and will not be done and that he was in a position to present an alternative proposal which would solve the loading and unloading problem at Central Junior High School; therefore, it was moved by Councilman Erickson, seconded by Parish, that the above mentioned action on September 22, 1966, be rescinded. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson then presented and read the following proposal:

City of Idaho Falls
Office of the Police Division
November 8, 1966

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: CENTRAL SCHOOL BUS LOADING AND UNLOADING

NOVEMBER 10, 1966

As to the request of Mr. W. H. Simmons in his letter of November 2, 1966 for permission to load and unload the school buses on 7th Street in front of Central School:

It is my opinion the school could use their property either on the east or west side of a suitable loading area. I am opposed to granting a special privilege, contrary to law, to any individual or organization for long periods of time. I also do not concur with the safety advantages as stressed within the letter in their method of operation. I do agree that it is less costly for the school and more convenient.

Should the Council decide to honor the request, I suggest the following stipulation be included for safety and to honor the rights of others:

“The school buses shall immediately upon entering the block in front of the school on 7th Street pull to the school (north) side of the street and remain on the extreme north side until entering Boulevard. This would mean the lead bus pulls out first with the others following in order.”

The buses in the center or rear have been pulling out if loaded first and in so doing block the street to eastbound traffic. This traffic, in part, consists of residents living in the 100 block of the south side of 7th Street and of parents and students picking up other students. Through the cooperation of School District #91, directing the school bus drivers to use only the north side of 7th Street, I feel it would be temporary and safer arrangement that would assist the School District in their problem and still not hinder the citizen.

Respectfully submitted,
s/ Robert D. Pollock

Referring to Mr. W. H. Simmon’s letter, Erickson explained that he had suggested a solution to the loading and unloading problem whereby school buses would be permitted two way use of 7th Street between Boulevard and Lee. The foregoing memo depicted the terms and conditions under which the Police Chief would approve such a proposal. It was moved by Councilman Erickson, seconded by Freeman, that the school buses be permitted two way use of 7th between Boulevard and Lee with the stipulation as described. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Freeman reported that bids had been opened on repairing and painting the Recreation Building and that the low bid was in the amount of \$3865.00 from Kofoed Painting Company. Freeman noted that this exceeded the amount budgeted for this project. Controller Jenkins then advised that funds were available from other unexpended sources. It was moved by Councilman Freeman, seconded by Nelson, that the low bid received from Kofoed Painting Company be accepted. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Freeman reported on a recent recommendation of the Recreation Commission pertaining to the City owned property on Birch and Boulevard, formerly the First Christian Church, as follows: Rental fee to be \$10.00 for each production with admission charge; \$2.50 per night for

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rehearsals; \$2.50 per night for all other uses. It was moved by Councilman Freeman, seconded by Nelson, that the recommendation be accepted and adopted. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Wood noted the need for a zoning hearing to properly zone the area annexed this night, known as the Industrial Contractors Site. It was moved by Councilman Wood, seconded by Freeman, that this hearing be scheduled for December 8th, 1966, and the City Clerk be authorized to publish notice accordingly. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor presented all Councilmen, the press reporter and the City Attorney with a curfew brochure and proposed ordinance, accompanied by the following cover letter:

Office of the Mayor
City Hall
Idaho Falls, Idaho
November 8, 1966

TO: Members to the City Council

On August 22, 1966, Reverend Brown delivered a comprehensive sermon on youth welfare in our community. Copies of this sermon received wide circulation which resulted in calls to my office.

Many suggested that they felt that the Police Department did not have the ordinance necessary to control the use of alcoholic beverage and loitering by minors.

I promised to try to investigate this problem, and their suggested solutions.

The results are herewith contained.

It is my opinion that now, some formal discussion and a review with our Legal Department should be held.

Sincerely,
s/ S. Eddie Pedersen
Mayor, City of Idaho Falls

The Mayor explained that this was for study and publicity purposes only at this time, and that no Council action was required. It was generally agreed that this brochure be referred to the Legal Department for study and review.

Controller Jenkins drew attention to the State Statute pertaining to re-evaluation of assessed property and quoted the particular Section as follows:

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63-2217: Adjustment of levies during transition period 1966 and 1967. Any taxing district or unit of government having authority to levy property taxes which would, during the tax years of 1966 and 1967 and solely as a result of the passage and operation of this act, receiving more property tax revenue at the same tax levies than it received during the preceding year, shall reduce its levies so that the same total revenue will be derived as that received during the preceding tax year from the same sources.

Jenkins, therefore, proposed that the City Attorney be directed to amend the 1966 appropriation ordinance accordingly. It was moved by Councilman Parish, seconded by Wood, that the City Attorney proceed as suggested and recommended. Roll call as follows: Ayes, 5; No, none; carried.

Building Official Browning drew attention to the fact that a responsible representative of the Proposed Industrial Contractors firm intend, within the predictable future, to apply for a building permit for construction of a building on the area annexed this night. It was moved by Councilman Wood, seconded by Freeman, that the Building Official be authorized to issue a building permit in compliance with the anticipated zoning for the area. Roll call as follows: Ayes, 5; No, none; 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
