

AUGUST 9, 1966

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, August 9, 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, Wood, Nelson, Parish, Freeman, Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Don Lloyd, Public Works Director; William Fell, Electrical Engineer; LaWayne Chapman, Personnel Director; Robert Pollock, Police Chief.

Minutes of the last Recessed Regular Meeting, held July 21, 1966, were read and approved.

The Mayor invited the following City employees to come forward to the Council table: Messrs Marion Esplin, Melvin Baird, and Byron Taylor. Through the President of the Council, merit certificates from the U.S. Department of Labor, Bureau of Labor Standards were presented, for successfully completing a training course in occupational safety. It was noted that Messrs Eddie Cave and Farrell Lusk were also entitled to this certificate but were absent because they were on vacation. The Mayor extended his compliments in this regard.

The Mayor announced that this was the time and the place for a public hearing to consider the zoning or rezoning of certain areas, as advertised. First to be presented was a petition signed by twenty-four property owners covering lots and blocks in the Capitol Hill Addition along the west side of Holmes Avenue from the alley between First Street to Lomax to the alley between College and Whittier Streets, described more specifically as follows:

Lots 1-44, Lots 37-40 incl., Block 6; Lots 1-7 incl., Lots 39-44 incl., Block 11; Lots 1-3, Lots 4-7, Lots 43-44, Lots 39-42, Block 14; Lots 1-2-3 & E 15' of Lot 4 W 10' Lot 4, Lot 5 and E ½ of Lot 6 W ½ of Lot 6 and all of Lot 7, Lots 36-44 incl., Block 19; N ½ Lots 1-2-3- & 4 S ½ Lots 1-2-3-& 4, Lots 5 & 6, Lots 41 & 42, Lots 39-40, Lots 37 & 38, Block 22; S ½ Lots 42-43 & 44, Lots 40-41 and N ½ of Lots 42-43 & 44, Lots 37-39 incl., Block 27; Lots 1 & 2, Lots 3-5, Lots 6 & 7-13 & 14-38 & 39, Block 30.

Mr. Tim Hopkins, local attorney representing Peter Maharas, one of the petitioners, appeared before the Council and noted that no protests had been filed against this proposed rezoning, including the one property owner who refused to sign the petition. He noted, further, that the petition requested rezoning from R-3A to C-1 and that most of the existing structures are those that would qualify in a C-1 zone and presented photographs to illustrate. He drew attention to the fact that the area in question is not conducive to residential use, that property values would be further enhanced by a C-1 zone and that, consequently, the public interest would benefit. Mr. Howard Noble, Chairman of the Planning Commission, appeared to explain the Commission's reasons for recommending that the request be denied. He said C-1 would establish a precedent for all of Holmes Avenue and, particularly, that portion extending north to the highway. Councilman Parish pointed out that the land use map has designated this area as commercial, for purposes of long term planning. Noble acknowledged this, but said the Planning Commission intends to revise the map and that this area would be included. Councilman Nelson, having toured the area, said that, in his opinion, the

commercial trend and precedent has already been established, noting that, even on the east side of Holmes there are only three residences within the area in question and that it, otherwise, is properly

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buffered. Councilman Wood, drew attention to the fact that there are numerous residents in blocks 21, 22, 27 and 28 and that these parties should be contacted before rezoning is permitted. Councilmember Smith registered concern about the area being rezoned C-1 which would create additional traffic across from Central Park and permit certain business operations which might be construed as residentially detrimental.

Mr. Maharas appeared and spoke in favor of the rezoning, saying it was difficult for him to understand, in view of all the factors listed by his attorney, plus the fact that there is no one protesting the petition, why the request should not be honored. Councilman Parish asked if C-LTD zoning had been considered and was answered in the negative by Mr. Hopkins. Parish then said that, although sympathetic toward the request and inclined to recognize its merit, he was not in a position to vote favorably, due to the Planning Commission's recommendation for denial. He said this group, appointed by the Mayor and Council to make diligent and concentrated study on problems of this nature, are well equipped and qualified to render decisions and that, only in the most unusual and exceptional cases, should the Council take exception. He then noted that the City's Planning Consultant might have an opinion on the area which would prove beneficial to the Planning Commission and the Council and that one of their representatives would be in the City within the near future. It was moved by Councilman Parish, seconded by Wood, that this portion of the zoning hearing be recessed until further notice, within a reasonable period, pending a conference on the matter with the Planning Consultant. Roll call as follows: Ayes, 6; No, none; carried.

The next parcel to be considered for initial zoning was the recently annexed Cambridge Terrace Park Addition. There were no protests. It was moved by Councilmember Wood, seconded by Smith, that all the lots bordering South Skyline be zoned R-2, that Lots 15 through 21, Block 2, Lots 1 through 3, Block 3, Lots 1 through 4, Block 4, Lot 1, Block 5 be zoned R-2A and all remaining lots be zoned RT. Roll call as follows: Ayes, 6; No, none; carried.

This concluded the zoning hearing. The Mayor instructed the Building Official to incorporate the foregoing zoning on the official zoning map, located in his office.

The City Clerk presented and read the following:

J. E. Minor
Credit Consultant and Bonded
Collector
P.O. Box 2616
Idaho Falls, Idaho
August 1, 1966

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

Gentlemen:

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For the purpose of beautification and to eliminate from view the unsightly weeds immediately adjacent to the east side of my property, I have constructed a small lave-rock wall, placing it on the property line, and find that it is on the City Easement, which extends south from the curb some twelve feet, running thence, east and west.

I have been requested by the Building Inspector's office to remove this wall from the City Easement. Legally, of course, it should not be there, and it should be removed, and I would be most agreeable to this if it were not for the weed problem existing immediately east of my property.

It is my understanding that there is some consideration being given to a Local Improvement District, which possibly will include sidewalks along the south side of West 21st Street. There for I would appreciate your indulgence in permitting this wall to remain until such time as the L.I.D. is a reality and construction commences in the placement of this sidewalk.

You may be assured when advised to do so, at that future date, I will immediately remove this wall from the City Easement. Until that time, however, I will appreciate your consideration of this problem and your permission to allow this wall to remain. I am enclosing some photographs of the area itself so that you may see that this wall is in no way detrimental to safety, which would be true if it were located near a corner.

Very truly yours,
s/ J. E. Minor

Mr. Minor appeared before the Council to explain that the wall was built for the purpose of hiding from view a patch of unsightly weeds located on a City easement. Mr. Minor was informed that the City does not make a practice of attempting to maintain the many small easement areas within the City. Councilman Nelson commented to the effect that there have been other instances with similar requests where it was found necessary to deny and that any deviation from the Code is precedent setting. Mr. Minor said he was aware of these other instances and that, in his opinion, there is a fine line of difference inasmuch as those requests which were denied involved a traffic safety factor. It was moved by Councilman Nelson, seconded by Wood, that this problem be referred to the Building and Zoning Committee and the City Attorney for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

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

FUND

GROSS

SERVICES &

TOTAL

	<u>PAYROLL</u>	<u>MATERIALS</u>	<u>EXPENDITURES</u>
General Fund	\$107,322.90	\$183,170.73	\$353,493.63

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Fire Bonds	47,346.61	6,162.42	53,509.03
Water & Sewer Fund	13,889.82	20,062.77	33,952.59
Electric Light Fund	45,532.53	64,730.06	110,262.59
Recreation Fund	18,055.33	2,542.52	20,597.85
Police Retirement Fund	<u>2,234.44</u>	<u>.00</u>	<u>2,234.44</u>
<u>TOTAL FUNDS</u>	\$297,381.63	\$276,668.50	\$574,050.13

It was moved by Councilman Parish, seconded by Wood, that the bills be allowed and the Controller be authorized to draw warrants on the respective funds for their payment. Roll call as follows: Ayes, 6; No, none; carried.

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

License applications for BARTENDER, Jacqueline Cark, Carolyn J. Poulson; RESTAURANT, Vernon Sheets for Stardust, J. H. Galloway for Big G. Drive Inn; PHOTOGRAPHER, Jerry Staker for Staker's Photo & Blueprint Co.; CLASS D APPRENTICE GAS FITTER, Keith Garrett with H. L. Electric, were presented. It was moved by Councilman Freeman, seconded by Erickson, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim was presented and read:

THE MART
P. O. Box 1865
Idaho Falls, Idaho
July 22, 1966

Mr. Roy C. Barnes
City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho

Dear Mr. Barnes:

On May 26, 1966 a car driven by my son, Charles C. Just, was involved in an accident 300 yards off Lindsay Boulevard, approximately in front of General Beverage Company.

While the vehicle was proceeding west it high-centered on an exposed manhole causing damages in the amount of \$277.42.

It is my feeling that under the circumstances the City of Idaho Falls is liable for these damages.

Very truly yours,
s/ C. J. Just

Charles J. Just

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

The following claim denial recommendation was submitted:

Intermountain Claims Service
449 D. Street
Idaho Falls, Idaho
June 30, 1966

Mr. Art Smith, City Attorney
City of Idaho Falls
Box 220
Idaho Falls, Idaho

RE: False Arrest Suit- City of Idaho Falls - Eddie Hill et al (Elmer Elg)
Date of Loss: 10-28-1965
Our File No: 66D 1200

Dear Mr. Smith:

This will supplement our conversation of June 8, 1966, regarding the above captioned false arrest liability claims. We have reported this matter to the Company, recommending that these claims be denied.

In the event we do not hear from the Company, recommending that these claims be denied.

In the event we do not hear from the company within the statutory period we request that you proceed with this matter accordingly. The claims for damages are dated May 13, 1966.

We expect a return from the Company shortly and will advise you of their position as soon as we receive notice.

Very truly yours,
Intermountain Claims Service
s/ Robert J. Hedberg

The City Attorney explained that he had verified the fact that the local adjustor for the Company was also recommending denial. It was moved by Councilman Nelson, seconded by Erickson, that the

recommendation be upheld and the damage claims of Eddie Hill and Elmer Elg, claiming false arrest, be denied. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Official the following was submitted and read:

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July 11, 1966

TO: Honorable Mayor and City Council
FROM: Building Official, Ray Browning

I would like to present for your consideration, the following addition to Paragraph 4-18, titled, "Exceptions to Front and Side Set-Back Requirements", under Supplementary Regulations in Zoning Ordinance #1115.

This Paragraph now reads as follows:

The setback from the street for any dwelling located between two existing dwellings in any residential zone may be the same as the average for said two existing dwellings, provided the existing dwellings are on one side of the street and are located within one hundred twenty (120) feet of each other.

(Suggested Addition) "On corner lots, the setback may be the same as the setback of existing structures on the adjoining lot."

This addition was approved by the Planning Commission on July 5, 1966.

Respectfully submitted,
s/ Ray Browning
Building Official

Councilman Parish objected to this proposed amendment on the grounds of safety but recognized the possibility that the Planning Commission may have had something in mind not apparent in the memo where safety would not be a factor. It was moved by Councilmember Smith, seconded by Wood, that this proposal be tabled, pending further explanation and clarification from the Planning Commission or the Building Official. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

Public Works
August 9, 1966

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: RIGHT-OF-WAY 17TH STREET

During July this Division and the legal department were authorized to negotiate contracts for the acquisition of rights-of-way on 17th Street in two locations. considerable progress has been

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made on these negotiations and we are requesting that the Council give authorization to the Mayor to execute these contracts on behalf of the City as they become available.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilmember Nelson, seconded by Smith, that the Mayor be authorized to sign the right-of-way contracts, as described, when they become available. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, this memo was read:

Public Works
August 9, 1966

TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ADVERTISING FOR BIDS

The Foote Drive waterline has been requested so that water be available to the new fire training facilities. The plans and specifications have been prepared and the cost estimated at \$9,500. We are, therefore, requesting authorization to the City Clerk to advertise for bids on August 14th, 21st and open bids at 10:00 A.M. on August 23rd.

s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the City Clerk be authorized to advertise for bids as indicated. Roll call as follows: Ayes, 6; No, none; carried.

From the Police Chief, acting in the capacity of Chairman of the Traffic Safety Committee, the following was submitted:

City of Idaho Falls
July 28, 1966

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: AUTHORIZATION FOR REMOVAL OF ANGLE PARKING ON RIVER PARKWAY

For years there has been angle parking on the west side of River Parkway in the first block north of Broadway. Due to the construction of the motels to the north, the increase in boating, and the scenic beauty along the river, the traffic has increased to the point the angle parking has created a hazard.

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This Committee recommends that all angle parking along this area be eliminated and replaced with parallel parking.

Your consideration of this matter will be appreciated.

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

It was moved by Councilmember Erickson, seconded by Smith, that this recommendation be approved but that the affected area business establishments be properly notified prior to enforcement. Roll call as follows: Ayes, 6; No, none; carried.

A memo from the Personnel Director was presented and read, as follows:

City of Idaho Falls
Office of Personnel Officer
August 2, 1966

TO: Mayor and City Councilmembers
FROM: LaWayne Chapman, Personnel Officer
SUBJECT: MEDICAL PROGRAM

Recently, our City Physician, Dr. John Hatch, prepared a detailed proposal, copy of which is attached, for each of the Division Directors and Members of the Council to study relative to the establishment of a medical department and the establishment of pre-employment medical standards.

This has been discussed in our Division Directors meeting with the motion being made, seconded and carried that this matter be referred to the Council with the recommendation that such a program be adopted by the Council.

We would appreciate your consideration of adopting this to become a part of our personnel policy.

Respectfully submitted,
s/ LaWayne Chapman

It was moved by Councilman Wood, seconded by Nelson, that this proposal be referred to the Council Committee on Health for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Personnel Director, this memo was presented:

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City of Idaho Falls
Office of the Personnel Director
August 2, 1966

TO: Mayor and City Councilmembers
FROM: LaWayne Chapman, Personnel Officer
SUBJECT: SICK LEAVE AND DEATH IN THE FAMILY BENEFITS

The matter of establishing a policy (not now spelled out in our personnel policy) of whether or not sick leave and death in the family leave should be granted if such occurred while an employee is on vacation was brought up and discussed at our Division Directors meeting, at which time a three man committee, consisting of Dr. Hatch, Chief Pollock, and myself, was appointed by the Division Directors.

The Committee did meet and returned with the recommendation that if death in the family should occur while an employee was on vacation, death in the family benefits should be granted without affecting the employee's vacation time.

It was further recommended that if an employee while on vacation became ill he would not be put on sick leave status, but rather any lost time due to sickness would be part of his vacation; however, it was recognized that circumstances could be such that a person might be seriously ill or hospitalized and therefore the Committee felt that a three man Review Board should be established whereby the employee would have the right of appeal and it would be the decision of the Review Board as to whether sick leave should be granted or not.

It was suggested that this Review Board consist of three Division Directors, namely the City Physician, the City Personnel Officer and the City Controller.

We would ask at this time that the City Council, if they approve such an arrangement, formally appoint such Review Board.

Respectfully submitted,
s/ LaWayne Chapman

It was moved by Councilman Nelson, seconded by Wood, that this also be referred to the Council Committee on health and that if possible, recommendation be forthcoming so that action could be

considered at the next regularly scheduled Council Meeting. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Personnel Director, the following was submitted:

City of Idaho Falls
Office of the Personnel Director
August 2, 1966

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TO: Mayor and City Councilmembers
FROM: LaWayne Chapman, Personnel Officer
SUBJECT: LEAVE OF ABSENCE FOR AIRPORT MANAGER

Our Airport Manager, Mr. Peter Hill, has requested a leave of absence without pay for the period August 1, 1966 to September 5, 1966.

I refer you to Paragraph 23, "Leave of Absence Without Pay" of the Personnel Policy wherein it requires approval by the Mayor and Council for any leave beyond a fifteen day period and further provides that the Mayor and Council stipulate the effect such leave will have on eligibility for sick leave, vacation and other benefits.

Your consideration for granting such leave to Mr. Hill would be appreciated.

Respectfully submitted,
s/ LaWayne Chapman

It was moved by Councilmember Wood, seconded by Smith, that the leave of absence for the Airport Manager be approved as described and that said leave have no effect upon his eligibility for sick leave, vacation or other benefits as prescribed by the Personnel Policy. Roll call as follows: Ayes, 6; No, none; carried.

The following memo from the Police Chief was presented and studied:

City of Idaho Falls
Police Division
August 9, 1966

TO: Honorable Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: ORDINANCE ON PRIVATE PATROLMEN

It is recommended that the City of Idaho Falls adopt an ordinance to license private patrolmen and private patrol service for the following reasons:

1. To empower the Council the right to deny or accept any such applicant requesting to operate within the City.
2. To empower the Council to promulgate certain rules and regulations for the protection of our citizens and businessmen.
 - a. To set qualifications to rule out undesirables.
 - b. To cause an investigation of all applicants by the Police Department.

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- c. To set a bond requirement.
 - d. to protect a reliable agency.
3. To empower the Council the right to revoke any such license for just cause.

Your consideration of this matter will be appreciated.

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

The Police Chief appeared and explained that he has had several inquiries and assumes it will be only a matter of time until some organization decides to establish a service of this nature within the City. He noted, further, that, without such an ordinance, there is no means of policing, regulating, or controlling such an organization nor safe guarding against disreputable operations. He concluded his remarks by saying that a qualified private patrol service, commonly known as merchant police, would be of assistance and otherwise beneficial to the Police Department. It was moved by Councilman Erickson, seconded by Freeman, that this be referred to the City Attorney with instructions to draft an appropriate ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 440 in this Book of Minutes and more specifically, a request for a variance in a non-conforming R-1 zone by Mr. Woody Arrington to build a structure for housing large construction equipment. Councilman Wood, reported that certain Councilmembers, in the interim period, had viewed the site and had, informally, denied the request. It was moved by Councilmember Wood, seconded by Smith, that this informal action on the part of the Council be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Through Councilman Erickson, this memo from the Police Chief was presented:

City of Idaho Falls
Office of Police Division
August 9, 1966

TO: Honorable Mayor and City Council

FROM: Office of the Chief of Police
SUBJECT: REQUEST OF AUTHORIZATION FOR PURCHASING TO LET BIDS FOR:
POLICE COMMUNICATION CENTER CONSOLE

The estimated cost of the modern console is not to exceed seven thousand (\$7,000) dollars which amount was included in the 1966 police budget.

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The new console would include all new updated equipment in a functional turret-top desk to replace the existing systems. Future communication expansion could be incorporated as the need arises maintaining uniformity of appearance and for optimum of efficiency.

Your consideration of this matter will be appreciated.

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

It was moved by Councilman Erickson, seconded by Freeman, that advertisement for bids be authorized for the equipment as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Councilmember Smith reported that the Electrical Department had located a used power lift unit that was being offered substantially under its original selling price, was in good working condition and was readily adaptable for use in that Department. It was moved by Councilmember Smith, seconded by Erickson, that the Electrical Engineer through the Purchasing Department be authorized to advertise for bids on a unit meeting the above description. Roll call as follows: Ayes, 6; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
