

JULY 21, 1966

The City Council of the City of Idaho Falls met in a Regular Meeting, July 21, 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, Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Robert Pollock, Police Chief; Ernie Craner, Parks and Recreation Director; Don Lloyd, Public Works Director; Ray Browning, Building Official.

Minutes of a special session, held July 6th, 1966, were read and approved.

The Mayor acknowledged members of an American Government class in the Council Chambers, led by their instructor, Mr. Milton Madsen, and thanked them for their presence and their interest.

The Mayor announced that this was the time and the place for reconvening a portion of a zoning hearing, recessed until this night, having to do with a rezoning petition by various owners of a 20 acre area bounded by June Avenue, East 17th Street, the Idaho Canal and the Asper Addition. The City Clerk read a protest petition with 119 signers, as follows:

To the City Council
City of Idaho Falls

We, the undersigned, all being property owners in the Martin Addition of the City of Idaho Falls, do hereby register our protest to the zoning change requested for the property bounded by June Avenue, East 17th Street, the Idaho Canal, and the Asper Addition, which request calls for the changing of the zoning of this property from its present R-1 zone to R-1, R-3 and C-1 zones. We hereby petition the City Council to reject the proposed rezoning plan for the various reasons stated at the meeting of the Planning Commission on May 10, 1966.

There were none who appeared for purposes of protesting. Mr. Howard Nobel, Chairman of the Planning Commission, appeared and explained that the Planning Commission had, earlier, recommended denial of the original petition but that in the interim period, certain affected owners had appeared before the group and informed them that they had had a change of thinking relative to their rezoning intentions. They had been instructed to prepare another petition reflecting said revisions but, to date, this had not materialized. It was moved by Councilmember Wood, seconded by Smith, that this original petition, as presented, be denied. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider the rezoning of two areas. First to be reviewed were Lots 9, 10, 11, and 12, Block 32, Capitol Hill Addition, owned by Dean Pfof. There were no protests. It was moved by Councilman Freeman, seconded by Nelson, that these lots be rezoned from R-2 to R-3A. Roll call as follows: Ayes, 6; No, none; carried.

Next, the Morris Pratt petition was presented, covering a rezoning request on Lots 1 and 2, Block 18, South Park Addition. No one appeared for purposes of protesting. Mr. Reno Marcon appeared to explain that he was an interested purchaser of the property in the event it was

JULY 21, 1966

successfully rezoned. It was moved by Councilmember Wood, seconded by Smith, that these lots be rezoned from R-2 to R-3A. Roll call as follows: Ayes, 6; No, none; carried.

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

At the request of the Mayor, the City Clerk presented and read the following:

Arrington Const. Co., Inc.
P.O. Box 581
Idaho Falls, Idaho

Mr. Eddie Pedersen, Honorable Mayor
And City Councilmembers
City of Idaho Falls

Gentlemen:

We request your approval of a variation to R-1 zoning in order that we may add a 30' x 60' addition to the north side of our existing shop building at 1519 Casseopeia Street.

We propose to build a fire proof addition, and of a design that will improve the site. Our present shop is inadequate to handle the large machines we have and thus we need the larger building. Our neighbors with their chickens, cattle and horses do not object and have signed the waiver.

Trusting this request meets with your approval, we remain,

Sincerely yours,
Arrington Construction Co.
s/ W. E. Arrington

It was noted that this request for a variance had first been presented to the Board of Adjustments and had been denied. Mr. Lloyd Stalker, Chairman of that governing body, appeared and explained that the Board felt, inasmuch as the area in question was in an R-1 zone under non confirming use, that it was beyond their control and authority to grant the variance. Councilman Wood, having viewed the site and studied the request, reported that, in his opinion, this variance should be granted on the grounds that a building to house the equipment, now standing in the open, would improve the area. Councilmember Smith also reported that all homes in the immediate area were backed against this property, lessening the possibility of protest or property value deterioration.

Mr. W. E. Arrington appeared and explained that his commercial property was in existence and operative in this same location when it was originally zoned R-1, and that it was done primarily to include the Temple View residential area immediately to the north. He said he had no serious objections to this at the time when he was assured by a previous administration that the R-1 zoning

JULY 21, 1966

and non-conforming use would never jeopardize his operation. Councilmember Parish warned that extreme caution should be exercised in permitting any variance or otherwise making exception to the zoning regulations on property in a non-conforming classification. He said this would be conducive for setting a precedent to encourage a commercial development. He proposed, instead, that a change of zone might be considered, although recognizing, in this instance, that such a decision might also pose a problem due to spot zoning. It was moved by Councilmember Erickson, seconded by Smith, that this matter be tabled this night and deferred until Wednesday morning, July 27th, at which time the Mayor and Councilmembers would personally view the site to determine whether or not the variance should be permitted or it be referred to the Planning Commission for rezoning consideration. Roll call as follows: Ayes, 6; No, none; carried.

License applications for LIQUOR (one year) the Mint Bar; LIQUOR (½ year) Fraternal Order of Eagles; BARTENDER, Ruth Green, Donna Landon; CAB DRIVERS, Larry Eslinger; RESTAURANT, Russett Café; CONCESSION, T.P. Grimmett; JOURNEYMAN ELECTRICIAN, C. Garold Standlee, were presented. It was moved by Councilmember Erickson, seconded by Smith, 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 drew attention to the fact that, on July 11th, 1966, a liquor license was transferred from Kermit Purcell of the Jack's Club to George McKissick of the New Grand Hotel and Bar and that, in the interests of time, this was done with approval of the Police Chief, the knowledge and consent of the Mayor, but without formal Council approval. It was moved by Councilman Erickson, seconded by Freeman, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

An extension rider was presented, to be attached to Union Pacific Contract L. D. #18305, covering a sewer pipe line encroachment. It was moved by Councilman Nelson, seconded by Parish, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

A second extension rider was presented, to be attached to Union Pacific Contract L. D. #18411, covering a sewer pipe line crossing and encroachment. It was moved by Councilman Parish, seconded by Nelson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a notice of completion of public works on the Alice Avenue water line by Hartwell Excavating Company. It was moved by Councilman Nelson, seconded by Parish, that authorization be granted to advertise by legal notice as required by law. Roll call as follows: Ayes, 6; No, none; carried.

A memo from the Purchasing Department was submitted as follows:

City of Idaho Falls
Office of the Purchasing Agent
July 19, 1966

325 Feet of Chain Link Fence

Honorable Mayor and Councilmembers:

JULY 21, 1966

Tabulation of bids for 325 feet of 7 feet high chain link fence is attached.

Evaluation of bids received show Mountain States Fence Company, Inc. of Salt Lake City submitting the low bid of \$1,086.00.

It is the recommendation of the Parks and Recreation Department and the Purchasing Department that the low bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Freeman, seconded by Nelson, that the Mountain States Fence Company bid be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Official, the following was submitted:

July 20, 1966

MEMO TO: Honorable Mayor and City Council

Gentlemen:

I would like to present, for your consideration, a request from Mr. Ivan W. Palmer, 545 8th Street, for permission to construct a decorative, block wall, five feet high (5'), connecting the southwest corner of his dwelling to the Fire Station Building #2. The west twenty-one and one-half inches (21 ½) of the wall will be on City property; also, a common block wall from the north side of the City owned building, to the alley six feet, six inches (6'6") high. This wall will join the north wall of the Fire Station Building twenty inches (20") west of the northeast corner of the building. See attached plot plan. This wall will be on City property.

I contacted Bill Donnelly, acting Fire Chief, and it is his opinion that these walls would improve the appearance of both buildings.

Respectfully,
s/ Ray Browning
Building Official

JULY 21, 1966

It was moved by Councilmember Smith, seconded by Wood, that the City Attorney be directed to prepare a licensing agreement for Council consideration which would stipulate the terms and conditions for permitting the wall in question on City property. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Building Official the following was presented and read:

July 13, 1966

MEMORANDUM

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Gentlemen:

At the Regular Meeting on July 12, 1966, the Planning Commission made the following recommendation to the Mayor and City Council.

No change in the present regulations of fences, Section 4-26N Zoning Ordinance #1115 which reads as follows:

“No fence, wall, hedge or other sight obscuring object or structure which is more than three (3) feet in height shall be constructed or allowed to grow within fifteen (15) feet of a front lot line or side lot line which abuts on a street.”

Respectfully submitted,
s/ Ray Browning
Building Official

It was moved by Councilmember Wood, seconded by Smith, that the Planning Commission recommendation be upheld and that there be no change in the section of the Zoning Ordinance pertaining to fences. Roll call as follows: Smith, Aye, Erickson, Aye, Wood, Aye, Nelson, Aye, Parish, Aye, Freeman, No; carried.

Another recommendation from the Planning Commission was presented to the Council by memo from the Building Official, as follows:

MEMORANDUM

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

JULY 21, 1966

Gentlemen:

At the Regular Meeting, on July 12, 1966, the Planning Commission made the following recommendation to the Mayor & City Council:

Sidewalks shall be required in all new residential additions.

Respectfully submitted,
s/ Ray Browning
Building Official

In answer to a question by the Mayor, City Engineer Laird commented to the effect that this recommendation would meet with engineering favor. In fact, he continued, the Engineering Department would further recommend that sidewalks also be mandatory for all new business and professional areas but that it poses certain problems and should be the subject of a complete study by the City Attorney, the Engineering Department and the Public Works Council Committee. It was moved by Councilmember Nelson, seconded by Smith, that such a study be initiated by those mentioned and that their recommendation be subject to review by the entire Council. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Building Official, the following was submitted:

July 19, 1966

MEMO TO: Honorable Mayor and City Council

Gentlemen:

In regards to an action, taken by the Council at a meeting held July 14, 1966, approving "One (1) exit for an Occupant Load of up to fifty (50) in Group "C" Occupancy:"

Based on information received from the District Representatives of the Uniform Building Code, Mr. Richard Mangan - that an application has been received by the Code Changes Committee of the Uniform Building Code, from the National Board of Fire Underwriters, requesting a change in the "Exit Requirement Table #33-A, of the 1964 Edition of the Uniform Building Code, for Classrooms - from the requirement of two (2) exits where the occupant load exceeds twenty (20), to two (2) exits where the occupant load exceeds fifty (50).

Mr. Mangan's opinion is, that this change will be made in the 1967 Edition of the Uniform Building Code.

I would like to ask the Council to ratify the above mentioned action, which will cover one building, under construction at the present time.

JULY 21, 1966

Respectfully,
s/ Ray Browning
Building Official

It was moved by Councilman Wood, seconded by Nelson, that the Council's action as of July 14, 1966, be duly ratified as described. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was presented and read:

City of Idaho Falls
Public Works
July 21, 1966

TO: Honorable Mayor & Council
FROM: Donald F. Lloyd
SUBJECT: SEAL COATING

A single bid was received for the seal coating program July 19, 1966, from Pickett & Nelson. Last year seal coating cost about 19.6 cents per square yard as compared with this bid of about 22 cents per square yard. This increase appears consistent with the recent increase in labor and materials. We find no advantage in re-advertising and would therefore recommend to the Council that this contract be awarded in the amount of \$13,200 and that we diminish the quantities to be consistent with the funds available.

Respectfully submitted:
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the Pickett & Nelson bid be accepted and that quantities be diminished, as recommended to be consistent with available funds. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the need for a public zoning hearing. It was moved by Councilmember Freeman, seconded by Smith, that said hearing be scheduled for August 9th, 1966 and the City Clerk be authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1172

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 (CAMBRIDGE TERRACE PARK ADDITION)

JULY 21, 1966

The foregoing Ordinance was presented in title. It was moved by Councilmember Wood, seconded by Smith, 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.

With reference to the area annexed by the preceding ordinance, it was moved by Councilman Nelson, seconded by Freeman, that the Building Committee be authorized and directed to contact the developer for park purposes. Roll call as follows: Nelson, Aye, Parish, Aye, Freeman, Aye, Erickson, Aye, Wood, No, Smith, No; carried.

The Mayor commented on the Bonneville Power Administration Power Sales Contract and, particularly, its renewal, effective the first of 1966, which would result in a rate savings to the City of approximately \$80,000 a year. He congratulated the Electrical Department for the commendable work and many hours of negotiation, preparatory to arriving at a contract which was mutually satisfactory to all concerned parties. He then drew attention to the June billing from the B.P.A., indicating a zero balance owing, and explained that this was occasioned by overpayment for the first five months at the old rate. He said some further credit will probably be forthcoming for July and August. The Mayor continued by saying that, although certain phases of the City's electrical rate schedule are presently in line and competitive, certain other rates are not. The Mayor concluded his remarks by saying that, in his opinion, the revised contract is the first step toward the further lowering of rates to the consumer in those areas in need of attention, particularly commercial lighting and industrial power.

The City Attorney again presented the Heating and Cooling Ordinance, caption as follows and explained that certain minor revisions had been made since it was passed on its first reading:

ORDINANCE NO. 1173

AN ORDINANCE TO PROMOTE THE SAFETY AND WELFARE OF THE PEOPLE OF IDAHO FALLS, IDAHO, BY REGULATING THE DESIGN, INSTALLATION, MAINTENANCE, IMPROVEMENT AND INSPECTION FACILITIES TO INCLUDE THOSE USED FOR THE PURPOSE OF HEATING, HEATING WATER OF COOLING OF PREMISES; REGULATING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF FACILITIES FOR TRANSMISSION AND DISTRIBUTION; SPECIFYING OF THE POWER AND DUTIES OF THE BUILDING AND ZONING DIVISIONS; PROVIDING FOR WORK PERMITS; FIXING THE COSTS OF SUCH PERMITS; PROVIDING FOR CERTIFICATE OF INSPECTION; PROHIBITING TURNING ON FUEL UNTIL ALL INSPECTIONS ARE COMPLETED; PROVIDING TIMES OF

JULY 21, 1966

INSPECTION; PROVIDING FOR LICENSING REQUIREMENTS; PROVIDING FOR CERTIFICATE OF INSURANCE; PROVIDING FOR LICENSES; PROVIDING FOR CLASSIFICATION OF AGENCIES AND ESTABLISHING DUTIES OF CLASSES; PROVIDING FOR LICENSE REGULATIONS; PROVIDING FOR AN EXAMINATION BOARD, EXAMINATIONS; PROVIDING THE TERMS FOR SUCH EXAMINATIONS; PROVIDING FOR REVOCATIONS OF CERTIFICATES; ESTABLISHING STANDARDS OF GAS INSTALLATION; PROVIDING FOR PENALTIES FOR VIOLATIONS; SETTING FORTH A CONSTITUTIONAL DECLARATION; REPLACING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING WHEN ORDINANCES SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title, as amended. It was moved by Councilmember Smith, seconded by Wood, 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, AS AMENDED?" Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman reported on a recent recommendation of the Recreation Commission, resulting from an offer by the Russett Lions Club to construct a 20' x 48' shelter in Kate Curley Park with concrete foundation and fire place, providing the City would furnish the labor. It was moved by Councilman Freeman, seconded by Nelson, that this offer be accepted and the Lions Club be authorized to proceed, that labor be provided by the Building Maintenance Department, all of this subject to final approval by the Building Official as to building requirements and location. Roll call as follows: Ayes, 6; No, none; carried. The Mayor expressed appreciation to the Lions Club for this generous civic project.

Reference is made to Page 430 in this Book of Minutes and, more specifically, a memo from the Traffic Safety Committee, which, in part, recommended that parking of vehicles be restricted on First Street from Wabash to Linden Drive. It was moved by Councilman Erickson, seconded by Freeman, that this be approved. Roll call as follows: Ayes, 6; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
