

APRIL 21, 1966

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The City Council of the City of Idaho Falls met in a Regular Meeting, Thursday, April 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, Parish, Freeman, Erickson, Wood, Nelson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney, Luther Jenkins, City Controller; Ray Browning, Building Official; John Doxey, Assistant City Planner; Don Lloyd, Public Works Director; Joe Laird, Assistant City Engineer.

Minutes of the last Regular Meeting, held April 7<sup>th</sup> 1966, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider the zoning and re-zoning of certain areas. First to be reviewed was the entire Addition of Woodruff Park Division #2. There were no protests. It was moved by Councilmember Wood, seconded by Smith, that this recent annexation be zoned R-1. Roll call as follows: Ayes, 6; No, none; carried.

Finally, the William Hatch property was considered for possible re-zoning. This area is legally described as follows:

Beginning at a point that is N. 0°24'30" E. 80.0 ft. and S. 89°17'06" E. 1255.87 ft. along the N. line of Grandview Drive, said point of beginning being on the West right-of-way line of Interstate Highway #15; thence N. 45°31'09" E. 42.28 ft.; thence N. 0°19'24" E. 370.0 ft.; thence N. 65°30' W. 233.02 ft.; thence S. 24°30' W. 183.0 ft. to the point of curvature of a 444.84 ft. radius curve; thence to the left along said curve 184.66 ft. to the point of tangent; thence S. 0°42'54" W. 127.11 ft. to the point of curvature of a 20' radius curve; thence to the left along said curve 31.42 ft. to the point of tangent of said curve; thence S. 89°17'06" E. 277.81 ft. to the point of beginning, containing 3.0 acres, more or less.

It was noted that the Planning Commission had recommended a change of zoning from R-3A to HC-1 subject to the dedication of a 100 foot right-of-way along Grandview Drive and also subject to the filing of a suitable plat. In this connection, the following written protest was submitted:

4-21-66

To Idaho Falls City Council

The Zoning Ordinance of Idaho Falls, Idaho, states that it's purpose is:

1. To promote the orderly growth and development of the City in accordance with the master plan.
2. To promote economy in the cost of fire and police protection and other government services.
3. To lessen congestion in the streets and reduce the waste of excessive amounts of streets.
4. To protect the tax base.
5. To foster industry.
6. To avoid undue concentration of population and prevent overcrowding the land.

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7. To facilitate adequate provisions for transportation, water, sewage, schools and other public requirements.
8. And to provide adequate light, air, and foster a wholesome, serviceable and attractive City.

The Grandview property in question and the proposed zoning change do not meet many of these requirements; but first I must submit a history of this piece of land. About ten years ago this land had neither access roads nor hope of any real development except as a residential area. In fact it wasn't even being farmed. A proposed plot plan was drawn up and was being shown to prospective home builders. These plans were never submitted for approval to the City and subsequently have disappeared – for reasons I do not know.

With the building of the interstate and Grandview Drive this piece of land began to look like it could be developed for some use. In the development program it was zoned R3-A to give a loose enough zoning to allow its use. Foote Drive was included and developed at City expense in this plan to allow this property a developed access and it was agreed upon by the property owners and the City that this would allow the R3-A buffer zone to be developed between his property and the adjacent R-1 zone across Grandview Drive to the south. Since that time, there have been several attempts to rezone to a more financially profitable zone. These previous attempts were not approved mainly I believe, because they did and do not fit the correct zoning picture of this area.

There are eight points of purpose to the Zoning Ordinance and each point should be reviewed with respect to this situation.

1. Promote orderly growth.

This property is adjacent to a developed R-1 zone. A commercial zone area has been established across the interstate and between it and the Snake River a commercial zone in this area on Grandview would, because of the size of the area, come under the category of “spot zoning”. Other areas nearby are at the present time being developed under this existing zoning and there is no reason this area could not be also, if it was so desired.

2. To promote economy in cost of fire and police protection.
3. To lessen congestion.

These two seem to fit together in this situation. The interstate, interchange and Grandview were built to speed transportation through, around and to our City. By attempting to commercially develop every arterial we simply defeat the very purpose of designing these arterials. Numerous driveways on this street would tend to create another glorified mess like West Broadway which would be highly undesirable.

4. To protect the tax base.

Any scattering and mixing of zoning does not protect the tax base. In fact it destroys confidence of the homeowners and of the industrial investors to see a zoning system so weak that no one can be sure what stand will be taken

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tomorrow to protect their legal rights. If these zoning laws are legal, to have any real meaning, they must serve some purpose.

This City Council has been threatened with action in the courts of Idaho if they do not give in to this zoning change. It appears that this property owner is more concerned with this legal action, since he has changed this request from some of his past requests, than he is in allowing the City to grow in an orderly manner. This sounds to me like blackmail zoning.

5. To foster industry

Industrial development in Idaho and anywhere in the U.S. wants zoning to protect them and their various types of facilities from each other and from the infringement of others. This is done by buffer zoning and this is the case here.

6. To avoid undue concentration of population.

For the most part Idaho Falls is a large undeveloped area. There is no need to cram and jam unwanted businesses in every area. We are a nation on wheels. The short distance needed to place these facilities in suitable locations does not hamper the success of the business if their needs are real or their services are adequate.

7. To facilitate adequate provisions for transportation, water, sewage, schools.

Grandview is at present a two lane road between Skyline and Saturn. The right-of-way, because of the fills and grading, is not wide enough at this time to accommodate a four lane road. This is a problem to be faced now, not after other development is complete. All other parts of this arterial system have four lanes now. At the Zoning Commission meeting the property owner representative let it be known that he might deed the necessary additional right of way if he could obtain the zoning he requested. I do not want anyone to give the City of Idaho Falls anything in exchange for something else. We, the City, can buy what is really needed as the City is not in the business of selling zoning.

8. And to provide adequate light, air and foster a wholesome, serviceable and attractive City.

This is the last but certainly one of the most important points. We in Idaho Falls are fortunate to have an interstate highway serve our transportation needs. We are fortunate to have an adequate airport. We have spent millions of dollars to build these transportation areas. We have spent thousand of dollars on City, State and Federal beautification programs on the John's Hole Interchange, airport entrance, river frontage and falls lighting and we would like to see continued City wide efforts but we do not want to see one short block on Grandview become another West Broadway and spoil the whole effect.

In closing I would like to request if any of these items are not clear, if there are any inaccuracies, now is the time to pause and make certain that these are

clarified and corrected. While it is impossible to look into the future I feel that we should plan with a positive attitude and build as best we can for a better tomorrow.

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I formally request at this time that this change request be denied and steps be taken by the City Council to prevent the harassment of property owners from this continuing rezoning in any given area.

Respectfully submitted,  
s/ Donald H. Suckling  
1545 Claire View Lane  
Idaho Falls, Idaho

This petition of protest was then read, signed by 39 near-by property owners on Saturn Avenue, Claire View Lane, Crestmont and Skyline:

April 18, 1966

TO: CITY COUNCIL OF IDAHO FALLS

We the residents of the Temple View area who live in close proximity to Grandview Drive, do at this time, wish to protest the rezoning of the land immediately north of Grandview which is adjacent to the R-1 zone, and request that the City Council of Idaho Falls REJECT the zoning change.

Mr. Robert Drexler, 885 Claire View Lane, a signer of the above petition, appeared and voiced a verbal protest. He said it was general knowledge that the petitioner for rezoning intends to permit construction of a service station on the property in question and that this would be detrimental to near-by residential property values. He said he has reason to believe that, assuming this rezoning is permitted, the petitioner anticipates requesting similar rezoning for the strip along Grandview west of Foote Drive and east of Skyline.

Attorney George Petersen, representing Mr. William Hatch, appeared before the Council and again reiterated the fact that the property in question cannot be profitably developed under an R-3A zoning and that, due to the proximity of the highway, a service station would be putting the property to its proper feasible and economic use.

Mr. Drexler reappeared and reminded the Council that the service station, if permitted, would obviously require access and if this were to happen, all Claire View residents would have a right to demand similar access.

Councilmember Smith asked about the developer's plans for beautification. Attorney Petersen said any type of sight proof landscaping would not prove practical, due to the terrain. He said the petroleum company would be willing to furnish the usual surrounding beautification such as lawn and shrubs. Asked about the dedication of sufficient land to provide 100 feet of right of way, Mr.

Petersen said he felt this could be arranged, adjacent to the immediate area in question, providing the requested rezoning were granted.

Mr. Howard Noble, Chairman of the Planning Commission, appeared and said that the Planning Commission minutes did not so expressly state, it was the members intent that the developer dedicate sufficient ground for a 100 foot right of way, not only adjacent to the area to

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rezoning, but also west of Foote Drive to Skyline. He also reminded the Council that their rezoning recommendation carried with it a provision that a plot plan be furnished.

It was moved by Councilmember Wood, seconded by Smith, that this portion of this public hearing be recessed until May 5, 1966, at which time it was understood that a full plat would be made available for Council perusal, including the property owners intentions pertaining to the dedication of right of way. Roll call as follows: Ayes, 6; No, none; carried. It was further understood and agreed that, in the interim period, Attorney Petersen would meet with the appropriate Council Committee and the nearby residents as a means of resolving controversial facets of this zoning problem.

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.

Mr. Jack Young, physical education director for School District #91, appeared before the Council and drew attention to a pedestrian traffic problem resulting from students at O. E. Bell Junior High passing from said school down the alley between South Water and South Ridge to the Poitevin Park for physical education classes. He proposed caution signs and pavement markings in the interest of safety. Assistant City Engineer Laird appeared and said his Department had studied this problem and feel that the alley in question is not a practical route for the students, as visibility is limited. Mr. Young said it would be virtually impossible to police the route and force the students to use either one of the two available streets. In was generally agreed that a meeting be arranged with Laird, Young and a member of the Police Department to study the problem further as a means of resolving same.

The City Clerk read a letter from the National Police Officer's Association, commending the Idaho Falls Police Department for their safety program for 1965. The Mayor then invited Councilman Erickson to present a safety award to Captain Dan Wilson of the Police Department, representing the Police Chief.

License applications for BARTENDER, Cyril W. Armstrong, O. A. Johannesen, Leonard Messmer, JoAnn Hansen, John E. Hudson, LaVere Jones, Jr.; PHOTOGRAPHER, Ray Longhurst with Ray's Camera-land, Rebecca C. Metcalf with Green Fairy Pictures, Idaho Department Store; MOTEL, H. Lund Taylor for San Dee Motel, Rose Mauro for Joe's Motel, Leda Johnson for Johnson' Cabins; SECOND HAND STORE, George Steele for Park Avenue Furniture, Donald F. Austin for Circle Dot Furniture Co.; RESTAURANT, Jack W. Carey for Pay'N Save Drug, Leonard Messmer for Leonard's Airport Lounge and Dining, Parley A. Arave for Idaho Falls Temple; BOWLING LANES, Ky Nii for Hollywood Bowl; ELECTRICAL CONTRACTOR, Dale Dockstader with Electrical Equipment Co., Inc., J. F. Unsworth with Skyline Electric Service, R. W. Bauchman with Bauchman's Idaho Falls Electric; JOURNEYMAN ELECTRICIAN, Jack B. Dalton, Ben Jackling, William D. Blake, Derlin L. Campbell, Dale Dockstader, Francis Irving Schearer, J. F. Unsworth, Charles W. Bateman; APPRENTICE ELECTRICIAN, Marjorie Griffith, Jerry Griffith, Thayne Howe, James B. England;

MASTER PLUMBER, Glen B. Reed; CLASS D CONTRACTOR, WARM AIR HEATING, Lester Watson; CLASS D CONTRACTOR, GAS FITTING, Claude Smith and Duane G. Sibbett; CLASS D JOURNEYMAN WARM AIR HEATING, Hans Deede; JOURNEYMAN PLUMBER, Hyrum Dale Mathews; CLASS D APPRENTICE, Ronald Frame were presented. It was moved by Councilman Erickson, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Director where necessary. Roll call as follows: Ayes, 6; No, none; carried.

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The City Clerk drew attention to a liquor catering permit issued in the name of the Starlite Lounge to cater the Junior Chamber of Commerce convention on April 21<sup>st</sup>. It was noted that in the interests of time and after its approval by the Mayor and Police Chief, this permit was granted without formal Council approval. It was moved by Councilman Erickson, seconded by Freeman, that this action on the part of the City Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The following communication was read by the City Clerk:

Id. Surveying and Rating Bureau  
Boise, Idaho  
April 14, 1966

S. E. "Eddie" Pedersen, Mayor  
Office of the Mayor  
City Hall  
Idaho Falls, Idaho 83402

Dear Mayor Pedersen:

Immediately upon receipt of your letter of March 30<sup>th</sup>, we contacted the West Coast Office of the American Insurance Association to see if they had received any word from their headquarters in New York as to the grading of your City. We received a promise from the San Francisco office that they would do their best to give us an answer at an early date.

We are quite familiar with your program and we understand your desire for an early grading. We will do our best to help you and we hope that we can give you an answer in the not too distant future.

Yours very truly,  
s/ L. S. Flitner  
Manager

No Council action was considered necessary.

From the Purchasing Department this memo was presented:

CITY OF IDAHO FALLS  
Office of the Purchasing Agent  
April 19, 1966

One (1) ½ Ton Pickup

Honorable Mayor and Councilmembers:

Tabulation of bids for one (1) ½ ton pickup is attached.

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Evaluation of bids received show Ellsworth Brothers of Idaho Falls submitting the low bid of \$1,765.71.

It is the recommendation of the Parks 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 Erickson, that the low bid of Ellsworth Brothers be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Purchasing Department, this memo was presented:

CITY OF IDAHO FALLS  
Office of the Purchasing Agent  
April 19, 1966

One (1) Standard 4 Door Station Wagon

Honorable Mayor and Councilmembers:

Tabulation of bids for one (1) standard station wagon is attached.

Evaluation of bids received show Smith Chevrolet Company of Idaho Falls submitting the low bid with trade-in of \$2,541.00, without trade-in \$2,591.00.

With the low offered trade-in, it is the recommendation of the Fire Department and the Purchasing Department that the low bid without trade-in be accepted.

This recommendation subject to your approval.

s/ W. J. Skow  
Purchasing Department

It was moved by Councilman Erickson, seconded by Freeman, that the low bid without trade-in from Smith Chevrolet be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The following memo from the Public Works Director was submitted:

CITY OF IDAHO FALLS  
Public Works  
April 21, 1966

TO: Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: HIGHLAND PARK LIFT STATION  
APRIL 21, 1966

On April 12, we received one bid for the renovation of the Highland Park Lift Station in the amount of \$14,169.00. This bid exceeded our Engineer's Estimate by \$1,519.00.

We have subsequently found that other bidders would be interested should we re-advertise, and have revised our cost estimate to \$12,850.00. We are therefore recommending that the Council reject this bid and authorize this Division to re-advertise the project.

s/ Don  
Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that the bid for renovation of the Highland Park Lift Station be rejected and that authorization be granted for re-advertising as recommended. Roll call as follows: Ayes, 6; No, none; carried.

From the Controller this memo was submitted:

CITY OF IDAHO FALLS  
April 21, 1966

MEMORANDUM

TO: Mayor S. Eddie Pedersen and City Council  
FROM: L. I. Jenkins, City Controller  
SUBJECT: LIABILITY INSURANCE - SOLICITATION OF BIDS

Requesting approval for solicitation of bids for liability insurance coverage for an effective period June 1, 1966. Bids to be opened May 19, 1966. The policy to be as follows:

|                                   |  |
|-----------------------------------|--|
| Bodily Injury                     | \$100,000 each person<br>\$300,000 each occurrence |
| Property Damage - Auto            | \$ 25,000 each occurrence                          |
| Property Damage - Other Than Auto | \$100,000 each occurrence                          |

\$300,000 aggregate limit

Insurance covering false arrest is handled through the Association of Idaho Cities (formerly the Idaho Municipal League) at considerable savings.

The three year effective period will have an economic advantage, and induce a greater participation in bidding by insurance agencies.

s/ L. I. Jenkins

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It was moved by Councilman Parish, seconded by Freeman, that solicitation for liability insurance bids be approved for the coverage period as indicated. Roll call as follows: Ayes, 6; No, none; carried.

A contract was presented from the Union Pacific Railroad, L.D. #20176, covering a storm sewer pipe line encroachment. It was moved by Councilmember Parish, seconded by Smith, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Assistant City Planner Doxey presented final plats on the following additions:

Westgate Addition, Division #1  
John Heights, Division #6  
Rosewood Acres (County)  
Falls Valley, Division #6  
Sunnyside Estates, Division #1 (County)  
Homer Commercial Addition  
Neil Bradley Addition  
Eastgate Addition, Division #1  
Brookhaven Addition, Division #1 (County)  
Hatch Addition, Division #2

After thoroughly studying each plat, it was moved by Councilman Wood, seconded by Freeman, that these plats be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1167**

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 (HATCH ADDITION, DIVISION #2)

The foregoing Ordinance was presented in title. It was moved by Councilmember Nelson, 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?" Roll call as follows: Ayes, 6; No, none; carried.

**ORDINANCE NO. 1168**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME  
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A PART OF THE CITY OF IDAHO FALLS, IDAHO (WESTGATE ADDITION, DIVISION #1)

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.

**ORDINANCE NO. 1169**

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 (JOHN HEIGHTS SUBDIVISION, DIVISION #6)

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

The City Clerk drew attention to the need for a public zoning hearing. It was moved by Councilman Parish, seconded by Wood, that this hearing be scheduled for May 19, 1966. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor spoke in behalf of Mr. Richard Wheeler who wished to express his appreciation for the patience and cooperation of the City Council and particularly the Airport Council Committee in resolving the many problems concurrent to the construction of a hangar at the airport by Mr. Wheeler and Associates.

Mr. Joe Laird, Assistant City Engineer, appeared before the Council at the invitation of the Mayor to explain and describe, by drawings, the Engineering Department's concept of the Grandview arterial which would extend westward and then curve to the south paralleling the proposed extension of the NE-SW airport runway, intersecting Broadway at the same point now indicated for termination of the proposed 17<sup>th</sup> Street extension. He used Grandview as an illustration but pointed out that, from the standpoint of long term planning, there is a similar basic problem on any and all future arterials which should be resolved as soon as possible so that developers can plan accordingly. Laird presented first what he chose to call Proposal A, still using a portion of the

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Grandview concept as an illustration, said portion to include the point at which the existing Grandview now terminates, extending from there and connecting to the Butte Highway. He said the ideal construction concept of that particular portion of the proposed arterial would be roadway with no private access or egress between those two points, similar to the trend now established on the south side of Grandview from Skyline to the Interstate. Because the adjoining property would not directly front on the arterial under this construction philosophy, continued Laird, the City would find it necessary to bear all construction costs in the amount of approximately \$122,060.00 including excavation, base material, surfacing, curb and gutter, culverts, bridges and a six foot sidewalk where applicable. He then presented Proposal B, using the identical roadway route and the same type of development, the only difference being the fact that the adjoining property would directly front on to the arterial and therefore the owner would be required to stand his proportionate share of roadway construction cost, thus lowering the City's participation to approximately \$92,440.00. Laird, noting the difference in City cost of approximately \$30,000.00, strongly recommended Proposal A on the grounds that the additional \$30,000.00 could well be considered a sound investment toward greater pedestrian safety, fewer traffic accidents and increased vehicular capacity.

Laird noted that the Planning Commission is already faced with this problem and is anxious to meet with the Council to determine basic long range policy accordingly. Planning Commission Chairman Noble reappeared and concurred with Laird's comments and explained further, that zoning would be simplified if property were backed up to the arterial, thus eliminating the necessity for a buffer zone. With regard to the immediate property adjacent to the first phase of the proposed Grandview arterial, Councilman Nelson suggested that the Planning Commission meet with all affected property owners to get their views on the matters. It was moved by Councilmember Nelson, seconded by Smith, that principally as a guide for the Planning Commission at this time, the Council go on record as favoring Proposal A, as described by Engineer Laird. Roll call as follows: Ayes, 6; No, none; carried.

Mr. H. F. Rhodes, 705 First Street, appeared and explained that the long term master street plan has already made said determination and that First Street had been designated as a collector street, not an arterial.

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

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