

NOVEMBER 18, 1965

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Regular Meeting on Thursday, the 18th day of November, 1965, at the hour of 7:30 P.M. at the City Council Chambers in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said Meeting having been given as required by law and the rules and ordinances of the City.

On roll call the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilmen Karl Page, Jim Freeman, Gordon Nelson, Dale Parish, Roy Keller. Absent: Councilman Philip Leahy. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Donald Lloyd, Public Works Director; William Fell, Electrical Engineer; Ray Browning, Building Official.

Minutes of the last Recessed Regular Meeting, held November 9th, 1965, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for hearing and considering protests to the Assessment Roll, as proposed and computed, to L.I.D. #35.

Mr. Raymond Jorgensen, 755 Sharp Place, appeared before the Council and asked how and when assessments would be due and payable. The Mayor explained that there would be a thirty day period for the payment of assessments in full, without interest, after which they would be placed as a lien against the property and payable over a ten year period. Mr. Jorgensen then asked for assurance that his assessment in the amount of \$57.95 would be the total amount expected from him as his pro rata share to completely correct the drainage problem at Garfield and Royal and was answered in the affirmative.

Mr. Ned Mitchell, 1024 Kearney, asked if the school district had agreed to participate in the district in the greater revised amount as proposed and was answered in the affirmative. Mr. Mitchell then thanked the Mayor and City Council for their efforts and cooperation in arriving at a more equitable assessment for affected residents. Councilman Parish asked for area coverage by the district, particularly the outer western and northern boundaries, and this was explained by the Public Works Director.

In the presence of protests, Councilman Nelson introduced the following resolution in writing and moved its adoption:

RESOLUTION (Resolution No. 1965-28)

RESOLUTION APPROVING AND CONFIRMING ASSESSMENT ROLL OF LOCAL IMPROVEMENT DISTRICT NO. 35

“WHEREAS, the City Engineer and Committee on Streets have heretofore made out and certified to the City Council as provided by law an Assessment Roll of Local Improvement District No. 35, and

WHEREAS, on October 21, 1965, the City Council fixed the time and place when and where objections to said Assessment Roll by the property owners of said district would be

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heard, to-wit: Thursday, the 18th day of November, 1965, at 7:30 P.M. of said day at the Council Chambers in the City Building at Idaho Falls, Idaho, and

WHEREAS, notice was duly and regularly given as provided by law by the Clerk of the time to file objections to said Assessment Roll, and

WHEREAS, no objections of any kind or nature were filed or made to said Assessment Roll, and

WHEREAS, the City Council has examined said Assessment Roll, and considered same,

NOW THEREFORE, BE IT RESOLVED, that said Assessment Roll, and each and every item thereof, and the whole thereof, be, and the same hereby is in all respects approved, ratified, and confirmed."

Councilman Page seconded the adoption of said Resolution, and the same, on being put to a vote, was unanimously carried by the effective vote of all Councilmen present, the vote being as follows: Councilmen Page, Freeman, Nelson, Parish, Keller. "Nay", none. Whereupon the Mayor declared the motion carried.

The foregoing resolution having been presented and adopted, this ordinance was then introduced in title:

ORDINANCE NO. 1155

AN ORDINANCE PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF CREATING LOCAL IMPROVEMENT DISTRICT NO. 35 IN THE CITY OF IDAHO FALLS, IDAHO, AND OF MAKING LOCAL IMPROVEMENTS THEREIN BY INSTALLMENTS PAYABLE IN TEN EQUAL ANNUAL PAYMENTS AS NEARLY AS MAY BE, AND AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT BONDS OF SAID DISTRICT IN THE NAME OF SAID MUNICIPALITY FOR SAID INSTALLMENTS, AND FIXING THE RATE OF INTEREST THEY SHALL BEAR AND MAKING THE SAME PAYABLE ANNUALLY.

It was moved by Councilman Nelson, seconded by Page, 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.

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The Mayor announced that this was the time and the place for reconvening a portion of a previously advertised public hearing covering rezoning consideration for the Sacred Heart Hospital. In this connection, the following memo was presented:

City of Idaho Falls
Office of the City Clerk
November 18, 1965

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Mr. Tom Whyte, Attorney for the Sacred Heart Hospital, has respectfully requested that this pending rezoning matter be indefinitely postponed.

It is his understanding that as, if and when the subject is reactivated, formal request will again be made and re-advertising will be necessary. Mr. Whyte has asked that the Council, therefore, refer this matter back to the Planning Commission who should, in turn, be instructed to table same with this understanding.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Page, seconded by Keller, that this rezoning matter be indefinitely postponed with the understanding as stated. Roll call as follows: Ayes, 5, No, none; carried.

Mr. Vern Brown, 935 Blaine Avenue, appeared before the Council and presented the following damage claim:

Vern L. Brown
935 Blaine Avenue
Idaho Falls, Idaho
November 18, 1965

Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

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As per the request of Mayor of the City of Idaho Falls, Idaho, in an interview with him this afternoon, I am here with presenting to you two bids I received to replace the broken windows in my building at Broadway and Capital Avenue that were broken Wednesday, November 17, 1965 about 4:30 p.m.

| | |
|-----------------------|----------|
| Bennett Glass Company | \$148.25 |
| Ostler Glass Company | \$166.48 |

I would appreciate your consideration and replacement of the broken windows as they were broken from a concrete rock thrown against it by a truck in the street.

Sincerely,
s/Vern L. Brown

It was moved by Councilman Parish, seconded by Nelson, that this be referred to the City Insurance Adjustor for investigation. Roll call as follows: Ayes, 5; No, none; carried.

Another damage claim was presented and read by the City Clerk as follows:

1035 12th Street
Idaho Falls, Idaho
November 14, 1965

Roy Barnes, City Clerk
Box 220
Idaho Falls, Idaho

Dear Mr. Barnes:

This letter is to notify the City of Idaho Falls that we (Albert J. and Mary J. Micek) intend to seek damages for the loss of business revenue due to the City's laxity in finishing their work so that the subcontractor and prime contractor can continue their work on L.I.D. #36.

Our business, Thrift-T Car Wash, at 438 East College has suffered a 65-75% loss in revenue since the City Water Department started digging holes on College. Despite our protests and complaints the holes and trenches still remain. Reinhart and Sons cannot complete the curb and gutter and Pickett and Nelson Cannot pave the street. The large trench immediately opposite our business is to the center of the street thus forcing traffic to one side and causing some traffic to find another more easily traveled street. Most of the traffic that once flowed on the 400 block of College Street has been tunneled elsewhere thus causing this tremendous drop in revenue.

Yours truly,
s/ Mary J. Micek

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It was moved by Councilman Nelson, seconded by Keller, that this be referred to the City Insurance Adjustor for investigation. Roll call as follows: Ayes, 5; No, none; carried.

License applications for BARTENDER, Robert G. Hiatt; GROCERY STORE, previously approved by the City Sanitarian, Albertson's Food Center; GROCERY STORE RENEWAL, previously approved by the City Sanitarian, Highland Grocery; RESTAURANT, previously approved by the City Sanitarian, Falls Café; JOURNEYMAN ELECTRICIAN, previously approved by the Electrical Inspector, Ronald Scott, Clyde Koferd, Jr.; APPRENTICE ELECTRICIAN, previously approved by the Electrical Inspector, Rick Kirkendall, Gil Swartz, Ralph Gardner; CLASS D JOURNEYMAN, previously approved by the Heating Inspector, Earl J. Carter; JOURNEYMAN PLUMBER, previously approved by the Heating Inspector, Charles M. Olson; CLASS C APPRENTICE, previously approved by the Heating Inspector, Joseph H. Scheer, Ray Lindsay; CLASS D APPRENTICE, previously approved by the Heating Inspector, Harry George Strobel, Mark Goyen; BEER, previously approved by the Police Chief, Harry Parker for Turf Bar, canned, bottled and draught to be consumed on the premises, Albertson's Food Center, canned and bottled not to be consumed on the premises; RENEWAL BEER LICENSE, previously approved by the Chief of Police, Highland Grocery, canned and bottled not to be consumed on the premises. It was moved by Councilman Keller, seconded by Page, that these licenses be approved. Roll call as follows; Ayes, 5; No, none; carried.

Licenses application of RESTAURANT for W. Kay Rushton with Kay's Café. It was moved by Councilman Page, seconded by Parish, that this license be granted subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 5; No, none; carried.

A letter from two City Garage mechanics was presented, Messrs. Merlin W. Hill and J. O. Fricke, expressing appreciation for their opportunity to have attended a Pitman Service Training School in Salt Lake City on November 6 and 9, 1965. A complete description was given of the training received and the value gleaned from it. The City Clerk was directed by the Mayor to place the letter on file in his office.

This memo was presented and read:

Memo to Mayor and City Council:

AGENDA FOR COUNCIL MEETING, NOVEMBER 18, 1965

Gentlemen:

We are asking for a ruling by the City Council on the following:

We have an application to construct a twenty (20) unit apartment house on Lots 8 through 13, inclusive and the west 15' of Lot 7, Block 1, Crows Addition. Plot is 165' X 125', presently occupied by a trailer court and apartment house, which will all be removed of the planned apartment house is permitted.

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Ordinance # 1115 does not include the apartment house in the list of permitted uses in the C-1 zone.

In addition to the listed uses, the Ordinance states "other uses similar to the foregoing, which uses are ruled by the City Council to be in harmony with the intent of this zone".

Respectfully yours,
s/ Ray Browning
Building Official

It was moved by Councilman Parish, seconded by Keller, that construction of the apartment house be permitted in the area as described, presently zone C-1. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1154

AN ORDINANCE ESTABLISHING AND FIXING RATES TO BE CHARGED FOR CITY WATER USED BY CERTAIN CLASSES OF CONSUMERS FOR LAWN SPRINKLING, IRRIGATION, AND OTHER OUTDOOR USES WITHIN THE CITY OF IDAHO FALLS, IDAHO; DESIGNATING THE CLASSES OF CONSUMERS TO WHICH THE RATES APPLY; PROVIDING FOR THE COLLECTION OF SUCH WATER CHARGES; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCES SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Nelson, seconded by Page, 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 Nelson presented an Airport Use Agreement between the City and Sun Valley Airlines for the use of the Municipal Airport for a six month period for the purpose of conducting an air transportation system. It was noted that the landing fee was at the rate of 12 ½ ¢ per 1000 pounds of gross landing weight and that Sun Valley Airlines would make their own arrangements with the other airplanes for the use of certain other facilities such as the loud speaker system. It was further noted by Nelson that only light planes would be used. It was moved by Councilman Nelson,

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seconded by Parish, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor drew attention to the need for a Council decision, relative to a Palmistry license application in the name of Robert Ephram which had been tabled when presented earlier because of a request by the applicant's attorney that the City Code be waived and the applicant be permitted, for \$100.00, to practice palmistry for a period of three months. It was moved by Councilman Keller, seconded by Page, that the City Clerk be authorized and directed to return the money to Mr. Ephram with a letter of regret that the City Council is not in a position to make an exception to the City Code which requires a license fee of \$10.00 per day for an operation of this nature. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk drew attention to the need for a public hearing for the rezoning consideration of one parcel of property. It was moved by Councilman Page, seconded by Freeman, that said hearing be scheduled for December 9, 1965. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor requested the City Clerk to read the following:

K I D Radio and Television
P. O. Box 2008
November 16, 1965

The Honorable Eddie S. Pedersen
City Hall
Idaho Falls, Idaho

Dear Mayor Pedersen:

Enclosed are seven copies of an ordinance granting the Snake River Cable Company a franchise to construct a community antenna television system in the City of Idaho Falls.

The Snake River Cable Company is a partnership in which we, through a wholly-owned subsidiary corporation, Golden Valley T.V., Inc., have a half interest and Channel 8, through Jim Brady and his associates, have half interest.

We would appreciate your consideration of this request for a franchise at the earliest opportunity.

Yours truly,
s/ Allen Jensen
Executive Vice President

The Mayor then introduced the proposed ordinance, caption of which is as follows:

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ORDINANCE NO.

AN ORDINANCE GRANTING A PERMIT TO SNAKE RIVER CABLE COMPANY FOR THE PURPOSE OF RECEIVING, AMPLIFYING AND DISTRIBUTING THE SIGNALS OF BROADCASTING STATIONS BY CABLE TO THE INHABITANTS OF THE CITY OF IDAHO FALLS, IDAHO

It was moved by Councilman Parish, seconded by Keller, that this be referred to the City Attorney for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Presented by Councilman Nelson was a lease agreement between the City as Lessor and Messrs. Dick Wheeler, Eldon Hall, Lee Wood, Ky Nii, and Lloyd Mecham as Lessees, covering airport land to be used for hangar purposes, for a five year period with option of renewal. It was noted that the lease called for an annual rental of \$254.10 per year. It was moved by Councilman Nelson, seconded by Parish, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

It was understood and generally agreed that the cost of any improvements made by the Lessee which, at that time and in the opinion of the Council, were of benefit to the City could be used in lieu of cash rental to the extent of said benefit.

Public Works Director Lloyd gave a brief report on right of way appraisal and acquisition, relative to property needed for canal relocation on 17th Street between Boulevard and Emerson. He noted that Derald Jorgensen had been appointed Chief Right of Way agent, that no serious problems have arisen to date, that contracts would be placed into the hands of affected property owners for approval and signature and that it would now appear that the needed right of way could be acquired for approximately \$1,700.00.

Public Works Director Lloyd appeared and reintroduced the subject of the east extension of Lomax Street. He again reminded the Council that, although this improvement may not be immediately forthcoming, a decision is necessary for purposes of budgeting and planning. It was agreed to table the matter further until the new Councilmembers-elect had an opportunity to review and be appraised of the proposed development.

Councilman Nelson drew attention to a City owned vacant lot between Freeman Avenue and Holmes Avenue on the north side of John Adams Parkway. He felt the City Council should determine whether or not the property is or will be needed for City purposes and if the decision were to be negative, then consideration be given toward its deposition. After some discussion, it was generally agreed that sale of this property should not be effected at this time.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
