

JUNE 8, 1965

The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Tuesday, June 8, 1965 at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmen Freeman, Keller, Leahy, Nelson, Page, Parish. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney, Les Corcoran, Fire Chief; Don Lloyd, Public Works Director; Ray Browning, Building Official; Luther Jenkins, City Controller.

Minutes of the last Recessed Regular Meeting, held May 21, 1965, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, relative to the intention to create Local Improvement District #35.

At the invitation of the Mayor, Public Works Director Lloyd presented, by slide, a map showing the affected area and explained that said area had been determined by actual survey by the Engineering Department. He then explained that the cost of the district was estimated at \$39,000, arrived at as follows: Construction cost, \$32,500, Engineering, \$4,770, Advertising and Administration, \$500.00, Bond Printing, \$500.00, Legal, \$750.00. He pointed out that City participation would be approximately \$7,000, School District #91, \$17,900 and balance to be assessed, \$14,000, resulting in an estimated assessment of .016 per square foot with total assessment area of 921,600 square feet.

Mr. Ned Mitchell, 1024 Kearney, appeared before the Council, acting as spokesman for thirty four petitioners of protest, many of which were also present, and presented the following petition:

June 5, 1965
1024 Kearney
Idaho Falls, Idaho

Dear Sirs:

In regard to the notice of intention to establish local improvement No. 35 of the City of Idaho Falls, Idaho, we wish to protest.

We believe the whole Bel-Aire School District area should be taxed. This drainage is for the school area. It is not fair to tax a limited number of us. We never have water standing around our home and we really don't need this. We understand the water does stand at school and something should be done, but by so few home owners. Don't we even have a chance to vote on this.

This is our written protest.

Your truly,

Mr. Mitchell then pointed out that drainage water in his immediate area does not drain toward Garfield and Royal, the intersection serving as the hub of the drainage area in question. He proposed that all parents of all Bel-Aire students share in the assessment.

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Mr. William Bryant, 750 Sharp, appeared and, qualifying his remarks by agreeing that the district was needed, said he felt all property owner parents of school children should be assessed. He pointed out that there was no drainage problem until the Clair E. Gale School was built.

Mr. R. O. Lambert, 1047 Kearney, appeared and asked why he and his neighbors should be assessed when other neighboring districts, apparently with satisfactory drainage facilities, had not been, when their district was developed. He proposed that the cost of this drainage problem should be borne by the entire City.

Mr. Raymond Jorgensen, 755 Sharp Place, appeared and informed the Council that many who are subject to assessment had not received notice of this meeting or there would have been many more protestants present. The City Clerk explained that notices, by certified mail, had been sent to all property owners of record, taken from the files of a local Title Company. Mr. Jorgensen said this was not an effective approach, inasmuch as many in this area are buying on a sales contract and that their names do not appear in the records of a Title Company as being the owner.

Mrs. J. E. Smith, 1032 Kearney, appeared and protested the manner in which the survey was made and, thus, the engineering results in determining those who should be included in the district. She proposed that all property owners in the entire area should be assessed, not just those as designated by an imaginary boundary line on a map. She asked for assurance that no further meetings on this district be conducted without due notice to all affected property owners.

In the absence of any further protests or comment, the Mayor concluded the hearing by saying that, whether or not this problem is resolved by the formation of L. I. D. District, the problem does persist and is of a serious nature in need of remedial attention. He reminded those present that this matter had been initiated by a petition from certain property owners, requesting the creation of such a district. With general Council agreement, he declared the matter tabled this night, subject to further Engineering study in an effort to determine a more equitable means of property assessment.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the study of two areas in need of zoning or re-zoning consideration. First to be considered were Lots 9, 10, 11 and the west 5 feet of Lot 8, Block 3, Martin Addition. There were no protests. It was moved by Councilman Parish, seconded by Page, that these Lots be re-zoned from R-1 to R-2, as requested by the petitioner. Roll call as follows: Ayes, 6; No, none; carried.

Next to be considered were all the lots and blocks of the Bona Vista Addition, Division #2, for initial zoning. No one appeared for purpose of protesting. It was moved by Councilman Page, seconded by Leahy, that this district be zoned R-1. 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 or re-zoning on the official zoning map, located in his office, and the City Attorney to incorporate same by amendment to the Zoning Ordinance.

The Mayor, recognizing that there were several in the Chambers who were interested in the bids on the fire alarm system, introduced this subject for Council consideration. The City Clerk read the following memorandum of recommendation from the Fire Chief:

June 7, 1965

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Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

Bid proposals for furnishing and installing a Municipal Fire Alarm System for the City of Idaho Falls have recently been returned from the Idaho Rating and Surveying Bureau. They have studied them and after consulting with the American Insurance Association office in San Francisco, they inform us that all three systems under consideration, namely Notifier, Gamewell and Mountain States Telephone Company would rate very nearly the same and would be in the range of a high Class 3 or a low Class 2 rating. We feel this is an excellent rating and are ready to proceed with the construction of the system.

Operating features of each system were studied. Costs of owning, maintaining, extending and repairing a City-owned system were thoroughly analyzed. It was determined that leasing a system would be just as economical as owning our own.

Therefore, I recommend, for your approval, that we accept the proposal of the Mountain States Telephone Company for supplying a leased Municipal Fire Alarm System for \$1,697 per month and that the City Attorney be authorized to draw up a contract to that effect including in it the necessary stipulations guaranteeing the City of Idaho Falls satisfactory records, repairs, maintenance and replacement of faulty equipment and insuring that skilled repairmen will always be available.

Respectfully submitted,
s/ Les Corcoran
Fire Chief

This was followed by the reading of the following letter:

Mayor S. Eddie Pedersen
City Councilmen
City Hall
Idaho Falls, Idaho

Honorable Mayor and Councilmen:

As you know, the Chamber of Commerce Fire Prevention Committee has done considerable research on the Fire Alarm Bids requested by the City and in return we presented the bids to

the Idaho Surveying and Rating Bureau to be analyzed for their recommendation. They did analyze the bid, but they will not give us an opinion in writing. Carl Goble of the Idaho Bureau did indicate in a telephone conversation with Dan Davis and Chief Les Corcoran that

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any of the three systems being considered (Telephone Company, Gamewell, and Notifier), would run a weak Class 2 or a strong Class 3.

With this information and the projected cost presented by Luther Jenkins for a City owned system it is the opinion of this Committee that the City should accept the lease system presented by the Telephone Company.

If the City does decide to accept the telephone lease system, it would be our recommendation that the City Attorney work closely with Fire Chief Les Corcoran in regards to the lease and also it would be our recommendation that the City Attorney check with the Telephone Company before the program is accepted, to see if the following items could be included in the lease:

1. Properly trained supervisory personnel to maintain system in case of a telephone strike.
2. Only specified personnel to work on the system.
3. That the City's leased system would have priority over all routine equipment.
4. They would maintain adequate parts for immediate repairs.
5. Complete written records of the installation, maintenance, tests, failures, repair and extension of the system shall be forwarded to the Municipal employee, meaning the Fire Chief as soon as possible.

Sincerely,
s/ George Ball, Chairman
Fire Protection Committee
I.F. Chamber of Commerce

Mr. Loyale Babbitt, one of the bidders, appeared before the Council and protested the recommendation that a lease arrangement be selected when there was no specific provision for offering such a service in the bid specifications. He said that the supplier he represented, Notifier Corporation, could offer such a service at a cost of \$200.00 per month which would total \$127,575.00 over a ten year period in comparison to the Telephone Company's bid of \$206,2287.00. He said the only reason this wasn't included in their bid was because it wasn't spelled out in the specifications. Mr. Barker, a representative from Notifier, appeared briefly to explain that their normal guarantee

covered a five year period yet that in this case, they would extend said guarantee, in case the equipment was purchased from their firm, to ten years. He said all workable parts were in sealed containers which could be easily replaced. He suggested that the Council should give all bids additional study.

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Mr. Ken Herman, representative from the Gamewell Company, appeared and took exception to costs as presented by the Telephone Company. He presented a printed analysis, comparing their costs to those of the Telephone Company which revealed their twenty year cost to be \$269,620 as compared to that of the Telephone Company to be \$445,600, and for thirty years, \$384,930 vs \$666,540. He pointed out that his Company has 2,300 systems throughout the nation and that they were considered very competitive. He said his company would submit a lease proposal if requested. He pointed out further, that his Company's equipment has a 40 year life expectancy and so there could be enough savings in the last ten years to purchase another new system. He concluded by saying that a lease operation would undoubtedly be subject to increased lease rental over a period of years.

Mr. Oliver, also of the Gamewell Company, appeared briefly to point out that in Portland, Oregon, that City's Attorney ruled that it would be illegal to use public bond funds for the acquisition of a leased system.

Mr. Robert Bauchman of the Idaho Falls Electric Dept. appeared and voiced an opinion that the bids, as received, were not compatible and that, if the City were interested in a lease system, all interested bidders be given the opportunity to bid on that basis.

Fire Chief Corcoran appeared and explained that, in the opinion of those who assisted him in making a decision from whence his recommendation was made, a leased system would be more economical and practical over a period of years, due to the fact that the equipment would at all times be kept efficiently updated. He reminded the Council that, purposely, the invitation to bid used the words "furnish and install" rather than purchase which would in his opinion, qualify a bid on a lease basis. The City Attorney reminded the Council that the Telephone Company bid was on a voluntary gratuitous basis. Councilman Page concurred with Mr. Bauchman that the bids were not compatible. In the absence of further discussion, it was moved by Councilman Leahy, seconded by Freeman, that Council action on all bids be deferred and that the City Clerk be directed and instructed to request from all bidders that their bids be extended to July 15th, 1965, that a decision would be reached by that date and that, in the interim period, company representatives be invited in to confer with the Council on the subject. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of May, having been properly audited by the Finance Committee, were presented in caption form-to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$99,254.25	\$64,735.30	\$163,989.55
Fire Bonds	21,492.71	3,501.37	24,994.08
Water & Sewer Fund	9,245.52	19,913.45	29,158.97

Electric Light Fund	28,494.88	64,231.81	92,726.69
Recreation Fund	1,358.72	695.55	2,054.27
Police Retirement Fund	<u>2,113.68</u>	<u>.00</u>	<u>2,113.68</u>
<u>TOTAL FUNDS</u>	\$161,959.76	\$153,077.48	\$315,037.24

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It was moved by Councilman Parish, seconded by Page, 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 May and, there're being no objection, were ordered placed on file in the office of the City Clerk.

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

License applications for CLASS B WET HEAT, WARM AIR HEATING AND GAS FITTING CONTRACTOR, previously approved by the Heating Inspector, Wallace Pendleton and Clifford Draper for Wally's Plumbing & Heating; CLASS C JOURNEYMAN WET HEAT AND GAS FITTING, previously approved by the Heating Inspector, Dallas D. Pope; CLASS D REFRIGERATION APPRENTICE, previously approved by the Heating Inspector, Gene Parkinson with Scott's; JOURNEYMAN PLUMBER, previously approved by the Heating Inspector, Eldon M. Young; JOURNEYMAN ELECTRICIAN, previously approved by the Electrical Inspector, Fred Long, Elmo Baker; ROOMING HOUSE, previously approved by the Chief of Police, Kathleen E. Alburger for 7 rooms at Rialto Rooms, Mrs. Leona Clement for 12 units at Cleveland Motel, name change only for Katherine Price for 7 rooms at Samoa Rooms; BEER, previously approved by the Chief of Police, Ben Cohne for canned and bottled to be consumed on the premises at Tautphaus Park War Bonnet Round Up; CAB DRIVER, previously approved by the Chief of Police, James Lorenz were presented. It was moved by Councilman Freeman, seconded by Keller, that these licenses be approved. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim denial recommendation was read:

Safeco, Lifeco General Ins.
258 Broadway
Idaho Falls, Idaho
June 2, 1965

City of Idaho Falls
Idaho Falls
Idaho

Attention: Mr. Roy C. Barnes
City Clerk

RE: Your Policy #BLP 232171 - Binder #216
Accident of: 2-22-65
Claimant: Edward Sparks

JUNE 8, 1965

Dear Mr. Barnes:

After investigating this accident we find that Mr. Sparks was negligent in the operation of his vehicle. Because of his negligence he should not have a right of recovery against the City of Idaho Falls.

We, therefore, request that you deny Mr. Spark's claim.

Sincerely yours,
Safeco Insurance Company
s/ Merlyn D. Colpron
Claims Adjustor
Idaho Falls Field Office

It was moved by Councilman Parish, seconded Leahy, that the claim be formally denied. Roll call as follows: Ayes, 6; No, none; carried.

An extension rider was presented to Union Pacific Agreement LD #17931, extending said agreement to March 30, 1970. It was noted that this represented water pipe line encroachment right of way along Yellowstone Avenue. It was moved by Councilman Leahy, seconded by Keller, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented and read the following letter:

Hal Johnson Agency
160 North Holmes Avenue
Idaho Falls, Idaho
June 3, 1965

Honorable Eddie Pedersen
Mayor
Idaho Falls, Idaho

Dear Mayor Pedersen:

A am sure your are aware of the interest that the Idaho Falls Stakes have shown in the anticipated improvements in lighting and sound at the Civic Auditorium. Our interest heightens at this time of year, since we are approaching again the presentation of our annual musical in connection with the traditional 24th of July activities undertaken by the local Stakes.

The attitude of wishing to be of service to our needs and to those of the community in general on the part of the Civic Auditorium Committee, chairmaned by Mr. E. F. McDermott, has been

particularly fine. And we are now informed that this Committee has recommended to you and to the Council the purchase of four portable dimmers as part of the planned program to
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correct lighting deficiencies in the Auditorium; for what it is worth, our Production Committee joins in this recommendation.

Admittedly with an eye to our coming production, and realizing that you are planning to purchase this type of equipment in any event, the Production Committee of our Stakes respectfully requests your consideration of this recommendation at the next meeting of yourself and the City Council.

Sincerely yours,
s/ Hal R. Johnson
General Chairman
Pioneer Day Celebration

It was moved by Councilman Page, seconded by Freeman, that authorization be granted the Purchasing Department to proceed immediately toward acquiring the four portable dimmers as recommend and as budgeted. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was read:

City of Idaho Falls
Purchasing Agent
June 8, 1965

Honorable Mayor and Councilmembers:

RE: Sanitary Packer Box

Tabulation of bids for 20 cubic yard packer box is attached.

Evaluation of bids received show Truck Equipment Sales Company of Salt Lake City, submitting the low bid of Heil Mark III without trade-in of \$4955.00. This price is mounted on our truck at their factory and delivered to Idaho Falls.

It is the recommendation of the Public Works Division, Street Department, Sanitation 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 Keller, seconded by Nelson, that the low bid be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

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A memo from the City Controller was then presented, as follows:

City of Idaho Falls
May 7, 1965

TO: Mayor S. Eddie Pedersen and City Council
FROM: L. I. Jenkins, City Controller
SUBJECT: OPTION TO PURCHASE - U. S. DEPARTMENT OF AGRICULTURE

On November 24, 1964, the City signed the option with the American Sales Company for the purchase of certain property on Lincoln Road, for the purpose of an exchange with the United States Department of Agriculture for certain property within the City Golf Course. The City paid \$500.00 with the option, and the balance due prior to July 1, 1965. The necessary papers have been prepared to consummate the purchase. The balance due of \$11,500.00 is included in the City's 1965 Budget under General Fund, Non-Departmental, Code 4420.51, Page 29.

The Council should now take action to approve the purchase and expenditure of \$11,500.00.

It was moved by Councilman Freeman, seconded by Page, that the option be exercised as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The Public Works Director, through the City Clerk, presented this memo:

June 1, 1965

The Honorable Mayor
City Building
City of Idaho Falls, Idaho

Gentlemen:

Subject: Concrete Curb and Gutter Work Contract

Please be advised that at 10:00 A.M. this date we opened bids for concrete work on Yellowstone Parking Lot and Riverside Drive. The bids were received as follows:

Clarence Reinhart & Son	\$6,610.00
Lloyd Nash & Sons	\$6,665.00

We have reviewed these bids and find them to be in order. We would, therefore recommend that the Council award this contract to the low bidder of Clarence Reinhart & Son in the amount of \$6,610.00.

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Respectfully,
s/Donald F. Lloyd, P.E.
Public Works Director

It was noted that, in the interests of time Reinhart & Sons had already been informally selected as the low bidder. It was moved by Councilman Leahy, seconded by Freeman, that this unofficial action on the part of the Council be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Next, in the form of a Division Head memo, the following was presented:

June 8, 1965

MEMO TO ROY BARNES:

The abandonment of LaPrele Street was denied by the Planning Commission June 7, 1965, on recommendation of the Site Committee.

Reasons are, the street is needed to service property on the east and south sides.

s/ Ray Browning
Building Official

It was moved by Councilman Nelson, seconded by Parish, that the street in question be not abandoned for the reasons as stated. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Treasurer was then presented:

City of Idaho Falls
City Treasurer
June 8, 1965

Honorable Mayor and City Council
City Hall

Gentlemen:

Mr. A.V. Erkenbrak, who owns property at 158 W. 18th Street, Lots 35 and 36, Block 16, South Park Addition, has expressed a desire to obtain a small piece of land, (Lots 30-34, less the north ½, also, less Tract 1,) next to the canal and adjacent to his property. This was originally in the

name of A. W. Schulz, and was Tax Deeded by the City in 1952, for delinquent assessments in L.I.D. #21 for curb and gutter. All district bonds and interest were paid in 1959 which was the final year.

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This land would be of no value to anyone except this property owner, who is willing to pay the City for the delinquent assessments, including penalty, but does not feel he should have to pay 10% accrued from 1950 to the present time, as the property would not be worth such an amount. Presently owed is \$135.47, the accrued interest would add another \$129,72. Bonneville County could sell this land for General Taxes, thus extinguishing the City Lien.

If the City is willing and can legally accept this offer and issue a City Redemption Deed to Mr. Erkenbrak, I would appreciate receiving your written reply.

Respectfully,
s/ Zelda Houchens
Treasurer

It was moved by Councilman Leahy, seconded by Page, that this be referred to the City Attorney for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that, in the interests of time, re-advertising for invitation for bids on the Reinhart Park Swimming Pool had been published without official Council action. It was moved by Councilman Freeman, seconded by Keller, that this action on the part of the Clerk be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk asked for authorization to publish legal notice of advertisement for bids on alterations to the City Building Annex to provide office facilities for the Electrical Engineer and his staff. It was moved by Councilman Leahy, seconded by Freeman, that said authorization be granted. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 199 in this Book on Minutes and a promise from Mr. Rex Blodgett of the Idaho Potato Growers that a letter of intent would be forthcoming from that organization, relative to their good intentions to comply with the fire preventive provision of the Code and apply a sufficient coat of fire retardant paint to their new warehouse building, providing an experimental application proved successful. Following then is said letter, read to the Council by the City Clerk:

Idaho Potato Growers, Inc.
P. O. Box 978
Idaho Falls, Idaho
May 24, 1965

The Mayor and City Councilmen of Idaho Falls
P. O. Box 220

Idaho Falls, Idaho

Gentlemen:

Reference is made to a letter written to you on May 17th regarding the use of fire retardant paint on a new steel building we desire to erect within the City limits of Idaho Falls.

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It is my understanding that a waiver was granted by the City Council of Idaho Falls authorizing the Building Inspector to give us a building permit, on the basis of our agreement to be a "guinea pig" and try 2 or 3 gallons of fire retardant paint from two manufacturers on the structural steel. This experiment, of course, implies that if one or the other of the paints turn out to be satisfactory, we would use it on the balance of the structural steel.

Very truly yours,
Idaho Potato Growers
s/ M. A. Peterson
General Manager

No Council action was considered necessary.

This legal opinion from the City Attorney was presented:

City of Idaho Falls
City Attorney
May 28, 1965

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

RE: City Code, Section 6-1-39

Dear Roy:

The Legislature passed and the Governor signed a bill which defines Petit Larceny as the theft of personal property less than \$150 in value. It is true that our Code should be brought up to date in this connection, but I sincerely urge that there is no urgency about the matter. We can continue to charge persons with Petit Larceny in Idaho Falls under the Ordinance stating the amount of value was under the value of \$120.

I think the Council might have this brought to their attention, however, as soon as it is convenient, and an amendment can be made.

Sincerely,
s/ A. L. Smith

It was moved by Councilman Leahy, seconded by Freeman, that the City Attorney be directed to prepare an appropriate amendment to the Code accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Keller presented the following memo, as prepared by the Public Works Director:

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City of Idaho Falls
June 8, 1965

TO: Honorable Mayor & City Council
FROM: Donald F. Lloyd
SUBJECT: Design of Snake River Bridge 17th Street

We are requesting that Phase 2 (design) be authorized for the above captioned bridge. This \$4000 expenditure had earlier been postponed because of funds. Since it is apparent that E Street will not be constructed as scheduled, we are suggesting that a portion of these funds be diverted for this needed design.

We would request that the Mayor and City Clerk be authorized to sign the Phase 2 Agreement with the engineering firm.

s/ Don

It was moved by Councilman Keller, seconded by Nelson, that the Mayor and City Clerk be authorized to sign the Phase Two Agreement as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Parish, as spokesman for a Mayor appointed committee to study the Albon Smith request for a variance, presented the following written recommendation:

RECOMMENDATION OF COMMITTEE

RE: ALBON L. SMITH
Appeal from Board of Adjustment Decision
(Carport at Keefer Street and Holmes Avenue)

The committee appointed by Mayor Pedersen on May 20, 1965, consisting of Councilman Dale Parish and Gordon Nelson, Building Official Ray Browning, Public Works Director Don Lloyd and Attorney A. L. Smith, have viewed the subject property, reviewed the facts and circumstances upon which the appeal is based, and studied the decision of the Board of Adjustment; and being advised as to the law governing the petition of Albon L. Smith and

the appeal make the following recommendations to the Mayor and City Council concerning the appeal:

1. That a proper permit, or permits, be obtained for the subject construction but that a building permit be issued only after a plot plan has been presented to the Building Official, together with the prescribed fees therefore, and showing satisfactory to the Building Official that the following alterations to the existing construction have been made, to-wit: The existing carport structure must be moved back from the east property line approximately twenty feet

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to a position approximately on line with the front set-back of the Chevrolet garage immediately north of the carport.

2. The committee further recommends that facing Keefer Street no setback be required west of the twenty (20) foot setback from Holmes Avenue.

3. The committee is cognizant of the fact that the subject structure is built on a fifteen (15) foot easement owned by the City of Idaho Falls, while the Light Department sees no problem at present with this encroachment, the committee recommends that when the permit is issued for the property, the Building Official require as a condition therefore that the applicant sign an addendum to the application stating in substance, "The applicant understands that the issuance of the permit is not a waiver of the rights of the City to require a removal of the structure from the easement at any time without notice, and without expense to the City."

The committee wishes to explain that the foregoing recommendations are consistent with the written decision of the Board of Adjustment made at its meeting, May 18, 1965, when it heard the appeal in the instance. It is recognized that the recommendations approve the granting of variances from the strict enforcement of the HC-1 Zone provisions, but it is believed that the situation of the subject property warrants the granting of the variances and that it is wholly within the authority of Board of Adjustment and the City Council to grant them. The variances are explained as follows:

(a) The HC-1 Zone requires a thirty (30) foot front yard and a thirty (30) foot side yard. The existing buildings on the west side of Holmes Avenue at this location are now approximately in line with a twenty (20) foot setback. It is contemplated that Holmes Avenue may have to be widened at this point to accommodate traffic in the near future and so no structure should be permitted nearer the street than the existing Chevrolet garage.

(b) The adjoining property west on Keefer Street is zoned I and M2. No setback is required in this zone and uniformity will be achieved on this street by granting the "no setback" variance.

(c) Because of the construction of the carport, permitting some visibility under it, strict compliance with the terms of Section 4-7 is not deemed necessary. This section requires that "the triangle of land formed on any corner lot measuring a distance of thirty (30) feet along each lot line, produced from their intersection on the street side, shall be free from structures.

It is further recommended that if the applicant promptly obtains the required permit and other wise complies with the recommendations outlined herein, no penalties should be imposed for the violations of the ordinance.

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Respectfully submitted,
s/ Dale Parish
s/ Gordon L. Nelson
Councilmembers of the
Committee

It was moved by Councilman Parish, seconded by Leahy, that all facets of the recommendation be accepted and the Building Official be instructed to be directed accordingly. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1136

AN ORDINANCE ALLOWING POLICE OFFICERS TO ISSUE CITATIONS TO ANY PERSON OR PERSONS WHO VIOLATE ANY SECTION OF SAID ORDINANCE BY AMENDING TITLE IV, CHAPTER 4, SECTION 7, OF THE CITY CODE OF IDAHO FALLS, IDAHO; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, 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.

ORDINANCE NO. 1137

AN ORDINANCE ALLOWING POLICE OFFICERS TO ISSUE CITATIONS TO ANY PERSON OR PERSONS WHO VIOLATE ANY

SECTION OF SAID ORDINANCE BY AMENDING TITLE VIII,
CHAPTER 5 OF THE CITY CODE OF IDAHO FALLS, IDAHO; AND
PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, 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
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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. 1138

AN ORDINANCE ALLOWING POLICE OFFICERS TO ISSUE CITATIONS TO ANY PERSON OR PERSONS WHO VIOLATE ANY SECTION OF SAID ORDINANCE BY AMENDING TITLE IV, CHAPTER 5 OF THE CITY CODE OF IDAHO FALLS, IDAHO; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, 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 Attorney reported on the new sales tax law as it applied to municipalities. He advised as follows: The City does not pay tax on materials and equipment it purchases. The City does not pay tax on any leases, as long as it is a direct transaction between the lessee and the City as lesser. The contractor doing work for the City is not protected. He may pay tax as if he were dealing with a private party. Sales of electricity, water, sewer and garbage service is exempt. Property that we lease to others is exempt. Such fees as received from the swimming pool, the golf course the recreation activities, etc., are still not determined. Sale of tangible assets by the City such as impounded cars, surplus equipment and junk is subject to tax. He concluded that there would undoubtedly be gray areas develop from time to time in need of legal clarification.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
