

MAY 21, 1965

The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Friday, May 21, 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 Parish, Freeman, Keller, Leahy, Nelson, Page. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Ernie Craner, Parks & Recreation Director; Don Lloyd, Public Works Director; William Fell, Electrical Engineer; Ray Browning, Building Official; Robert Pollock, Police Chief.

Minutes of the last Regular Meeting, held May 6th, 1965, were read and approved as amended.

Mr. Rex Blodgett of the Idaho Potato Growers appeared before the Council to explain the need for a variance in the construction of a proposed potato warehouse, as described by the following letter:

ID. Potato Growers, Inc.
P.O. Box 978
Idaho Falls, Idaho
May 17, 1965

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

Gentlemen:

We have asked the City Building Inspector, Mr. Ray Browning, to issue us a permit to build a steel insulated building adjacent to the building constructed last fall, on our property, between the Porter Canal and the Snake River. This building would be 80' X 120', to be used as a receiving and separation center for potatoes. We have been pursuing a consolidation program for several years, designed to receive potatoes from Firth north, and to separate into processing and fresh shipping all at one facility. We expect that this consolidation in the next year or so will nearly double the number of people employed in our fresh shipping operation.

The building we wish to erect did receive the tentative approval of the Building Inspector, except for the fact that the Code requires a fire retardant point on the structural steel. In a conference the other day with Mr. Ray Browning, Mr. Gordon Nelson, and Mr. Les Corcoran, we brought out the fact that our investigation with one of the paint companies indicated that this paint would have to be spread 3/16 of an inch thick, requiring a lot of paint and much labor, and they doubted that it would be of much value, particularly because the humidity, in this building, would be quite high. In plain English, they refused to guarantee their product to do the job for which it was designed. Naturally, we are reluctant to spend this money without any assurance that the paint would stay on.

In our discussion with the above mentioned gentlemen, they also were not sure that the paint would do the job, other than enable us to comply with the Building Code. It was suggested

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that, since there were doubts about this type of paint, if we would agree to be a "guinea pig" and experiment with 2 or 3 gallons of this fire retardant paint from two manufacturers, they would recommend to the City Council of Idaho Falls that the Building Code be waived in this regard. We agreed to this arrangement, and respectfully request that you allow the Building Inspector to grant us a permit for the building on this basis.

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

Councilman Nelson commented to the effect that he was sympathetic with the problem but that, on a precedent setting basis, the Council must thoroughly justify all variances before granting same. He asked that Idaho Potato Growers provide the City with a letter of intent whereby, if the paint proved successful, they would agree to cover the warehouse as prescribed in the Code. To this, Mr. Blodgett agreed. It was moved by Councilman Leahy, seconded by Page, that the variance be granted, subject to receipt to a letter of intent as described. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Albon Smith of the Smith Chevrolet Company appeared before the Council to discuss a problem that exists, relative to a newly constructed carport at their place of business at 1255 N. Holmes Avenue. He explained that they had applied for and received an electrical permit even prior to tearing down the old structure but had inadvertently failed to obtain a building permit for the new construction. He explained, further, that a request for a variance had been turned down by the Board of Adjustments because the carport failed to meet the Zoning Ordinance requirements pertaining to front and side yards and also because it obstructed visibility and also because it is built, in part, on a fifteen foot easement to the City of Idaho Falls. It was noted that the Board of Adjustments had recommended to the City Council that the carport be moved back from the east property line about twenty feet to align with the front setback of the garage to conform with the highway setback requirements; also, that no setback be required facing Keefer Street; also, that a plot plan be presented to the Building Official and when all of this was accomplished, a building permit be issued.

Mr. Smith protested these recommendations. He admitted that the view was obstructed but that this was caused by the parked cars rather than the carport. He pointed out that the near-by residents do not object to the structure and that, to move the building, as recommended would be financially prohibitive and would destroy the effectiveness from an operational standpoint. In answer to a question by Councilman Parish the City Attorney explained that, in the event a variance was granted, it would be advisable and in order to attach an addendum to the building permit that said variance was of a temporary nature and the City reserved the right to reverse its position and force compliance if needed because of Highway requirements or for any other reason. To this Mr. Smith agreed. Councilman Parish felt the need for more time to study the problem; therefore, it was moved by Councilman Parish, seconded by Page, that the Mayor appoint a committee for that purpose and to recommend a solution. Roll call as follows: Ayes, 6; No, none; carried. The Mayor proceeded to appoint Councilmen Nelson and Parish, Public Works Director Lloyd, Building Official Browning, and City Attorney Smith to that committee.

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Attorney Reginald Reeves appeared before the Council representing the Idaho Falls Community Players, appealing to the Council for the use of the church property being rented from the City on a month to month basis by the Church of God, located on the corner of Birch Street and Boulevard. He explained that the Community Players had been working with the Recreation Commission in this regard and that they had agreed that the property would be put to better community use in this manner. He explained, further, that they had, at one time, received permission from the Church Minister to proceed and then, after certain funds were expended, denied same by the Church Board. Councilman Page noted that there was an understanding at the time the property was rented to the Church that this was a temporary arrangement and that the City would be obligated to consider its use for the best good of all when the problem arose. Recreation Director Craner appeared and commented to the effect that, although his Department had no objection to the property being turned to the Community Players, it would not be advisable for this to be done on an exclusive basis. Councilman Parish said that, in his opinion, the City would have no objection to a joint use agreement between the Community Players and the Church if this could be arranged. Reverend Norvell Wixom of the Church of God appeared before the Council and said the Church would not be opposed to joint use if it could be accomplished. It was moved by Councilman Page, seconded by Leahy, that the lease agreement with the First Church of God be terminated as of July 14th, 1965, and the property in question then be turned to the Recreation Department for administration and appropriate use. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Bud Roberts, representing the Citizen's Committee pertaining to the second high school, yet to be constructed, appeared before the Council and asked to hear the proposal from the City, if any, relative to the City's position and plans for joint use facilities. The Mayor commented to the effect that the City Councilmen, working toward that objective, although, to date, the findings and recommendation of said Committee are not firm. Councilman Freeman then introduced the following Resolution:

RESOLUTION NO. 1965-16

WHEREAS, the City of Idaho Falls recognizes the urgent need for additional school facilities, and

WHEREAS, the City of Idaho Falls and School District #91 have certain recreational needs common to the citizens and patrons of both entities, and

WHEREAS, there is a real need to provide for maximum joint utilization of such recreational facilities, and

WHEREAS, it is in the community's interest to eliminate, as much as possible, any duplication of efforts and facilities to offer the most economy in meeting these needs, and

WHEREAS, the City recognizes the needs for long range coordinated plans and developments of school and municipal facilities and programs, and

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WHEREAS, it would be most beneficial to provide certain facilities for joint use of both the patrons of the School District and the citizens of Idaho Falls.

NOW, THEREFORE, be it resolved that the Mayor and City Council of the City of Idaho Falls:

1. Wish to continue to participate in joint usage and development of facilities and programs for the best interests of school district patrons and City taxpayers.
2. Are prepared to assist in anyway possible in the development and construction of playgrounds, tennis courts, parking lots, and water, sewer and electric utilities at school sites.
3. Request that School District #91, when planning the development of the south side high school site, to designate a location for a future indoor swimming pool and provide for possible future expansion of gymnasium facilities to supply joint needs for multipurpose recreational facility to seat 6,000. It is also requested that the design of the new high school be developed in such a way that future addition of swimming pool, recreational facilities, and adequate parking can be integrated with the high school building to permit joint use of all facilities.

Councilman Nelson questioned the advisability, at this time, of pinpointing the specific type of joint use facility. Instead, he felt the need for more generalization as long as the Council was facing a decision involving long term planning. Councilman Leahy pointed out that a specific recommendation was preferable as a guide to the architect. Councilman Parish was of the opinion that the recommendation be specific but should list priorities in the order of need as decided by the Council. Mr. Roberts reappeared and voiced objection to the words "South Side"; also, he concurred with Councilman Nelson and registered objection to specific types of joint use facilities; also, he proposed a public hearing prior to a definite decision on the foregoing. Mrs. Grace Garrett appeared before the Council and asked whether or not, in the opinion of the Council, joint use facilities were advisable. Councilman Page replied to the effect that it was accomplishing fine results in larger cities such as Seattle. She then asked if a swimming pool could be constructed at the present high school and was answered in the affirmative with the further explanation that that would constitute a facility at an existing location, whereas the problem at hand involved future usage. Mr. Paul Hovey, a member of the school board, appeared before the Council and urged that the resolution commit the City to a specific joint use facility on the grounds that this information is needed for purposes of planning. Otherwise, he noted, the architect must prepare two or more plans and, time being of the essence, this is not practical. Moreover, Mr. Hovey concluded, this would be costly and, in the absence of a definite commitment by the City, it might be necessary to expect the City to participate in architect fees. The Mayor and the City Attorney both warned against a resolution that would tend to commit the City too specifically into the future, either financially or legally. The resolution, with several amendments, additions and deletions was again presented to-wit:

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RESOLUTION (Resolution No. 1965-12)

WHEREAS, the City of Idaho Falls recognizes the urgent need for additional school facilities, and

WHEREAS, the City of Idaho Falls and School district #91 have certain recreational needs common to the citizens and patrons of both entities, and

WHEREAS, there is a real need to provide for maximum joint utilization of such recreational facilities, and

WHEREAS, it is in the community's interest to eliminate, as much as possible, any duplication of efforts and facilities to offer the most economy in meeting these needs, and

WHEREAS, the City recognizes the needs for long range coordinated plans and developments of school and municipal facilities and programs, and

WHEREAS, it would be most beneficial to provide certain facilities for joint use of both the patrons of the School District and the citizens of Idaho Falls,

NOW, THEREFORE, be it resolved that the Mayor and City Council of the City of Idaho Falls:

1. Wish to continue to participate in joint usage and development of facilities and programs for the best interests of school district patrons and City taxpayers.
2. Are prepared to assist in the development and construction of playgrounds, tennis courts, parking lots, and water, sewer and electric utilities at any school sites.
3. Respectfully suggest that School District #91, when planning the development of the second high school site, designate locations for future indoor recreational facilities (such as an indoor swimming pool and provide possible future expansion of gymnasium facilities) to supply joint needs for multipurpose recreational facilities. It is also suggested that the design of the new high school be developed in such a way that future addition of swimming pool, recreational facilities, and adequate parking can be integrated with the high school building to permit joint use of all facilities.

It is further resolved that this resolution shall not be construed as a commitment on the part of the City to do any act or expend any funds but shall be construed merely as a statement

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of policy in furtherance of cooperation between the City and the School District in the joint use of public facilities.

It was moved by Councilman Freeman, seconded by Leahy, that the resolution be adopted as amended. Roll call as follows: Ayes, 6; No, none; carried.

License applications for BARTENDER, Walter Elg; JUNK DEALER, Joe Kushmider; BEER, previously approved by the Police Chief for transfer of address only, Gerald Robbins for United Blue Ribbon Food Service, Inc.; LIQUOR, transfer of name and ownership, Vernon Scheets for Stardust Restaurant & Lounge; PHOTOGRAPHY, R. G. Larsen for Studio at 499 6th Street, Bernard Howe for Norman Studios of Color; JOURNEYMAN ELECTRICIAN, previously approved by the Electrical Inspector, Irvin L. Bray, Rex Cherry; APPRENTICE ELECTRICIAN, previously approved by the Electrical Inspector, Frank Exler, Cal Gough; JOURNEYMAN PLUMBER, previously approved by the heating inspector, Dean K. Stroud, name change only; CLASS C GAS FITTING & WARM AIR HEATING CONTRACTOR, previously approved by the Heating Inspector, Kenneth Dean for Babbitt Electric & Refrigeration Co.; CLASS C WET HEAT & GAS FITTING JOURNEYMAN, previously approved by the Heating Inspector, Dale Mathews, Roger Sanderson; CLASS D JOURNEYMAN REFRIGERATION, previously approved by the Heating Inspector, Dean K. Stroud, Clyde G. Smith, Delyn Schmeckpepper, Darrel D. Smith, Norman H. Jagels; APPRENTICE REFRIGERATION, previously approved by the Heating Inspector, Richard Smack were presented. It was moved by Councilman Page, seconded by Freeman, that these licenses be approved. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY, DeLaine R. Young for Pleasant Valley Drive-In; ICE CREAM VENDOR, J. E. Fickbolm for Mr. Softie; RESTAURANT, D. W. Mander for Doug's Dairyland Kitchen were presented. It was moved by Councilman Parish, seconded by Leahy, that these licenses be granted subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 6; No, none; carried.

A lease agreement from the Federal Aviation Agency, F.A. #65-4076, was presented, extending until June 30, 1966 a lease that would expire July 1, 1965, C4CA #3497-A. 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.

This memo from the Police Chief was read:

City of Idaho Falls
Police Division
May 14, 1965
RDP-49-65

TO: Honorable Mayor and City Council
FROM: City Traffic Safety Committee
SUBJECT: CONSIDERATION OF PROPOSAL ON ASH STREET

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The proposal for two (2) way traffic on Ash Street was discussed at our Meeting of May 12, 1965, after being referred to us at the Council Meeting of May 6, 1965.

Recommendation: That Ash Street be left as it is for the time being. "One Way Westbound".

1. The street is too narrow for two way traffic without removal of parking from side of the street.
2. Now provides good ingress to "A" Street from the east side.
3. Until the Master Traffic Plan is accepted and the State of Idaho concurs to the traffic pattern at Yellowstone and "A" Street it might add to confusing the driving public even more.

Respectfully submitted,
s/ Robert D. Pollock
Chairman

It was moved by Councilman Leahy, seconded by Freeman, that Ash Street remain one way westbound, for the reasons as described. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that invitations to bid on the construction of the Reinhart Park Swimming Pool had been published without formal Council approval, in the interests of time. It was moved by Councilman Freeman, seconded by Page, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was presented:

City of Idaho Falls
5-21-1965

TO: Roy C. Barnes
FROM: William H. Fell
SUBJECT: CALL FOR BIDS

1. Broadway Street lighting materials - Estimated costs \$10,000 - \$15,000
2. Annex Building offices for Electric Department - Estimated cost \$15,000 - \$20,000

It was moved by Councilman Leahy, seconded by Keller, that the Purchasing Department be authorized to advertise for bids on the Broadway Street lighting materials and the bidding on the Annex Building offices for the Electrical Department be tabled and referred to the Electrical Committee for further study. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was presented:

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City of Idaho Falls
City Clerk
5-21-65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

As has been the custom in the past, we ask Council authorization to charge off the utility account of the Idaho Falls Baseball Club in the amount of \$1,890.20, covering utility services during the 1964 season.

Respectfully submitted,
s/ Roy C. Barnes

It was moved by Councilman Page, seconded by Leahy, that the utility account be charged off as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This letter was read by the City Clerk:

Peterson, Moss & Olsen
Attorneys at Law
520 D Street
Idaho Falls, Idaho
May 20, 1965

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

Dear Mayor and Council:

On behalf of our client, Mr. William R. Hatch, may I request that the Council again review the previous decision of the Council wherein the Council denied the requested approval of a zone change of the William R. Hatch property located north of Grandview Avenue in Idaho Falls, Idaho, said requested zone as you recall was as follows: to-wit:

Parcel 1 to be zoned GC1:

Beginning at a point that is N. 0° 24' 30" E. 80.0 feet and S. 89° 17' 06" E. 180.00 feet from the West Quarter Corner of Section Thirteen (13), Township Two (2) North, Range

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Thirty-seven (37), East Boise Meridian; thence S. 89° 17' 06" E. 698.06 feet to the point of a curve with a radius of 20.00 feet; thence to the left along said curve a distance of 31.42 feet; thence N. 0° 42' 54" E. 127.11 feet to the point of a curve with a radius 504.84 feet; thence to the right along said curve a distance of 209.57 feet; thence N. 24° 30' E. 146.80 feet to the Westerly right of way line of Interstate Highway No. 15; thence S. 50° 19' 24" W. along said right of way line 133.32 feet; thence N. 65° 30' W. 223.02 feet; thence S. 24° 30' W. 183.0 feet to a point of curve with a radius of 444.84; thence to the left along said curve a distance of 184.66 feet; thence S. 0° 42' 54" W. 127.11 feet to a point of curve with a radius of 20.00 feet; thence to the left along said curve a distance of 31.42 feet; thence S. 89° 17' 06" E. 277.81 feet to the westerly right of way line of Interstate Highway No. 115; thence N. 45° 31' 09" E. 42.28 feet along said right of way; thence N. 0° 19' 24" E. 370.0 feet; thence N. 50° 19' 24" E. 265.0 feet; thence N. 36° 24' 08" E. 191.71 feet; thence N. 9° 00' 14" E. 205.46 feet; thence N. 4° 13' 46" W. 290.0 feet more or less to the North Line of the Hatch property; thence N. 88° 58' 30" W. 1160 feet along said North Line to the East Line of the Clear Zone; thence S. 2° 19' 30" W. 821.84 feet; thence N. 87° 40' 30" W. 259.65 feet; thence S. 0° 24' 30" W. 413.0 feet to the point of beginning.

Parcels 2 and 3 to be zoned R3-A:

Beginning at a point that is N. 0° 24' 20" E. 100.0 feet and S. 89° 17' 06" E. 30.0 feet from the West Quarter Corner of Section Thirteen (13), Township Two (2) North, Range Thirty-seven (37), East Boise Meridian; thence S. 89° 17' 06" E. 150.0 feet; thence N. 0° 30" E. 200.0 feet; thence N. 89° 17' 06" W. 150.0 feet; thence S. 0° 24' 30" W. 200.0 feet to the point of beginning.

Beginning at a point that is N. 0° 24' 30" E. 393.0 feet and S. 89° 17' 06" E. 30.0 feet from the West Quarter Corner of Section Thirteen (13), Township Two (2) North, Range Thirty-seven (37), East Boise Meridian; thence S. 89° 17' 06" E. 150.0 feet; thence N. 0° 24' 30" E. 93.0 feet; thence N. 89° 17' 06" W. 150.0 feet; thence S. 0° 24' 30" W. 93.0 feet to the point of beginning.

The owners of the above described property have made every reasonable effort to convert said property to the various uses allowed under the present zoning but due to the present conditions now existing on said property north of Grandview Avenue, it is economically unfeasible to consider the use of said property for apartment sites. As the Mayor and Council are well aware, residential property in order to meet the requirements of family living, must not only offer desirable facilities but must also offer a desirable site.

May I request that the Mayor and Council individually review the property in question and I am sure without a doubt you will unanimously agree that the Hatch property has only one logical use and that would be for business purposes.

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May I express at this time on behalf of my client and myself my many thanks and appreciation for your courtesies and considerations in reviewing the request of our client.

Yours very truly,
Peterson, Moss & Olsen
s/ George C. Petersen, Jr.

After some discussion this was referred to the Building Official with the suggestion that Mr. Petersen approach the problem through the normal channels, including a request for rezoning by petition which would be given consideration by the Planning Commission.

ORDINANCE NO. 1134

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

The foregoing Ordinance was presented in title. It was moved by Councilman Parish, seconded by Keller, 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.

This memo from the Public Works Director was presented:

City of Idaho Falls
5/21/65

TO: Mayor and City Council
FROM: Don Lloyd
SUBJECT: SEAL COATING FOR STREETS

We are requesting authorization to advertise for seal coating of approximately 9 miles of City streets. There is an improved budget item of \$38,000 for this work, and it is our hope to use as close as possible to this amount. The attached sketch shows the streets which we intend to treat.

It was moved by Councilman Keller, seconded by Nelson, that authorization be granted for a seal coating project, date of opening to be determined by the Public Works Director. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
5/20/65

TO: Honorable Mayor & City Council
FROM: Don Lloyd
SUBJECT: CONCRETE CURB AND GUTTER

On Tuesday, May 18th, two (2) bids were received for some concrete work on Riverside Drive. Because of my error in judgment, a conflict in bidding procedures resulted and we are requesting therefore, that all bids be rejected.

We are also requesting authorization to re-advertise the project May 23, May 30 and open bids June 1, 1965.

It was moved by Councilman Keller, seconded by Nelson, that the bids, as received, be rejected for the reason as described and authorization be granted to re-advertise. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
5/19/65

TO: Honorable Mayor and City Council
FROM: Don Lloyd
SUBJECT: "E" STREET REPORT

With reference to the assessment hearing May 6th, please be advised there was a total of eleven protesters representing fifteen of the total thirty-four parcels of property to be assessed, or 44%. These eleven protesters represented 55.5% of the total area and represented 53.4% of the total frontage involved. The attached sketch shows the property shaded in red those which protested.

s/ Don

It was moved by Councilman Nelson, seconded by Keller, that in view of the protests in relation to the entire list of affected property owners and in deference to those who had submitted construction bids, all bids be rejected and L.I.D. # 34 be temporarily tabled. Roll call as follows: Ayes, 6; No, none; carried.

These letters from Peter Kiewit Sons' Company were presented and read:

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Peter Kiewit Sons' Co.
1000 Kiewit Plaza
Omaha 31, Nebraska
May 20, 1965

City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

We respectfully request permission to extend the 8" sewer line on North Boulevard as shown on the attached drawing. This extension would connect to the sewer line presently serving Mountain States Telephone Co. and extend north 410' to service our new office which we propose to build this summer. The grade of the extension would be the same as for the line now in service with adequate cover provided. It is understood that construction of this extension would comply with appropriate City specifications.

We invite your favorable consideration of this request.

Very truly yours,
Peter Kiewit Sons' Co.
s/ M. L. Ward

Peter Kiewit Sons' Co.
Box 2948
Idaho Falls, Idaho
May 20, 1965

City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

We respectfully request permission to install a temporary 1 1/2 " water line to service our new office on North Boulevard which we plan to build this summer. This line would extend north 390' from the existing water line which services the Mountain States Telephone Co. on North Boulevard. It is understood that construction of the temporary water line would comply with appropriate City specifications.

We invite your favorable consideration of this request.

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Very truly yours,
Peter Kiewit Sons' Co.
s/ M. L. Ward

It was moved by Councilman Nelson, seconded by Keller, that the requests for water and sewer service be approved as requested, details to be administered by the Public Works Division. Roll call as follows: Ayes, 6; No, none; carried.

It was noted that a petition by Veldon Miller has been presented to the Planning Commission to rezone Lots 4, 5 and 6, Block 17, Crows Addition from R-1 to R-3A and that they had recommended denial. It was noted further, that this was the subject of re-zoning action at the Council Meeting dated April 22nd, 1965, and that Council action had been tabled, pending a Planning Commission recommendation. It was moved by Councilman Freeman, seconded by Leahy, that the Planning Commission recommendation be upheld and the rezoning petition be denied. Roll call as follows: Ayes, 6; No, none; carried.

A request was considered from Groberg Construction Company to construct a three unit garage on an existing six foot easement at the rear of Lots 22 and 23, Block 8, Linden Park Addition, Division #2. It was noted that this had been approved by the City Light Department and the City Building Department. It was moved by Councilman Nelson, seconded by Leahy, that this request be formally approved by the City Council. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1135

AN ORDINANCE AMENDING ORDINANCE NO. 294, CONCERNING THE ENFORCEMENT OF THE DOG LAW BY MAKING THE POUND MASTER AND ASSISTANT POUND MASTER POLICE OFFICERS UNDER THE CONTROL AND SUPERVISION OF THE CHIEF OF POLICE AND ALLOWING THE POUND MASTER AND ASSISTANCE POUND MASTER TO WRITE CITATIONS TO OWNER AND KEEPER OF DOGS WHO VIOLATE THE SAID ORDINANCE; 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.

Reference is made by the City Attorney to a recommendation by the Police Chief which can be found on Page 198 in the Book of Minutes for more effective policing of certain City problems such as

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water regulations, animal and fowl, health and sanitation, etc. The City Attorney advised that he would recommend no other agency issuing citations than the Police Department and drawing attention to the amended Dog Ordinance, just passed, whereby the pound master would be named as a police officer with certain limited, designated police powers. After some discussion, it was agreed by the Council that Police officers should be empowered, by ordinance, to issue citations on water regulations, garbage and refuse and broken electric meter seals, and the City Attorney was directed to draft an ordinance accordingly.

ORDINANCE NO.

AN ORDINANCE REGULATING THE CONSTRUCTION, MAINTENANCE, OPERATION AND ALTERATION OF MOBILE COURTS WITHIN THE CITY OF IDAHO FALLS; PROVIDING FOR THE PERMITS FOR MOBILE COURTS; ESTABLISHING REQUIREMENTS FOR SUCH PERMITS, AND THE AMOUNT OF THE PERMIT FEES; PROVIDING FOR INSPECTIONS OF MOBILE COURTS, ALLOWING MOBILE COURTS IN GC-1, HC-1, AND MC ZONES ONLY; DEFINING THE TERMS HEREOF; PROVIDING PENALTIES FOR THE VIOLATIONS OF THE ORDINANCE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was introduced by the City Attorney and, after some discussion, was tabled for further study.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1115, THE COMPREHENSIVE ZONING CODE OF IDAHO FALLS, IDAHO, BY ADDING THERETO AN MC-MOBILE COURT ZONE; SETTING FORTH THE GENERAL OBJECTIVES AND CHARACTERISTICS OF THE MC-ZONE; ESTABLISHING REGULATIONS AND RESTRICTIONS PERTAINING TO USE OF LAND AND LOCATION OF BUILDINGS AND STRUCTURES WITHIN THE MC-ZONE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

This Ordinance was then introduced and, noting it involved an amendment to the Zoning Ordinance, it was recognized that this would require a public hearing. It was moved by Councilman Parish, seconded by Nelson, that said public hearing be scheduled for June 24th, 1965, and the City Clerk was authorized to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Page drew attention to a request by near by residents at Reinhart Park that the proposed access road plan be altered to close the north access to the Park which would create the

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necessity for a cul-de-sac turn around arrangement within the Park. Page was of the opinion that the Park is not sufficiently large to accommodate such a road plan. It was moved by Councilman Page, seconded by Freeman, that the Council go on record as favoring the north entrance access road as planned. Roll call as follows: Ayes, 6; No, none; carried.

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
