

JULY 30, 1964

Pursuant to a call by the Mayor the City Council of the City of Idaho Falls met in Special Session in the Council Chambers of the City Building on the 30th day of July, 1964 at 7:30 o' clock P.M. for the purpose of conducting a public zoning hearing, as well as any other business which might properly be presented. There were present at said Meeting; Mayor S. Eddie Pedersen; Councilmen Freeman, Keller, Leahy, Nelson, Parish. Absent: Councilman Page. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Donald F. Lloyd, Public Works Director; Ray Browning, Building Official; Ernie Craner, Parks and Recreation Director.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the purpose of considering the zoning or rezoning of certain properties.

First to be considered was a certain area across the street from the Sacred Heart Hospital with a petitioned request by A.M. and Isma Wackerli to be rezoned from RP to R-2 to permit construction of a four-plex. However, the petitioner had requested that this hearing be postponed. Therefore, it was moved by Parish, seconded by Nelson, that the hearing on this property be postponed as requested. Roll call as follows: Ayes, 5; No, none; carried.

Next to be considered was a petition from J.D. Bergeson, Ada Browning, B.C. Rock, Harry Stone, Mrs. S.E. Quigley, Mrs. Amy Fielding, Fred Jaussi, Lucy Johnson and W. O. Kunter to rezone Lots 23 through 42, Block 8, Crows Addition from R-1 to R-2 to permit construction of a duplex and one single dwelling unit on Lots 23, 24 and 25. There were no protests and it was noted that the Board of Adjustments had recommended approval. However, Councilman Leahy had reason to believe that certain near-by residents had not been contacted, nor were they aware that this hearing was being conducted. It was noted that only affected property owners had signed the petition. Therefore, it was moved by Councilman Leahy, seconded by Nelson, that this official hearing, as pertains to this property only, be recessed until the Council Meeting of August 6th, 1964. Roll call as follows: Ayes, 5; No, none; carried.

The petition of Tom Lakes and Boyd Emery was then reviewed. It was noted that this requested rezoning from R-1 to C-Ltd. on Lots 27 and 28, Block 54, Highland Park Addition was for the purpose of constructing a parking area for a plumbing and electrical shop and that the Board of Adjustments had recommended denial. Therefore, although no protests were registered, it was moved by Councilman Nelson, seconded by Leahy, that this request be denied. Roll call as follows: Ayes, 5; No, none; carried.

Finally, the Garfield Estates Addition was presented for initial zoning, described in metes and bounds, as follows:

Beginning at the S.E. corner of May Addition to the City of Idaho Falls, Idaho, and running thence N. 89° 58' E. along the North line of Garfield Street 293.31 feet to the West line of Fanning Avenue; thence North along said West line 122.96 feet to the South line of an alley extended from the West; thence S. 89° 58' W. along said South line 292.79 feet to the East line of said May Addition; thence S. 0° 14' 30" W. along said East line 122.96 feet to the point of beginning containing 0.827 acres.

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No protests were registered. It was moved by Councilman Leahy, seconded by Freeman, that this area be zoned R-3. Roll call as follows: Ayes, 4; Parish abstained; No, none; carried.

Public Works Director Lloyd introduced Mr. Paul A. Christie, Mechanical Consulting Engineer, who presented a comprehensive study representing a survey of the present heating and cooling needs of the areas occupied by the Building Division, the Public Works Division and the Engineering Department in the City Building Annex, said study of which is too voluminous to reproduce in this Book of Minutes but which has been placed on file in the Office of the City Engineer and the City Clerk. The study included heating requirements, existing conditions, anticipated heating problems and possible correction procedures. On the latter topic he recommended utilizing the existing system as much as possible, installing electric heating units in areas now requiring additional heat, installing self contained electric heating and cooling units in areas requiring heating and cooling, electric cooling units in areas requiring cooling only, installing air handling units furnished with cold water coils and steam heating coils, all of this at an approximate cost of \$5,800.00. He noted that the type of units as recommended could be reused in another location and he noted that much of this project could be accomplished by City crews, including a 2-inch water service line, certain duct work, steam piping and rewiring and the relocation of one heating unit. It was moved by Councilman Parish, seconded by Keller that Mr. Christie be authorized to proceed as recommended and that the Public Works Director be authorized to select outside contractors on a negotiated basis where necessary, time being of the essence. Roll call as follows: Ayes, 5; No, none; carried.

Mr. and Mrs. Boyd Whitmill, 1340 Elmore, appeared before the Council, again protesting a nearby trailer house, occupied by Arthur Lake. Councilman Nelson explained that he was desirous of meeting with the Board of Adjustments in this regard to see if they would reconsider their original recommendation. He said he knew of certain residents who would come to the defense of the Lakes. The Whitmills were promised an answer by the next Council Meeting on August 6th, 1964.

Mr. Jack Hurley, 1101 Iona Street, appeared before the Council and presented this petition with 18 signers, all residents of Jefferson, Canyon, Elmore, and Iona Streets:

July 14, 1964

We, the undersigned, do not want a proposed interchange and main access road to be constructed in the area of Fremont Avenue, Idaho Falls, Idaho.

We propose that this interchange and access road be left as originally planned in the area of Jefferson Avenue, Idaho Falls, Idaho.

Mr. Hurley explained that he had sent a copy to the State Highway Board and that said petition represented over 90% of the property owners who own property in the immediate area of the proposed Fremont Street. Attached to the petition was an explanation to the effect that the

petitioners felt that the proposed interchange would reduce property values and spoil the residential beauty with no compensation for the loss. No Council action was considered necessary.

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The Mayor welcomed certain members of the Planning Commission who were in attendance in anticipation that the proposed zoning ordinance would be reviewed. It was noted that it had been in the hands of the City Attorney who was invited by the Mayor to point out and explain various suggested additions, amendments or deletions as recommended by his office, so that the instrument would be more easily administered, legally. The City Attorney explained that his recommended changes did not affect recommendations as made by the Planning Commission relative to zoning, rezoning or land use. Some of the salient recommended changes were:

To delete a paragraph that would permit automatic zoning with annexation.

To substitute more specific wording for "nearby" and "long-term" on the grounds that these were too ambiguous.

To change the words "carried on" to "conducted".

Under house moving, to delete a paragraph which referred to a condition "detrimental to environment".

Under lighting, to delete certain words which would place the burden of proof on the Council as to whether or not they could be considered detrimental; also, under the same caption, adding the word "unreasonably" to describe the word detrimental.

Under Board of Adjustments, reworded so that the Board "may" call a public hearing on such problems as appeals for variances, but that this would not be a requirement.

Under the RSC-1 zone, to delete certain wording which resulted in a conflict as to the minimum of two acres for said zone.

Under the C-1 zone, to change certain wording which would have placed all locations dispensing liquor by the drink into non-conforming use.

Under the I&M-2 zone, to delete certain wording which had reference to a "nuisance type" business.

With these and other minor changes, then, the following ordinance was presented in title:

ORDINANCE NO.

AN ORDINANCE ZONING THE CITY OF IDAHO FALLS, IDAHO;
 DIVIDING SAID CITY INTO DISTRICTS IN ACCORDANCE WITH A
 COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE
 HEIGHT, NUMBER OF STORIES, AND THE SIZE OF BUILDINGS AND
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OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE
 OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN
 SPACES, THE DENSITY OF POPULATION, AND THE LOCATION
 AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE,
 INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING
 PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS; PROVIDING
 FOR ITS ENFORCEMENT, AND PROVIDING WHEN THE
 ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Parish, seconded by Leahy, that this Ordinance be passed on its first reading. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Keller reintroduced the subject of increased garbage and refuse fees. The following data, as prepared by the Controller, was presented:

CITY OF IDAHO FALLS
Analysis of Refuse Collection and Disposal
Estimated Costs - Year 1964

<u>Revenues</u>		\$150,000
<u>Expenditures:</u>		
Labor		109,035
Utilities		234
Materials and Supplies		2,712
Vehicle Operation and Maintenance		33,928
Employee Benefits and Retirement		7,701
Other Insurance		4,822
Administrative and Finance Charges		15,160
Depreciation		35,160
Miscellaneous		<u>200</u>
	Total Expenditures	\$208,952
<u>Deficit:</u>		(58,952)
Less: Increase in Commercial Revenues		<u>11,000</u>

Deficit Attributable to Residential Accounts

(47,952)

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To Fund Deficit:

Increase Per Residential Account Per Year ($\$47,952 \div 9,475$ accounts)	\$ 5.06
Increase Residential Account Per Month ($\$5.06 \div 12$)	\$.411
Recommended Increase to Provide for Contingencies	\$.45
Contingency Provided	\$ 4,434.00

After some discussion, it was moved by Councilman Keller, seconded by Nelson, that the monthly residential garbage rate be increased from \$1.00 to \$1.45, effective with the next billing, that the City Attorney be directed to prepare an amending ordinance accordingly and that in the interim period, the rate increase be effective by this Council action. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to the Council Meeting of July 23rd, and, specifically, a memo as presented by the Public Works Director, recommending construction of the Garfield water line to serve the Clair E. Gale Junior High School and surrounding area. It was noted that the Controller has determined that funds are available. It was noted further, that lava rock will be encountered, necessitating services of an outside contractor. It was moved by Councilman Nelson, seconded by Keller, that the City Clerk be authorized to advertise for bids. Roll call as follows: Ayes, 5; No, none; carried.

A letter was presented from the Chamber of Commerce manager, as follows:

Chamber of Commerce
560 Broadway
Idaho Falls, Idaho
July 17, 1964

Mayor Eddie Pedersen
City Hall
Idaho Falls, Idaho

Dear Eddie:

As you know we have utilized the attached convention sticker for slightly over a year and are now about out of our present supply.

Several months ago I requested the City for a statement of policy on the continued issuance of these stickers as well as the courtesy stickers for out-of-town shoppers. The Chamber printed and furnished both of these as you know. I was informed sometime ago that a decision by the

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Council was tabled but have not had an answer to whether the use of these two items would be continued or allowed by the City.

As of today we have enough of these for next week's convention, but would need to reorder for August meetings which are upcoming. Due to the quantities used I hesitate to reorder until the Council has given their approval to continue.

In the event the City agrees to continue these successful promotional items any changes desired can be made. I would appreciate hearing from you at the earliest possible moment.

Very sincerely yours,
s/ Bob P. Steiling
Manager

It was moved by Councilman Freeman, seconded by Leahy, that City policy remain unchanged and that the Chamber of Commerce be authorized to continue the practice of issuing free parking tickets to convention guests which will be honored by the Police Department. Roll call as follows: Ayes, 5; No, none; carried.

This damage claim was presented and read:

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

We are submitting herewith a claim for damages to our farm property located one mile south of Sunnyside Road on St. Clair Road.

On July 27, 1964, a City survey panel vehicle drove off a private road into a wet hayfield. The vehicle continued about 150 feet into the wet hay until the vehicle became stuck in the mud.

The repair of the dikes, leveling & re-seeding the ground & loss of hay results in damages in the amount of \$300.00.

Respectfully submitted,
s/ Edward Bodily

It was moved by Councilman Leahy, seconded by Freeman, that this be referred to the City insurance adjustor for investigation and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

This letter from the City Auditor was read:

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Williams-Gaskill-Ferguson
Accountants and Auditors
P.O. Box 457
480 Memorial Drive
Idaho Falls, Idaho 83402
July 29, 1964

Honorable Mayor
Members of the City Council
City of Idaho Falls, Idaho

Gentlemen:

With respect to our engagement auditing the financial records of the City of Idaho Falls, we respectfully request your granting an additional 30 days in which to complete the audit.

We have had at least one man working steadily on checking details, and will have more men available to complete the audit before the end of August.

To date we have had fine cooperation from the Controllers office and expect to find everything necessary to complete the work.

Respectfully submitted,
Williams-Gaskill-Ferguson
s/ Ruland E. Williams

It was moved by Councilman Leahy, seconded by Keller, that the time extension, as requested, be approved. Roll call as follows: Ayes, 5; No, none; carried.

The following legal opinion was presented, relative to the Oliver Ames damage claim:

City of Idaho Falls
City Attorney
July 20, 1964

S. Eddie Pedersen, Mayor
City of Idaho Falls
Idaho Falls, Idaho

RE: CLAIM OF OLIVER AMES THROUGH BABBITT ELECTRIC & REFRIGERATION CO.

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Dear Mayor Pedersen:

Reference is made to a claim in the amount of \$11.50 for maintenance performed by Babbitt Electric & Refrigeration Company for Oliver Ames on April 27, 1964. This claim has been referred to the insurance carrier and, in my opinion, it had been properly rejected as a casualty claim. The work done by Babbitt Electric & Refrigeration Co. was purely maintenance in the electrical distribution system.

It is not at all certain that the City should pay this claim however. This work should have been done by our electrical crews. I have an impression that the homeowner called for service from a private company without giving our trouble shooters time enough to go out. However, the City Council might wish to pay this type of claim. I think a question of policy is involved in whether the City should pay it. Perhaps this letter should be referred to the proper Council Committee for recommendation.

Sincerely,
s/ A. L. Smith
Albaugh, Bloem, Smith,
and Pike, City Attorneys

It was moved by Councilman Freeman, seconded by Nelson, that this be referred to the Council Electrical Committee for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
