

DECEMBER 22, 1964

The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Tuesday, December 22, 1964 at 7:30 p.m. in the Council Chambers at Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Nelson, Page, Parish, Freeman, Keller, Leahy. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Ray Browning, Building Official; William Fell, Electrical Engineer.

Minutes of last Recessed Regular Meeting, held December 7th, 1964, and a Special Meeting held December 10th, 1964 were read and approved.

The Mayor announced that this was the time and the place for a zoning hearing as advertised, and also a reconvened session for the portion of the zoning hearing which was held November 19th, 1964 which was recessed until this night; namely, Lot 13, Block 1, Linden Park Addition, Division No. 1, commonly referred to as the Linden Park Shopping Center site.

The Mayor requested the City Clerk to present the following:

November 19, 1964

Re: The vacant property west of Linden Park Grade School
Presently zoned Commercial, C-1

Mr. Mayor, Councilmen, Planning Commission Members:

My name is Ira Stanley. I am here representing myself, neighbors with whom I have talked, and most important as a member of the executive counsel of the Linden Park PTA. I represent the PTA and 376 families and 526 children attending that school, the majority of whom attend from west of the canal. It is unfortunate that the Linden Park PTA is meeting tonight and has an excellent speaker and program otherwise many other vitally interested people would be here tonight.

I am concerned, the PTA is concerned and we believe you should be - and are concerned primarily with the well being of our children. I am not so much concerned with the fact that hundreds of families will find their property devalued should a Residential Shopping Center or Commercial Development be allowed in the area in question nor with the fact that the speculators owning the property may not make quite so much money if this is not allowed - Those things balance each other off. But I am sure - I know that those proposing a commercial development for the area hope thereby to increase traffic in the area and surrounding streets over a hundred fold; - if this did not result they would be doomed to financial failure. This would increase the possibilities of casualties to our children in the same proportion. Check with our City Traffic Department and you will find that per unit of area the Albertsons Parking Lot has many more accidents than any other area in our City! - To say nothing of the greater accident rate on the streets in the vicinity of Albertsons as compared to any other street or area in Idaho Falls!

Second to the hazard to our children is the general undesirableness of such a development adjacent to a school. You are no doubt familiar with the problems, which exist because of the nearness of shopping facilities to O. E. Bell and Central Intermediate and the School Board's

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action of cutting lunch periods from one hour to one-half hour to partially alleviate the problem.

The City Fathers of past years have seen fit to provide a school in this area - removed from heavy traffic streets, we believe it's up to the present City Fathers to Keep It Safe For Them. We have already had one terrible accident this year, which resulted in death to one grade school student going home from school. If we allow traffic to be increased a hundred-fold - or whatever increase in traffic would be necessary to maintain a solvent shopping center in the Linden Park School vicinity, then we increase the possibility by that amount of having the same thing happen to one or more of the Linden Park students.

Mr. Mayor and Councilmen, by your insisting on a zoning designation without a "C" in it for the area in question, I feel certain that you will, over the next 20 years have saved some children's lives and some crushed bodies - it takes a lot of money to equal the value of one young life.

Thank you,
s/ Ira L. Stanley
Ira Stanley
607 Safstrom Drive
Idaho Falls, Idaho

At the time the above was being presented to the Mayor and City Council, the Linden Park PTA unanimously resolved to go on record as favoring the petition on file by Linden Park area residents whereby the City was petitioned to purchase the area in question for a park or rezone it R-1.

The Mayor then drew attention to the following open letter to the Editor, which appeared in the December 14th edition of the Post Register, and asked the City Clerk to enter same as part of the records of this meeting:

11 December 1964

Editor, The Post-Register

A few weeks ago, at a meeting of the City Council, a number of citizens voiced their opinions about the future of the "Groberg property" at Division and Ninth Streets. The owners of this property are apparently respectable businessmen, and it is their intention to get an honest profit from the property by locating a shopping center there. A number of homeowners in the area protested that the shopping center would destroy the well-developed residential district surrounding the property. They also asserted that the shopping center would be dangerous to the large number of small children who have to pass the property on their way to Linden Park School. It seems that the City Fathers are facing a difficult decision, for the businessmen and the homeowners both have legitimate and conflicting interests here.

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At present two of our three children are attending Linden Park School. Each of the two has to pass the property in question four times daily on the way to the and from school. Next fall, all three of our children should be attending Linden Park School. We feel very strongly that the construction and operation of a shopping center on the property in question will present a real hazard to the life and limb of our children and of many other children.

We believe that a good solution to the problem would be achieved if the City would purchase the property and make it into a public park or playground. Unfortunately, the owners of the property feel that their property is worth a rather large sum of money --- more money than the City may be able to pay. Therefore, we make the following pledge, effective from now through February next: \$500 (five hundred dollars) to the City of Idaho Falls for purchase of the above mentioned property to be made into a public park or playground.

Would you like to preserve the residential district surrounding the "Groberg property" at Division and Ninth Street? If you live near this property, would you like to avoid the trouble and expense of moving away when the shopping center develops? (Even if you live a few blocks away from this property, recall how commercial areas almost inevitably spread as time passes.) Would you like to protect the life and limb of the many children in this area, especially of those attending Linden Park School? Would you like to have a spot of beauty for the recreation of the people of Idaho Falls on this property? If so, please speak up and offer donations or pledges to help the City purchase this property for a public park or playground. (The Internal Revenue Service has informed us orally that such donations are deductible.)

s/ A.W. Solbrig, Jr.
s/ Mrs. A.W. Solbrig, Jr.
608 South Fanning Avenue
Idaho Falls, Idaho

The Mayor then called upon the City Attorney to comment on his findings, which would be applicable to the rezoning of this particular area. Mr. Smith noted that there are not too many precedent setting cases on record. He said the laws pertaining to rezoning are about identical to those pertaining to zoning and that the Governing body has certain police powers in both instances. He said the courts, and therefore, the City Council, could and should take into consideration any change in circumstance, weighing the problem of property ownership, vs. the problem of effect upon the community. When said problem is weighed, continued Smith, area enhancement and property values are factors, which must be considered. He warned that zoning or rezoning cannot be confiscatory. He advised that a Planning Commission recommendation must be given great weight, even as it is given serious consideration in the courts. He also warned that the Council, in making a rezoning decision, must disregard competition. He cited certain zoning cases in Pocatello and Twin Falls, which has been contested and had been decided in the Supreme Court. The City Attorney concluded by noting that, in a situation of this kind when the request for rezoning has been initiated from some source other than the property owner, there must be a three fourths affirmative vote of the Council instead of the usual majority, to effect said rezoning.

The Mayor explained that the independent appraisers who had been appointed to appraise the property had respectfully yielded on said assignment on the grounds that the appraisal objective was to provide that a complete search had been made of the minutes of the Planning Commission and the City Council to provide a history of official action pertaining to the area in question. These were presented and read by the City Clerk, to-wit:

PLANNING COMMISSION SUMMARY
OF
LINDEN PARK SHOPPING CENTER, INC.

September 26, 1949

The group met briefly to consider plans for the new McAbee-Hykes Addition immediately east of the new high school site and north of 9th Street. It was the consensus that the plat be accepted as offered with no alleys but that some consideration should be given toward studying size and location of the shopping center area on the plat.

The group adjourned to the Council Chambers of the City Hall, and was joined by Commissioners St. Clair and McCracken and also by Mayor Tom Sutton, Councilmen Corbett, Freeman and Johnson.

Councilman Freeman stated that he preferred both phone and electric lines in the new sub-division be installed underground. Mayor Sutton stated the City would not authorize phone lines to be placed on power line poles if such are used.

After extensive discussion and a presentation of the plans by D.V. Groberg, it was moved by Commissioner McCracken, seconded by Commissioner Slusser that the Planning Commission approve the plat of Division #1 as submitted by the McAbee-Hykes Company in a portion of the northeast quarter of Section 24; with the provision that the south side of the shopping center along the 9th Street extension be set up as a 100 foot wide buffer strip to be known as R-2; and that the shopping area be built in the minimum proportions of three parts parking space to one part floor space. It was further moved that the shopping center be incorporated in a C zone under the stipulations of the new zoning ordinance and that the balance of the area shall be shown as R-2 with the exception of the 16 lots facing the canal which shall be zoned as R-1 and that the various areas indicated as parks on the plat shall be shown as such. Motion passed unanimously.

It was moved by Commissioner Slusser, seconded by Commissioner Harris that the Planning Commission should recommend that the Mayor and City Council might inform and advise the School Board that in the light of developments of this new subdivision the School Board might well acquire property adjacent to the area for a future grade school site. Unanimously approved.

May 1, 1953

INFORMAL DISCUSSION ON DEBOER REPORT

D.V. Groberg stated that about seven or eight years ago he had been asked to do some work on zoning the City. At that time, finance companies contended that Idaho Falls was handicapped by a lack of zoning, which permits the highest use of each piece of land in the City. Johnson and Associates were not content to take the results of the DeBoer Report, so they hired two other planners to make their own study.

Mr. Groberg stated that Idaho Falls can support many shopping areas but only one concentrated business district. The area under consideration is an excellent place for Class C zoning, but definitely should not be on the same basis as the downtown district. He pointed to Vetter's as an example of what can happen in a C-1 zone, with the building located on the property line. He contended that this is unsightly, and detracts from the High School and Civic Auditorium. Jack Adams asked what area Mr. Groberg owns on Ninth and Division. Mr. Groberg replied that he had originally owned about 125 acres, with one block zoned as C.

January 9, 1957

LINDEN PARK ADDITION, DIVISION #1

Mr. Benton placed a proposal before the Planning Commission to vacate Lincoln Drive between Russet Street and Ninth Street, and to extend Russet Street from Lincoln Drive to West Bonneville Drive, and to vacate a small park in Block 5 of Linden Park Addition, Division 1, and to vacate a small park lying immediately south of Block 5 in this Addition. After discussion:

Commissioner Collard moved, seconded by Commissioner Boyle, to recommend to the Mayor and City Council that they approve vacating Lincoln Drive between Russet Street and Ninth Street subject to securing adequate easements for maintenance of existing utilities in this portion of Lincoln Drive, and subject to dedication of adequate right of way for an extension of Russet Street from Lincoln Drive to West Bonneville Drive; and to recommend to the Mayor and City Council that they approve vacating the two small park areas lying in and immediately south of Block 5 of Linden Park Addition, Division #1. Motion Carried.

January 13, 1960

SERVICE STATION PROBLEMS

Chairman Poitevin introduced the representatives of Utah Oil Refining Co. He reported that the oil companies feel that Planning Commission may not be fully informed regarding the problems of service station location. The Chairman invited these men to bring their story to the Commission tonight.

Mr. Wright commented that zoning regulations in Idaho Falls seem to be a little discriminatory against service stations. He feels stations should be permitted in any commercial zoning in which any other form of retailing is permitted. (At present, service stations are permitted in HC-Highway Commercial Zone and in C-2 - Commercial and Industrial Zone, but not in C-Limited Business nor C-1 Commercial Zones.)

October 13, 1964

D.V. GROBERG PROPERTY

A discussion was then held on the property bounded by 9th Street, Division Avenue, Russet Street and Lincoln Drive, which had previously been petitioned by Percy Rice and other surrounding property owners asked that it be purchased for a public park and playground, or, alternately, be rezoned as a residential area.

This area currently zoned C-Limited and at the present time, a building permit has been issued to Phillips Petroleum Company for a service station on 9th Street and Lincoln Drive.

Commissioner Noble moved that the Planning Commission recommend that the Mayor and City Council take action as requested in the Petition by Percy Rice and others in connection with the aforementioned property. Poitevin seconded motion. Carried. Commissioner Squires abstaining.

October 27, 1964

LINDEN PARK SHOPPING CENTER, INC.

The Mayor and City Council requested that the Planning Commission discuss the property bounded by 9th Street, Russet Street, Linden Drive and Lincoln Drive and make a recommendation.

Chairman Heyrend asked that D.V. Groberg report on the property on 9th Street. Mr. D.V. Groberg, 255 12th Street, asked that a clarification of ownership be made as long as it was being said that he owned the property. It was noted by Mr. Groberg that the property was originally owned jointly by Paul C. Holm, F.R. McAbee, Lew Hykes, and himself and that in 1959 interests were sold and the corporation, Linden Park Shopping Center, Inc., was formed in which each of the original owners have stock.

He then noted that at the time the area was laid out Larry Smith of Seattle, a consultant, suggested that in an area so large to be developed that an area should be considered for commercial use and so he has waited until the surrounding area had fully developed before building. He also felt that the surrounding owners knew of the Commercial Zoning before they purchased their property and said that there was no agreement between the City and himself on the new Zoning Ordinance and so when Phillips obtained the building permit, he made an agreement with Phillips to build a service station.

Paul Holm, Roberts, Idaho, then spoke briefly explaining that he depended a lot on Mr. Groberg on real estate problems and was in agreement with him. He added that they had offers for retail businesses but held off in order to have a nice structure built which would not down grade the property and that they wanted to have a fair hearing.

George Petersen, Attorney representing the Linden Park Shopping Center, Inc., reported that he was in attendance at the last City Council Meeting and stated that the Council could not consider buying the property as requested in the petition of Percy Rice and others but would consider zoning to R-1. He noted that in all of its history and in the Master Plan of the City of Idaho Falls the Linden Park Shopping Center, Inc. property had been zoned Commercial and thus felt that it must remain Commercial. There was much more discussion and then each of the members of the Commission were permitted to give their views and thoughts.

Commissioner Poitevin explained, that on the Planning Commissions point of view, it was not their duty to protect the speculator and felt the property owners deserve more protection than a blanket C-1 zoning.

Commissioner Squires said that property owners knew that the area was C-1 and that it should remain as zoned. Commissioner Marchant agreed with Commissioner Squires.

Dr. Shreve thought that one thing had to be done and that was someone had to make a decision and that his feeling was that the zone of RSC-1 was justifiable to the Linden Park Shopping Center, Inc. and surrounding property owners. Commissioner Yeates also thought that RSC-1 would most nearly satisfy everyone.

Commissioner Gamble stated that he thought the Planning Commission should hear the petition of Percy Rice and others and give just consideration to everyone. Commissioner Erickson indicated that he felt the same as Gamble. Commissioner Noble said that any Commercial Zone to the area would be contrary to the neighborhood planning and felt that it should be zoned R-1. Commissioner Schwendiman said that under the circumstances that it should be RSC-1. Chairman Heyrend's consensus was that the Planning Commission generally felt that the petition should be resolved and that the Council work with the property owners and work up to a RSC-1 Zone.

Motion was made by Commissioner Marchant that the Planning Commission recommend to the Mayor and Council that the adjacent property owners to the Linden Park Shopping Center, Inc. property on Ninth Street submitting a petition through Mr. P.L. Rice, be resolved and that the Planning Commission recommend that a zone not lower than RSC-1 be placed on the property mentioned. Squires seconded motion. Carried. Noble abstaining.

EXCERPTS OF COUNCIL MINUTES
AS PERTAINS TO
LINDEN PARK SHOPPING CENTER, INC.

November 28, 1949

In response to Notice of Special Meeting, the Mayor and City Council met November 28, 1949, in Special Session to consider the admission of Linden Park Addition, Division #1 to the City.

It was moved by Johnson, seconded by Rogers, that said Addition be admitted to the City of Idaho Falls as platted. Roll call as follows: Ayes; Rogers, Johnson, Freeman and Corbett. The motion carried.

RESOLUTION

December 7, 1949

WHEREAS heretofore Linden Park Addition has been made a part of the City and needs thereof require the extension of certain utilities;

NOW THEREFORE, BE IT RESOLVED, that the fifteen inch sewer truck line that enters the present manhole in the alley between 7th and 8th Streets on Holmes Avenue, be extended and that the same shall run east approximately 1360 feet to the street to be opened on the east side of the new high school property; thence running north for approximately 153 feet to 7th Street extended; thence east on 7th Street to Linden Drive in the Linden Park Addition, City of Idaho Falls.

It was moved by Freeman, seconded by Corbett, that the resolution to extend the water main at 11th and Division be approved. Roll call as follows: Ayes, Johnson, Freeman, Corbett and Rogers; No, none; carried.

February 6, 1951

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ORDINANCE NO. 758

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING THE SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO

The foregoing Ordinance was read being the land included in Linden Park #1 after which it was moved by Freeman and seconded by Corbett, that the Ordinance be passed on the third and final reading. Roll call as follows: Ayes, Corbett, Rogers, Johnson, and Freeman.

September 22, 1955

ORDINANCE NO 852

AN ORDINANCE ENTITLED: AN ORDINANCE FOR ZONING THE CITY OF IDAHO FALLS; 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 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 VIOLATIONS OF ITS PROVISIONS; AND PROVIDING FOR ITS ENFORCEMENT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

May 15, 1959

LINDEN PARK ADDITION, DIVISION #1

The Building Official presented a problem which has arisen on the Linden Park Shopping Center; namely that a portion is zoned R-2. The developers need this area for parking purposes. It was moved by Councilman Petersen, seconded by Johnson, that the Building Inspector be authorized to issue a permit that will be broad enough to allow parking on the area in question. Roll call as follows: Ayes, 3; No, none; carried.

In answer to a question from Councilman Leahy as to whether or not the Council had the right to rezone, the City Attorney answered in the affirmative, providing the land has remained undeveloped, or that there has been material change of circumstances, or that there had previously been, in the opinion of the present Council, misjudgment on the part of a previous administration.

Councilman Leahy then referred to the provisions under an RSC Zone relative to the time for development and asked if this was binding and enforceable and was answered in the affirmative.

Mrs. Molly Micek, 1035 12th Street, appeared and drew attention to the fact that the new zoning ordinance prohibited shopping centers from being located any closer to one another than a distance of one to one and one half miles. The City Attorney explained that, legally, this would be considered only as a guide.

Mr. James Rabdau, 896 Linden Drive, appeared and asked if a development plot plan was presented and approved when this area was originally zoned and was told that this was not required at that time.

Councilman Page, noting from the City Attorney's previous comments that health, safety, welfare and morals were factors for consideration in any rezoning, rendered his decision that any type of commercial zoning would not improve any of these and that, in his opinion, the fact that the area had remained undeveloped for so many years would justify rezoning residential on grounds of change of circumstances.

Councilman Nelson, recognizing that the Planning Commission had recommended RSC zoning for this area, asked Heyrend if the Commission had taken into consideration the length of time the property had remained undeveloped and that it was now surrounded by residences. Heyrend answered in the affirmative and said the Commission felt that service stations, with proper restrictions, should not be prohibited in any residential shopping center.

Councilman Parish asked Heyrend if the Planning Commission concurred with the zoning ordinances that the Commission should approve building materials which were used in residential shopping center construction and was answered to the effect that, in the opinion of the Commission, there could be no objection to any material permitted by building code but that there might be grounds for objection on the over-all external appearance. Councilman Nelson asked the City Attorney if this was enforceable and was answered to the effect that it probably was not except for an unusual appearance that would be obviously non-harmonious with surroundings.

Councilman Freeman asked the City Attorney if this property could be legally zoned RSC without the consent of the property owners. Smith answered in the affirmative, providing the rezoning did not represent a drastic change. He explained, further, that according to the ordinance and if this property were so rezoned, a development plot plan from the owner would be required within a prescribed time or the property could again be rezoned.

Councilman Leahy expressed an opinion to the effect that the Council does not have the right to take prior rights away from the property owner nor provide him with more, by rezoning and therefore, the original zoning, or as close to same as available, should be continued, including the R-2 strip on the north and the south sides of the property. Councilman Freeman concurred that property rights should not be taken away by rezoning.

Councilman Parish said that, in his opinion, the Planning Commission recommendation should be upheld and that the property should eventually be rezoned RSC-1. Councilman Nelson concurred. Councilman Parish explained that he and Councilman Nelson had met with the developers and they had agreed to an RSC-1 zone providing the requirements under said zone be amended to some degree. Parish agreed that some changes should be worthy of consideration. Parish felt that a development plot plan should be submitted to the Planning Commission and that the property owners had so agreed. Parish explained, further, that the property owners, as a result of the above mentioned meeting, had also agreed, in this interim period, to start no new

development or sell any more land. It was pointed out that this arrangement pertained only to the undeveloped, unsold area and excluded the property sold to Phillip Petroleum on which a building permit for a service station has already been issued. Councilman Leahy asked if there were someone representing the developers or the owners present this night who would agree and be willing to go on record to this arrangement. Councilman Parish and Nelson said that, in their opinion, this could be accomplished by letter within a few days.

Mr. George Peterson, local attorney representing the property owners, concurred that the property owners were in general agreement with the plan as outlined by Councilman Parish, providing an agreement could be reached for amended requirements of an RSC zone, including the width of planter strips. It was moved by Councilman Parish, seconded by Leahy, that Lot 13, Block 1, Linden Park Addition, Division #1 be not rezoned this night but that instead, the owners, be notified of the Council's intention to rezone the entire area RSC-1 at the earliest possible date and that meanwhile, it would be expected that said property owners meet with the Planning Commission to present and discuss development drawings and other details concerning the intended rezoning. Roll call as follows: Ayes, Councilmen Leahy, Nelson, Parish, Freeman, Keller; Nay, Councilman Page; carried. Commissioner Heyrend agreed to call a special meeting of the Planning Commission, if necessary, toward this end and for this purpose.

The next area to be considered for rezoning was Lots 20, 21, 22, 23, 24, and 25, Block 5, University Manors, Division #2, on which the owner, Mr. William H. Taylor had requested a change of zoning from R-1 to R-2. Mr. Taylor appeared before the Council and explained that the original zoning in the new zoning ordinance was in error and that R-2 zoning would be in conformance with other University Manor lots facing St. Clair Road and 17th Street. He pointed out, further, that there is a canal across the street from his lots which is not conducive to R-1 construction. It was noted that the Planning Commission had recommended denial. Mr. Heyrend reappeared and explained that, in the opinion of the Commission, the lots in question face a collector type street, not an arterial and, therefore, R-1 zoning is appropriate and in order. It was moved by Councilman Leahy, seconded by parish, that the Planning Commission be upheld and the rezoning petition be denied. Roll call as follows: Ayes, 6; No, none; carried.

Next for rezoning was an area owned by A.R. Anderson, described said Lots 3, 4, 5, 6, 7, and 8, Block 67, Highland Park Addition. There were no protests. However, it was noted that the Planning Commission had recommended that rezoning of this area be held in abeyance at this time. It was moved by Councilman Nelson, seconded by Page, that these lots remain RPA and that they be not rezoned for the time being. Roll call as follows: Ayes, 6; No, none; carried.

Block F and Block B of the Elg Addition, also Lot 7, Block 85, Riverside Addition, also that portion of Block 4, Edgewater Heights Addition which is presently zoned C-1 were made the subject of rezoning. No protests were registered. It was moved by Councilman Parish, seconded by Freeman, that this entire area be rezoned from C-1 to R-2A. Roll call as follows: Ayes, 6; No, none; carried.

Lot 22, Block 8, Linden Park Addition, Division #2 was then made the subject of rezoning consideration. There were no protests. It was moved by Councilman Leahy, seconded by Keller, that this lot be rezoned from R-2 to R-3A. Roll call as follows: Ayes, 6; No, none; carried.

Finally, all the lots in Jennie Lee Addition, Division No.'s 1, 2, 3, 4, and 5, presently zoned RPA were considered. There were no protests. It was moved by Councilman Nelson, seconded by Freeman, that these be rezoned from RPA to R-1. Roll call as follows: Ayes, 6; No, none; carried.

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The Mayor instructed the Building Official to incorporate the foregoing rezoning on the official zoning map, located in his office.

License applications for BARTENDER, Harry W. Parker; RESTAURANT, (previously approved by the City Sanitarian), Vernon Scheets for the Flamingo Restaurant, Gordon Schlafke for Topper Fine Foods, E.G. Moore for B.P.O.E. 1087; GROCERY, (previously approved by the City Sanitarian), Donald J. Cook for Cook's Super Market, Lowell Bybee for Bybee's Market, Jay Bates for Jay's Mite-E-Mart, George See for Wise Buy Inc. DBA OK Food Center, Richard Koster for Dick's Super Market; CLASS A GAS FITTING, WARM AIR, HEATING, WET HEAT & REFRIGERATION CONTRACTOR, (previously approved by the Heating Inspector), Wendell Sanderson for American Plumbing & Heating; CLASS D WARM AIR, HEATING & VENTING CONTRACTOR, (previously approved by the Heating Inspector), H. M. Groesbeck for Groesbeck Furnace Co.; CLASS D WET HEAT CONTRACTOR, (previously approved by the Heating Inspector), F. L. Pendleton for Pendleton Plumbing & Heating; CLASS D REFRIGERATION CONTRACTOR, (previously approved by the Heating Inspector), Jack D. Scott for Scott's Refrigeration, Inc., Arthur M. Aicher for Aicher Refrigeration; MASTER PLUMBER, (previously approved by the Heating Inspector), F. L. Pendleton for Pendleton's Plumbing & Heating, Wendell Sanderson for American Plumbing & Heating; JOURNEYMAN PLUMBER, (previously approved by the Heating Inspector), Verne E. Copes, F. G. Pendleton; CLASS C JOURNEYMAN GAS FITTING & HOT WATER HEATING, (previously approved by the Heating Inspector), Verne E. Copes; CLASS D JOURNEYMAN, WARM AIR, HEATING, (previously approved by the Heating Inspector), Rex Onan; CLASS D JOURNEYMAN REFRIGERATION, (previously approved by the Heating Inspector), Jack D. Scott, Arthur M. Aicher; CLASS D JOURNEYMAN WET HEAT, (previously approved by the Heating Inspector), F. G. Pendleton; CLASS D JOURNEYMAN HOT WATER HEAT, (previously approved by the Heating Inspector), F. G. Pendleton; BEER, (previously approved by the Police Chief, canned and bottled, NTBCOP), Lowell Bybee for Bybee's Market; BEER, (previously approved by the Police Chief for canned and bottled, NTBCOP), Richard Koster for Dick's Super Market, Harvey J. Oswald for Harvey's Store, Donald J. Cook for Cook's Super Market, Gerald Robbins for United Blue Ribbon Food Service, Inc., Lewis Pearce, Jr. for Safeway Store #323; BEER, (previously approved by the Police Chief for canned and bottled, TBCOP), Jackie Hahn and Christy Young for New Grand Hotel & Bar, Charles R. Jachetta for the Hawaiian; BEER, (previously approved by the Police Chief for canned, bottled and draught, TBCOP), Vernon Scheets for Flamingo Restaurant, Joseph P. Junk for Buckhorn Gardens, Ray V. Robison for Robison Motel, Ellen H. Campbell for Dog House Bar & Café, Leonard P. Callan for Holliday Services, Inc.; Clara Eames for the Mint Bar, Charles J. Martin for Gaslampe Pizza Shoppe; ELECTRICAL CONTRACTOR, (previously approved by the Electrical Inspector), H. M. Groesbeck for Groesbeck Furnace Co., Walter Whipple for Whipple Electric, Ernest J. Briggs for J. & J. Electric, Robert E. Oyler for Electrical Enterprises; JOURNEYMAN ELECTRICIAN, (previously approved by the Electrical Inspector), H. M. Groesbeck, Walter T. Whipple, Boyd Emery, Ernest J. Briggs, Cleo M. Edgerton, Robert E. Oyler; RETAIL LIQUOR, Harry W. Parker for Turf Bar, Millard M. Divine and Connie B. Hunnell for Broadway Café & Lounge 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.

License application for CLASS D JOURNEYMAN, REFRIGERATION, for S. A. Culbertson was presented. It was moved by Councilman Nelson, seconded by Parrish, that this license be granted, subject to the approval of the Heating Inspector. Roll call as follows: Ayes, 6; No, none; carried.

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License application for HOTEL, Albert E. Lewis for Marion Hotel was presented. It was moved by Councilman Freeman, seconded by Parish, that this license be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 6; No, none; carried.

License application for DANCE HALL, Vernon Scheets for Flamingo Restaurant was presented. It was moved by Councilman Leahy, seconded by Page, that this license be granted, subject to the approval of the Police Chief and the Police Committee. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor noted that Mr. Carl Poulter, Fire Chief, had tendered his resignation, effective December 31st, 1964 and regrestfully accepted same. The Mayor proceeded to appoint Mr. Les Corcoran as Fire Chief, effective January 1st, 1965. It was moved by Councilman Freeman, seconded by Leahy, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried. Mr. Corcoran appeared briefly and expressed appreciation for this action on the part of the Mayor and City Council.

This damage claim was presented and read:

THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS,
IDAHO:

The undersigned claimant verifies and renews notice previously given against the City of Idaho Falls for damages occurring to him on or about the 4th day of September, 1963. The character of the damage is permanent back injury which occurred while claimant was an employee of the City of Idaho Falls, preparing parking area and placing large poles or logs and other heavy objects, which required heavy lifting and straining, for all of which, the City of Idaho Falls shares responsibility.

s/ William L. Bennett

It was moved by Councilman Parish, seconded by Freeman, that this be referred to the City Insurance Adjustor and the State Insurance Fund for investigation. Roll call as follows: Ayes, 6; No, none; carried.

Contract # L.D. 19606 was presented from the Union Pacific Railroad, covering a sewer pipe line right of way under the railroad tracks to service the new California Packing location. 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.

This memo from the Electrical Engineer was read:

December 21, 1964

Honorable Mayor and City Council
Idaho Falls, Idaho

Subject: Oliver Ames damage claim in the amount of \$11.50

Gentlemen:

DECEMBER 22, 1964

Reference is made to the above mentioned claim, dated June the 9th, 1964, as prepared by Babbit Electric which involved, primarily, a trouble call to the Oliver Ames residence. This was denied by the City Insurance Adjustor and referred to the City Attorney who recommended that it be reviewed by the proper Council Committee.

This alleged damage was caused by failure of a City installed, operated and maintained service connection. Mr. Ames immediately called Babbit Electric, who in turn called a City crew. The bill included the waiting time for arrival of said City crew, who in the final analysis, was responsible for making the necessary repairs.

Your Council Committee recommends that this claim be paid from the General Fund.

Respectfully submitted,
s/ W. H. Fell
Electrical Engineer

It was moved by Councilman Leahy, seconded by Keller, that this claim in the amount of \$11.50 be honored and paid from the General Fund. Roll call as follows: Ayes, 6; No, none; carried. Upon suggestion by Councilman Parish, the City Clerk was instructed by the Mayor to so notify the City Insurance Adjustor of this Council action.

This memo from the Electrical Engineer was read:

December 17, 1964

Honorable Mayor and City Council
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

It is the recommendation of the City Electric Light Division that the tree trimming contract be awarded to the low bidder of Wright Tree Service as shown on the attached tabulation and subject to their meeting all legal requirements of the contract. The total bid is \$8,571.00.

Respectfully submitted,
s/ W. H. Fell
Electric Light Division

It was moved by Councilman Leahy, seconded by Keller, that Wright Tree Service be awarded the tree trimming contract as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Next from the Electrical Engineer, this memo was presented:

December 22, 1964

DECEMBER 22, 1964

Honorable Mayor and City Council
City of Idaho Falls

Gentlemen:

It is the recommendation of the City Electric Light Division that the 15 KV conductor be awarded to the low bid from Electric Wholesale for 350 MCM copper at \$1,279.00 per thousand feet. A total of 4,500 feet required for a total price of \$5,755.50. This is for the 9th Street sub-station underground outgoing circuits.

Attached are bid tabulations.

Respectfully submitted,
s/ W. H. Fell
Electric Light Division

It was moved by Keller, seconded by Freeman, that Electrical Wholesale be awarded the bid for the electrical material as described. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented and read this memorandum:

December 18, 1964

The Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

It has been some time since the Councilmen have had a progress report on the proposed retirement program. The purpose of this memorandum is to explain the delay.

In 1963, the State Legislature passed H. B. No. 257 which provided for a retirement program for State employees, effective July 1st, 1965. This same house bill also provided for other political subdivisions, including municipalities, to be included under contractual arrangement on an optional basis.

Your Committee has been aware of this but, until recently, had not given it serious consideration because it seemed the effective date was too far into the future. Now that we are on the very eve of the year in which the State plan becomes effective and we still haven't contracted for a plan of our own, it would appear only sensible that we investigate the feasibility of contracting under the State plan, cost-wise and otherwise, before we make a final recommendation to the Council.

Our employee statistics are now in the hands of the Idaho Municipal League Executive Secretary and, as soon as the Governor's appointed Retirement Board selects a carrier, we will

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be advised of the cost to the City. This cost will include Employer matching funds for future service, as well as past service liability which we understand can be funded over a substantial number of years. It is anticipated that this will be accomplished within the next sixty days.

It is our recommendation that the Council proceed to budget funds in a reasonable representative amount with the understanding that a retirement plan, whether it be through the State or a plan of our own, be established in 1965.

Respectfully submitted,
s/ Donald F. Lloyd
s/ Roy C. Barnes
Retirement Committee

No Council action was considered necessary.

By memo, the Public Works Director presented a recommendation that a vacation of easement be granted to the developer in Lots 6 and 7, Block 2, Bona Vista Addition, Division #1. It was moved by Councilman Page, seconded by Leahy, that this be authorized and the Mayor and City Clerk likewise be authorized to sign the vacation of easement. Roll call as follows: Ayes, 6; No, none; carried.

A written request was recognized from Bonneville Auto, Inc. that their rent a car Avis lease expiring December 31st, 1964, be renewed with identical terms and conditions as the existing one. It was moved by Councilman Nelson, seconded by Page, that the City Attorney be instructed to prepare an extension of lease agreement to expire December 31, 1965, for this company and also the Hertz Rent A Car Company, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This letter was read:

City of Idaho Falls
Parks & Recreation
December 11, 1964

Mayor S. Eddie Pedersen
City Hall
Idaho Falls, Idaho

Dear Mayor Pedersen:

The terms of two of our Recreation Commission members expire December 31, 1964. These people are William McFarlane and Ruth Kunze.

In order for this Commission to function during the month of January, 1965, these vacancies must be filled. It is the unanimous opinion of the hold-over members of the Board that these people be reappointed. Under the regulations they would be reappointed for a three year term expiring on December 31, 1967.

DECEMBER 22, 1964

This is our recommendation. You should certainly feel free to appoint anyone that you might have in mind. Bear in mind that we are interested in people who are interested in Parks and Recreation and are willing to devote time to this Commission.

Sincerely,
s/ Wes Deist
Chairman, Recreation Div.

s/ Ernest Craner
Director, Parks & Rec.

The Mayor proceeded to make the appointments and for the period of time as recommended. It was moved by Councilman Page, seconded by Freeman, that these appointments be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The Council considered a recommendation from the Building Official, approved by the Planning Commission, to amend the trailer court Ordinance #925, Section VII to read: "Each trailer court (that permits parking of dependent trailers) shall be provided with one or more service buildings adequately equipped with at least one flush type toilet for females and one for males." It was moved by Councilman Page, seconded by Parish, that the City Attorney be directed to prepare an amending ordinance accordingly. Roll call as follows: Ayes, 6; No, none; carried.

An application for surplus property eligibility form was presented from the Department of Disaster Relief and Civil Defense accompanied by an appropriate resolution, as follows:

APPLICATION FOR SURPLUS PROPERTY ELIGIBILITY

NAME OF COUNTY OR STATE DEPARTMENT: Bonneville County
ELIGIBILITY UNIT: City of Idaho Falls
ADDRESS: Box 220, Idaho Falls, Idaho

We, the Governing Board of the above mentioned Civil Defense unit, do certify and agree to the following terms and conditions governing the acquisition of Federal surplus property from the Idaho Surplus Property Agency through the Idaho Department of Disaster Relief and Civil Defense.

1. The property which will be requested is usable and necessary in the State for Civil Defense purposes as stated on the transfer document and in accordance with the State Surplus Property Regulations and the Federal Civil Defense Guide, Part F, Chapter 5, Appendix 3, Procedures for Donation of Federal Surplus Personal Property.

2. Funds are available to pay the costs of care and handling, incident to donation, including packing, preparation for shipping, loading and transporting such property.

3. There will also be applicable such other terms and conditions as are contained in the regulations of the OCD, Title 32, Code of Federal Regulations, Sub-title C. Part 1702, as in effect on the date thereof.

4. All property having a single item original acquisition cost of \$2500.00 or more shall be restricted and during the period of restriction be properly maintained in good operational condition and stored, installed or utilized and maintained as necessary to achieve a state of operational readiness as required by the Civil Defense missions including natural disasters, assigned to the donee in accordance with the Civil Defense operational plans of the State or Local Government. Operational readiness may include necessary use in training under an approved Civil Defense training program.

5. Except as otherwise expressly provided herein below and unless and until expressly waived in writing by the Director, OCD, on case basis, the period of restriction for all items of property donated for Civil Defense purposes shall be four years from the date such property is first used or put in stockpile in accordance with this subsection. The specific exceptions are as follows:

- a. Motor vehicles, Federal supply classification (FSC Group 23), for which a two year period of restriction shall apply.
- b. Aircraft (FSC Group 15), for which the special terms and conditions provided in the DHEW conditional transfer document (aircraft) covering the transfer shall apply.

6. Reserve stock storage and installation of equipment for operational readiness shall, in addition to meeting the above criteria, meet all applicable criteria established by the OCD.

7. During the period of restriction, the property shall not be sold, leased, traded, loaned, bailed, encumbered, or otherwise disposed of without the specific, prior, written approval of the Director, OCD.

8. If, during the period of restriction, property is no longer suitable, usable, or further needed for the purpose for which acquired, the donee shall promptly notify the OCD through the State Civil Defense Director and shall, as directed by the OCD, either retransfer the property to such department or agency of the United States of America or such other donee as may be designated, or sell the property at a public sale.

9. In the event any of the terms and conditions set forth in this section are breached, all right, title and interest in the property involved, at the option of the Director, OCD, shall revert to the United States of America. In addition, where there has been an unauthorized disposal or improper use of any kind, the donee, at the option of the Director, OCD, shall be liable to the United States for all damages. Where the property is not returned to the United States Government or where property is improperly used, the donee shall be liable to the United

States for any proceeds from the disposal or improper use of for the fair market value or rental value of the property at the time of such disposal or improper use, at the option of and as determined by the Director, OCD.

10. When the period of Federal restriction expires, the property is still subject to restrictions of the State Civil Defense Office.

It is resolved that certification and agreement for participation in the Federal Surplus Property Program, noted herein, shall be spread upon the minutes of this meeting and that the following named representatives with their signatures shall be and are hereby authorized to obligate the funds of the above named Civil Defense Unit, and to obtain transfer of property for Civil Defense purposes set forth above.

REPRESENTATIVES AUTHORIZED TO SIGN FOR SURPLUS PROPERTY

NAME	ADDRESS
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UNIT	TITLE
------	-------

NAME	ADDRESS
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UNIT	TITLE
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RESOLUTION

WHEREAS, the aforementioned unit has established a Disaster Relief and Civil Defense Unit, and has a plan and program in conformance with the State Plan and Program, and;

WHEREAS, the Governing Board or body has read and understands the rules and regulations for use of Federal Surplus Personal Property and agrees to abide by these rules and regulations for Surplus Property acquired;

WHEREAS, this organization desires to become eligible to receive Surplus Property;

NOW, THEREFORE, BE IT RESOLVED that this resolution of authorization remain in full effect until amended, superseded, or rescinded by resolution of this Board with three (3) copies transmitted to the State Civil Defense Office, Box 1098, Boise, Idaho.

Passed and adopted this _____ day of _____, 19 ____, by the Governing Board of this Civil Defense Organization.

SIGNED: S. Eddie Pedersen, Mayor

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It was moved by Councilman Nelson, seconded by Keller, that the application be completed, the resolution be adopted, the Mayor be named as the City's authorized representative to sign for surplus property and the Mayor and City Clerk be authorized to sign the resolution. Roll call as follows: Ayes, 6; No, none; carried.

By memo the Public Works Director presented three proposals for remodeling the band room in the Civic Auditorium, as follows:

Heyrend Construction	\$3,315.00
Harold Dale & Son	3,395.00
Western Specialties	2,860.00

It was moved by Councilman Parish, seconded by Keller, that Western Specialties, as low bidder, be awarded the contract, subject to final checking by Grover Bennett, Building Maintenance Supervisor, to determine that the work can be accomplished during the Christmas holidays. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Controller was read:

City of Idaho Falls
December 18, 1964

MEMORANDUM

TO: Mayor S. Eddie Pedersen
FROM: L. I. Jenkins, Controller
SUBJECT: REQUEST FOR PAYMENT - TRUCK EQUIPMENT SALES CO.

Attached is the invoice of Truck Equipment Sales Co. for the Pitman Line Construction Body mounted on the Dodge truck for the Electric Light Department. This equipment was purchased from the Truck Equipment Sales Co. in July 1964, but they did not receive the truck to mount the line body until late in October 1964. The Truck Equipment Sales Co. have requested that they be paid in advance of the regular bill approval by the Council which will not take place until January.

Your permission is requested to pay this bill.

It was moved by Councilman Leahy, seconded by Keller, that payment be made to the Truck Equipment Sales Company in advance of regular payment of bills in January, as requested. Roll call as follows: Ayes, 6; No, none; carried.

This letter from Mr. Aden Hyde, Chairman of the Library Board, was presented and read:

Idaho Falls, Idaho
December 17, 1964

DECEMBER 22, 1964

Mayor Eddie Pedersen and Members of the City Council
Idaho Falls, Idaho

Gentlemen:

Since I shall be leaving shortly for Boise and the impending Idaho Legislative Session and shall be unable to present the following matters to you in person, I am taking this method of transmission.

After Councilman Phil Leahy suggested, when I last presented matters concerning the municipal library to you, that perhaps a completely new City library on property already owned by the City might be a preferred approach, I made some further study of that suggestion.

1. A library building designed to serve the City's present needs and for several additional decades, will cost a minimum of from \$750,000 to \$1,000,000.
2. Vernon Johnson, Vice Chairman of the Library Board, and I are agreed that the probability of getting a favorable bond vote on such a project in the near future is unlikely. One reason: Idaho Falls already has the best library building in Idaho, municipally owned.
3. Mrs. Hickey, librarian, advised that today's concept for library planning and construction involves the use of a site as close as possible to the most frequented business area and as near to the center of a city as it is possible. I submit that with the rapid development of the west side, this present location meets these present day policies for library locations.

The alternative is the proposal which has been before you for sometime. It is to acquire by purchase the adjoining property to the north of the present library building and add to the present structure on the north. That property can be acquired for \$42,000, payable \$2,000 currently and \$20,000 in each of two succeeding years.

The Library Fund presently has reserves to make that initial payment. The \$40,000 balance could be financed by adding one more mill to the present library levy for two years or perhaps the City, maintaining the policy established many years ago in providing funds outside the library revenues for capital investment in the library property, will elect to budget for that purpose.

We are advised that the addition to the present building will cost about \$108,000. Part of this money, depending upon demand from other Idaho cities for similar purposes, can be obtained from Federal sources. The sum available cannot be determined until we are prepared to forward construction work.

DECEMBER 22, 1964

While Mr. Johnson has, I believe, left Idaho Falls briefly on a vacation trip, please be advised that we have discussed these matters in some detail and are in substantial agreement upon the presentation made here.

I am further advised that the present \$42,000 offer by White Star, which is on an oral basis only, will probably be withdrawn on January 1, 1965.

Mr. Johnson and I are agreed that all of this involves a policy determination which must come from the City Council.

Very truly yours,
s/ Aden Hyde, Chairman
Municipal Library Board

It was moved by Councilman Page, seconded by Nelson, that the City Attorney be instructed to prepare an option agreement between the City and the White Star Laundry in the amount of \$2,000 for the property as described in the full purchase price of \$42,000, the City Attorney to use his own discretion on the most satisfactory arrangement for future payments, after which the Mayor and City Clerk be authorized to sign. 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/ _____
MAYOR
