

AUGUST 22, 1963

The City Council of the City of Idaho Falls met in Recessed Regular Session, Thursday, August 22, 1963, at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Page, Creek, Foote, and Leahy. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Donald F. Lloyds, Public Works Director; Luther Jenkins, City Controller; Donald Ellsworth, City Engineer.

Minutes of the last recessed Regular Meeting, held August 8th, 1963, were read and approved as amended.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the purpose of considering the proposition of amending Zoning Ordinance #852 to establish, create and adopt a residential shopping center zone.

Mr. Dennis Olsen, local attorney representing the Ben Lomond Inc, interest in the Roy H. Bennett Shopping Center, appeared before the Council, inquiring as to the extent to which public hearings were conducted, relative to the proposal to create a residential shopping center, drawing attention to the fact that this is required by State statute. He was reminded that a public hearing had been held at the Civic Auditorium on July 11th, 1963 at which time the proposed Zoning Ordinance in its entirety was reviewed, including the portion pertaining to the creation and establishment of a residential shopping center zone.

Mr. Olsen then protested Section 13 of the amended Zoning Ordinance to be considered this night, which read as follows:

13. In all cases of any annexation to the City, or in case of premises presently within the City and not zoned the same shall be automatically classified as being in the residence park district until other zoning is established pursuant to the provisions of this Ordinance.

The City Attorney said he had no objections to this paragraph being deleted. Therefore, it was moved by Councilman Foote, seconded by Page, that the foregoing paragraph be stricken from the proposed amending zoning ordinance. Roll call as follows: Ayes, 4; No, None; carried.

In the absence of further protests the following ordinance with the foregoing deletion was presented in title:

ORDINANCE NO. 1063

AN ORDINANCE AMENDING ORDINANCE 852, TO DEFINE SHOPPING CENTERS AND SHOPPING CENTER PLANS, AND PROVIDE FOR A RESIDENTIAL SHOPPING CENTER ZONE: PROVIDING FOR A RESIDENT PARK ZONE FOR ALL PORTIONS OF THE CITY NOT OTHERWISE SPECIFICALLY CLASSIFIED IN A ZONE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Foote, seconded by Page, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be

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dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCE TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 4; 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, 4; No, None; carried.

The Mayor announced that this was the time and the place for a public zoning hearing, as advertised, relative to certain areas in need of zoning.

First to be considered was an area described as follows:

- Roy H. Bennett Shopping Center, Division No. 1, Lot 1, Block 1
- Roy H. Bennett Shopping Center, Division No. 2, Lot 2, Block 1
- Roy H. Bennett Shopping Center, Division No. 3, Lot 3, Block 1

Mrs. June Munther, 625 East 17th Street, appeared before the Council and inquired specifically as to which areas were involved in the proposed zoning and was answered by the City Engineer.

Mr. Olsen reappeared and protested on the grounds that the inclusion of his client's property as part of the Roy H. Bennett Shopping Center to be zoned as a residential shopping center with its development to be governed by the current plans approved by the City of Idaho Falls is an arbitrary, unlawful, discriminatory, and capricious act, and such act would not bear a substantial relation to the public health, safety, morals or general welfare. The inclusion of this property, to be zoned as proposed, would not be in accordance with the intent of the Zoning Ordinance under which the property is to be zoned a residential shopping center for the Ordinance clearly indicates that such zoning of property presupposes the submission of a development plan to the City which meets the approval of all the owners of the property in question. Such a comprehensive plan, including his client's property, continued Olsen, was never submitted or approved in accordance with the intent of the Zoning Ordinance in question. Also, concluded Olsen, said inclusion with its development to be governed by the current comprehensive plan approved by the City would be in violation of Sections 50-401-409 of the Idaho Code Annotated. Mr. Olsen then asked and received permission from the Council to submit, at a later date, his formal objections to the foregoing which, it was understood, would be made a matter of record in this Book of Minutes.

In the absence of any further protests it was moved by Councilman Foote, seconded by Leahy, that the area in question be zoned Residential Shopping Center (RSC), said zoning to be effective upon publication of Ordinance No. 1063, passed this night. Roll call as follows: Ayes, 4; No, None; carried.

In view of the foregoing action, Mr. Olsen drew attention to an application for a building permit to construct a service station, accompanied by the appropriate fee on which the Council had, at their last Regular Meeting, tabled any action, pending a study by the City Attorney, Mr. Kidwell then proceeded to report his findings, revealing the background and history of the shopping center from the date of inception at or around January 1960, including the efforts expended on the part of the Council to work with the County and to protect the rights and values of the nearby 17th Street residents.

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It was moved by Councilman Creek, seconded by Page, that the application in question for a building permit to construct a service station at the Roy H. Bennett Shopping Center be denied. Roll call as follows: Ayes, 4; No, None; carried. Mr. Olsen asked for an explanation of this action. Councilman Creek replied by saying he felt no explanation was required except that his motion was upon advice of Counsel.

Next to be considered for zoning was an area described in a metes and bounds description, as follows:

Proposed John Hatch Shopping Center, bordered by First Street, Woodruff Avenue and John Adams Parkway, in a metes and bounds description, as follows: Beginning at a point on the North line of Section 21, T 2N R38 E.B.M., which point is S 89° 25' 43" E 560.50 feet from the Northwest corner of said Section 21; thence running S 89° 25' 43" E along said North line a distance of 759.98 feet; thence S 0° 40' 18" W a distance of 1174.36 feet; thence N 88° 25' 19" W a distance of 380.16 feet; thence to the left with a curve, said curve having a radius of 735.69 feet, a distance of 378.07 feet; thence N 0° 7' W a distance of 1262.26 feet, to a point of beginning, containing 20.461 acres.

There were no protests. It was moved by Councilman Page, seconded by Leahy, that this area be zoned RSC, said zoning to be effective upon publication of Ordinance #1063, passed this night. Roll call as follows: Ayes, 4; No, None; carried.

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

License application for RESTAURANT (previously approved by the City Sanitarian) Karl G. Smith was presented. It was moved by Councilman Creek, seconded by Page, that this license be approved. Roll call as follows: Ayes, 4; No, None; carried.

This memo from the City Engineer was then read:

August 22, 1963
Acct. No. 11B-3

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

On August 20, 1963, bids were received and opened for the repair and painting of the elevated water tank. Five bids were received but the bid from Northwest Bridge and Tank Co. was considered void because no bid bond was received at the time of bid opening, and the bid of Kofoed Painting Co. was considered void because of incompleteness of the proposal.

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Of the three remaining bidders, Gem State Roofing, Darrel Willette Painting, and Gores Tank Co., we feel the low bid for the type B painting of \$7,277.50 with a two (2) year warranty from Gem State Roofing is the best bid in the interests of the City. We feel the "Koppers Super Tank Solution" is superior to the vinyl paint system and worth the additional \$180.00.

We recommend that the Council award the contract to Gem State Roofing and that the Mayor be authorized to sign the contracts.

A tabulation of the bids is enclosed herewith.

Respectfully submitted,
ENGINEERING DEPARTMENT
s/ Don Ellsworth
City Engineer

Enclosure

Concurred by: s/ Donald F. Lloyd

It was moved by Councilman Creek, seconded by Page, that the Gem State Roofing bid be accepted for the reasons as stated. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk drew attention to a legal notice published without official Council approval in the interests of time, advertising for bids on the Civil Defense Control Center Radio Communication System. It was moved by Councilman Leahy, seconded by Creek, that the Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk then presented a legal notice covering advertisement for bids for the construction of the Civil Defense Control Center. It was moved by Councilman Page, seconded by Creek, that he be authorized to publish, as required by law. Roll call as follows: Ayes, 4; No, None; carried.

A petition with 15 signatures was presented from Louis Weeks, 390 Basalt, requesting rezoning of Lots 17, 18, and the west 16 feet of Lot 19, Block 5, Original Town-site, to permit the sale and display of certain appliances. It was moved by Councilman Leahy, seconded by Page, that this be referred to the Board of Adjustments for study and recommendation. Roll call as follows: Ayes, 4; No, None; carried.

Two pole line easements were presented. It was noted that these are required so that Utah Power and Light can provide electric service to the Wiley Snarr farm and the Idaho Falls Gun Club. It was moved by Councilman Leahy, seconded by Page, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk read the following:

Pocatello-July 18, 1963

Mr. C.V. Hanson-Pocatello

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We have been obtaining water from the City of Idaho Falls under Agreement LD 8753, Audit 18398. The General Manager has advised it is deemed we will no longer require an agreement to obtain this water, as it is obtained at various other locations from the municipality without the benefit of a contract. The management has advised the legal office in Salt Lake City that the agreement will be permitted to expire on June 29, this year.

In this connection, we have enjoyed a special rate from the City of Idaho Falls for sometime, however, it is desired that you contact them and ascertain if there is a possibility of obtaining a better rate on the basis of the quantity of water we utilize.

At your early convenience please contact the City of Idaho Falls and advise their reaction.

s/ W.R. Tyler
General Water Service Foreman
Union Pacific Railroad
Pocatello, Idaho

It was moved by Councilman Foote, seconded by Creek, that no special water rate be considered in favor of the Union Pacific Railroad. Roll call as follows: Ayes, 4; No, None; carried.

This memo from the City Engineer was read:

August 14, 1963
Acct. No. 19A-35

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

On August 14, 1963, bids were received and opened for the construction of a bank of four (4) tennis courts at Tautphaus Park. One bid was received in the sum of \$17,466.20 from Pickett and Nelson, Inc. of Idaho Falls.

We reviewed this bid, and would recommend that the City Council award this contract to Pickett and Nelson, Inc., for the amount of the above mentioned sum, and that the Mayor be authorized to sign the contracts.

Respectfully submitted,
ENGINEERING DEPARTMENT
s/ Don Ellsworth
City Engineer

Concurred by: s/ Donald F. Lloyd

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It was noted that, in the interests of time, the Pickett and Nelson bid had been informally accepted by the Council. It was moved by Councilman Page, seconded by Creek, that this action on the part of the Council be ratified. Roll call as follows: Ayes, 4; No, None; carried.

Next, from the City Engineer this memo was presented:

August 20, 1963
Acct No. 9A-21

Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

In regard to the City's contract with Bingham Mechanical & Metal Products, Inc., we have run into equipment delivery problems. The attached letters reveal the problem in obtaining the specified two speed motors for this particular project. We have talked to the contractor and to the supplier, and have found it impossible to get an earlier delivery date for these motors.

Under the circumstances, and to answer the contractors request for help in expediting this equipment delivery, we feel that the circumstances will warrant an extension of the contract time. The actual construction time required for this lift station modification is estimated to be approximately three (3) weeks after delivery of all equipment.

We are recommending that the contract deadline be extended from October 17th to November 15th.

Sincerely yours,
ENGINEERING DEPARTMENT
s/ Don Ellsworth
City Engineer

Concurred by: s/ Donald F. Lloyd

It was moved by Councilman Leahy, seconded by Foote, that the contract deadline on the Bingham Mechanical and Metal Products contract be extended from October 17th to November 15th for the reasons as described. Roll call as follows: Ayes, 4; No, None; carried.

Finally, from the Engineering Department, the final plat of the Lawn Dale Estates, Division #2, was studied with their recommendation that it be approved. It was moved by Councilman Foote, seconded by Page, that this plat be approved. Roll call as follows: Ayes, 4; No, None; carried.

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ORDINANCE NO. 1064

AN ORDINANCE VACATING FIVE (5) FEET OF AN EXISTING SIX (6) FEET EASEMENT ON THE NORTH SIDE OF LOT SIX (6), BLOCK ELEVEN (11), JENNIE LEE ADDITION, DIVISION NO. 5, TO THE CITY OF IDAHO FALLS, IDAHO.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Page, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 4; 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, 4; No, None; carried.

It was noted that the City is in need of additional tree trimming to be accomplished sometime during the coming winter. It was moved by Councilman Leahy, seconded by Foote, that the tree trimming bids be prepared, calling for an opening date of January 7th, 1964. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor drew attention to a request from the City Auditors, Burnett and Humphreys, that their audit contract be extended from August 23rd to September 21st, 1963. It was moved by Councilman Page, seconded by Leahy, that this time extension be approved. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor appointed George Griffing, as a replacement for Mack Gough for Chairman of the Mayor's Committee for employment of the handicapped. It was moved by Councilman Foote, seconded by Leahy, that this appointment be confirmed and the Mayor be authorized to send a letter of appreciation to Mr. Gough. Roll call as follows: Ayes, 4; No, None; carried.

This memo from the Public Works Director was presented:

To: Mayor and Council
August 14, 1963
From: Don Lloyd
Subject: Street Standards

Attached hereto for your review and comment, are recommended standards for typical sections for Residential, Collector, and Arterial type streets. These drawings are a result of considerable effort, and have been adopted by the Public Works Section of the Idaho Municipal League. My comments during the Council Meeting August 8th concerning utility strips will be challenged, and I would appreciate your comments in this regard. Without question, it will become necessary to later apply variations or modifications of these sections.

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I would strongly recommend that the Council, in the very near future, approve these sections as the Idaho Falls street standards.

s/ Donald F. Lloyd

The memo made reference to certain recommended standards by sketch. Although not shown here, it was noted, in discussion, that they were typical cross sections for three types of streets as follows: ones with 50' and 60' rights of way, a collector type street for 60' right of way through both residential and commercial zones and, finally, an arterial type with 80' and 90' rights of way. It was noted that these conform to those recently adopted by the Public Works section of the Idaho Municipal League. Utility strips, admittedly controversial, were discussed. It was agreed that these are advantageous to the City and the Community and opposed by some property owners. After some discussion it was moved by Councilman Page, seconded by Leahy, that these standards, as recommended by the Public Works Director, be approved, sketches of which can be seen in his office or that of the City Clerk. Roll call as follows: Ayes, 4; No, None; carried.

Attention was drawn to a request by Mr. Bert Rowe who has had the Engineering Department design his street, curb, gutter and sidewalk to conform with the foregoing approved street standards. Mr. Rowe objected to the utility strip. Only one resident in the block has these improvements, explained Public Works Director Lloyd, and in this instance, the utility strip between the sidewalk and the curb was deleted. He said Mr. Rowe claims that others on the block also object to a utility strip. The Council generally agreed that an exception could not be made in the case of Mr. Rowe and that the utility strip should remain included in the Engineering Department Design. Lloyd was asked by the Councilmen to make further efforts to convince him that the utility strip is necessary and advantageous, both from the standpoint of the residents and the overall planning of the street.

This letter was read by the Mayor:

U.S. NAVAL RESERVE ELECTRONICS FACILITY
TAUTPHAUS PARK ARMORY, P O BOX 2071
Idaho Falls, Idaho 83401

NRED 13-27/GDD;jpb
2000
Serial 87-63
15 August 1963

The Honorable William J. O'Bryant
Mayor of Idaho Falls, Idaho

Sir:

AUGUST 22, 1963

The Naval Reserve Electronics Facility in Idaho Falls maintains a substantial quantity of radio equipment which could be very valuable to you in the event of a local disaster. The Navy is pleased to make this equipment and operators available to you for this purpose.

If you can make use of our services and equipment would you or your representative please contact the Station Keeper, James P. Brooks, Radioman Second Class, USN, at 522-1940 so we might learn more of your possible requirements. We could be of greater service to you and the community if some of these details are planned in advance.

Sincerely yours,
s/ G.D. Detwiler
Lieutenant, USNR-R
Officer in Charge
U.S. Naval Reserve'
Electronics Facility

This was referred to Electrical Engineer Davis to determine whether or not it would benefit the City to take advantage of the offer as stated.

A memo was then presented from Heating Inspector Isenhart through the Mayor as follows:

August 19, 1963

MEMO TO THE MAYOR AND
CITY COUNCIL
IDAHO FALLS, IDAHO

RE: TESTING OF UNDERGROUND GAS LINES IN DOWNTOWN BUSINESS DISTRICT

Gentlemen:

The underground gas lines in the downtown business district were tested by the Intermountain Gas Company in May of this year, by use of a 'Sonic Leak Detection Device'.

It is my opinion that it will be unnecessary for us to go to the time and expense to duplicate this testing this year. However, next year it will be necessary to budget funds for this project.

Please notify me of your disposition in this matter.

Respectfully submitted,
s/ Henry C. Isenhart
City Heating Inspector

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It was agreed by the Council that a downtown City test is unnecessary this year.
This memo, through the Mayor, was presented from the Fire Chief:

August 22, 1963

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

Gentlemen:

Lt. E. J. Smith to Captain to replace the vacancy created when Earl Danielson was appointed Battalion Chief.

Driver Arthur Chandler to Lieutenant to replace Smith.

Pump trainee Lorin Parsons to driver.

Pump trainee Jim Croft to driver.

Fireman Terry Gardner to pump trainee.

Fireman Howard Lowe to pump trainee.

Gardner and Lowe as pump trainees would not be a salary increase. Effective date September 1, 1963.

Respectfully,
s/ Parley G. Gillen
Fire Chief

Copies to:
Mayor
Creek
Page
Foote
Leahy
Jenkins

It was moved by Councilman Foote, seconded by Page, that the request, as described, be approved.
Roll call as follows: Ayes, 4; No, None; carried.

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A request for travel memo was presented for consideration from the Police Chief, through the Mayor, as follows:

August 22, 1963
MCJ-238-63

TO: Honorable Mayor and City Council, City of Idaho Falls
FROM: Milton C. Jones, Chief of Police
SUBJECT: REQUEST FOR TRAVEL

It is required permission be granted for the Police Department to field a 4 man team plus the Chief to participate in the Annual National Reactor Testing Station (NRTS) Invitational Combat Pistol Match to be held on the NRTS Firing Range on September 24, 1963.

The cost of the shoot estimated not to exceed \$12.00.

An early reply would be appreciated.

Respectfully submitted,
s/ Milton C. Jones
Chief of Police

It was moved by Councilman Foote, seconded by Page, that the request, as described, be approved. Roll call as follows: Ayes, 4; No, None; carried.

Electrical Engineer Davis, by memo, recommended that J. Brent David be placed on the General Apprentice Committee to replace Mr. Boyd Beckett. It was moved by Councilman Leahy, seconded by Page, that this appointment be approved. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor read a letter from Phillip A. Marsh of the State of Idaho Department of Highways, inviting the Mayor and City Council to attend a public meeting of the Yellowstone Avenue project Wednesday, August 28th, 1963 in the City Council Chambers.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
