

JULY 25, 1963

The City Council of the City of Idaho Falls met in Recessed Regular session, Thursday, July 25, 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 Leahy, Page, Creek, Foote. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Don Ellsworth, City Engineer; Luther Jenkins, City Controller; Harold Davis, Electrical Engineer; Alva Harris, Building Official.

Minutes of the last recessed Regular Meeting, held July 9th, 1963 were read and approved.

The Mayor observed and acknowledged that Friday, July 26, 1963 had been declared Youth City Government Day and, in this connection, introduced Mr. Mark Brown who had been selected as Youth Mayor for the Day, Kalene Vaughn, President of the City Council, and Claudia McLaughlin, City Clerk all of which were seated at the Council table. He also introduced Mrs. William Rosenthal of the League of Women Voters who sponsored the event and Mr. Milton Madsen, High School teacher of the U.S. Government class, many of which were also present.

The Mayor announced that this was the time and the place for a public hearing, as advertised for the zoning or rezoning of various properties. First to be considered was the following:

1. JENNIE LEE ADDITION, DIVISION NO. 6

Lots # 6 to # 8 inclusive	Block # 8
Lots #11 to #20 inclusive	Block #11
Lots # 1 to #10 inclusive	Block #12
Lots # 8 to #10 inclusive	Block # 9

There were no protests. It was moved by Councilman Leahy, seconded by Foote, that this area be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Next, to be the subject of initial zoning was the following:

2. KELSEY ESTATES, DIVISION NO. 3

Lots #11 to #17 inclusive	Block # 1
Lots #11 to #16 inclusive	Block # 4
Lots # 1 to #24 inclusive	Block #12
Lots #11 to #16 inclusive	Block # 6
Lots #11 to #16 inclusive	Block # 7
Lots #11 to #16 inclusive	Block # 9
Lots # 6 to #12 inclusive	Block #11

There were no protests. It was moved by Councilman Creek, seconded by Page, that these lots be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Certain lots in the Skyline Terrace, Division #3 were then presented, as follows:

3. SKYLINE TERRACE, DIVISION NO. 3

Lots #13 to #22 inclusive	Block #5
Lots #13 to #20 inclusive	Block #1
Lots # 1 to #20 inclusive	Block #8

No protests were registered. It was moved by Councilman Page, seconded by Leahy, that these be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Lots 1 to 15 inclusive, Block 2, seconded amended plat of the Solaris tract were then made the subject of consideration. There were no protests. It was moved by Councilman Leahy, seconded by Page, that these be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Finally, for initial zoning, this area was presented: Lots 1 to 17 inclusive, Block 6, Lot 1, Block 7, seconded amended plat of the Solaris tract. No protests were heard. It was moved by Councilman Foote, seconded by Creek, that these Lots be zoned C-2. Roll call as follows: Ayes, 4; No, None; carried.

Next, this property was presented for rezoning: Lots 18 to 20 inclusive, Block 3, Martin Addition, Division #2. No protests were registered. It was moved by Councilman Leahy, seconded by Page, that these Lots be rezoned from R-1 to R-3. Roll call as follows: Ayes, 4; No, None; carried.

Lots 36 and 37, Block 49, Crows Addition were then considered. It was noted that these were owned by Jack Gamble and he wished to have them rezoned so that he could convert them into additional parking space of his grocery store at 14th and Holmes.

Mr. H. M. Colson, 476 E. 13th, appeared before the Council and protested the proposed rezoning on the grounds that this would prepare the way for an addition to the store for a bakery. He said this would increase the traffic hazard and further deteriorate values of surrounding homes. He said others in the area felt similarly. He said he and others had not been approached by anyone for purposes of signing a petition.

While he was addressing the Council he took the opportunity to register a complaint relative to Mr. Gamble's incinerator which he said should be declared a public nuisance. He explained that it is improperly screened and that it is burning at hours in conflict with City Ordinance.

The Council noted that the petition carried sufficient signers and that the Board of Adjustments had recommended rezoning. Therefore it was moved by Councilman Leahy, seconded by Creek, that these Lots be rezoned from R-1 to R-3. Roll call as follows: Ayes, 3; No, None; Councilman Foote abstained. Carried.

Councilman Creek explained to Mr. Colson that in his opinion there was no legal basis for denying the rezoning request; also that the incinerator problem, as described, would be investigated.

The last area to be considered for rezoning was described in a Metes and Bounds description as follows:

Beginning at a point which is 90.0 feet south of the northeast corner of the SW ¼ of Section 30, Township 2 North, Rg. 38, east of the Boise Meridian, said point of beginning being also coincident with the one-quarter line which is common to the SE ¼ and the SW ¼ of the said Section 30; thence

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running west and parallel to the one-quarter line which is common to the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the said Section 30, thence running west and parallel to the one-quarter line which is common to the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the said Section 30, a distance of 220.35 feet; thence running southerly a distance of 210.0 feet to a point which is 223.5 feet west of the aforementioned one-quarter line which is common to the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 30; thence running east and parallel to the north line of the SW $\frac{1}{4}$ a distance of 223.5 feet, more or less to the east line of the SW $\frac{1}{4}$; thence north along the east line of the said SW $\frac{1}{4}$ a distance of 210.0 feet, to the point of beginning.

Mr. Henry Compton, 2500 South Boulevard, appeared before the Council and observed that this rezoning was being requested to permit construction of a four-plex and that this would depreciate property values of the many homes in the neighborhood. He said he had no knowledge of this contemplated rezoning until he had seen the newspaper article. He asked for more information and verification as to the type of unit that would be constructed.

Mr. Vincent Mullin, 2370 South Boulevard, appeared, representing himself and others, and proposed that this request now be referred back to the Board of Adjustments and that, in effect, it be reorganized, including a new petition.

Mr. John Bloem, local attorney, appeared before the Council, representing the Estate of John F. Julian and gave the history of the property and presented an artists sketch of the proposed construction, revealing ample off street parking.

Messrs. Lewis Schweiger, 2497 South Boulevard, and Renold Marcon, 2300 South Boulevard, also appeared and protested on the grounds that property values would suffer by such construction and that R-2 zoning immediately adjoining R-P zoning is poor planning.

Councilman Creek reminded the protesting group that this proposed rezoning was not being initiated by the City and that no pre-decision had been made.

In view of the many protests it was moved by Councilman Creek, seconded by Leahy, that this area be referred back to the Board of Adjustments for their further consideration. Roll call as follows: Ayes, 4; No, None; carried.

This concluded the zoning hearing portion of the meeting and the Building Official was directed by the Mayor to incorporate the foregoing zoning and rezoning changes on the official zoning map located in his office.

Mr. Warne Brodie, 1192 East 21st, appeared before the Council representing himself and others and requested that the Council give consideration to the paving of the unimproved portion of 21st Street located south of the Edgemont School as a means of eliminating the danger of flying rocks, weed, traffic hazard and dust and dirt. The Mayor explained that the adjoining property, although owned by the City, has been turned to the School District for their use and the City feels that the organization should therefore participate in the cost of the Street improvement. It was agreed by the Mayor and Council that this again be made the subject of discussion the next time the City Council meets with the School Board.

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Mr. Gary Just, representing the Idaho Falls Junior Chamber of Commerce appeared before the Council with reference to boat races which are to be sponsored by that civic group at the Johns Hole Fore Bay of the Snake River on August 4th. He listed several problems in need of correction in this regard, as follows: Dredging of the launching area, blockading of certain City streets so that admission can be charged, hiring two off duty policemen, keeping the traffic moving and, finally, the need for other boat traffic to be discontinued prior to and during the races. After some discussion these requests were granted by the Council, who pledged the City's cooperation in this regard.

Mr. Larry Park, 1485 1/2 West Broadway, appeared before the Council, as owner of the Miller Trailer Court, located just outside the City limits, asking for permission to connect to the City sewer system. This was referred to the Engineering Department for study and recommendation.

License applications for BARTENDER, Oscar A. Johannesen, Floyd W. Murray, L.W. Taylor; BOWLING ALLEY, Hollywood Bowl; CARNIVAL, John W. Eichellenger; SECOND HAND STORE, Altha Ruppert were presented. It was moved by Councilman Leahy, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

An extension rider to the Union Pacific Agreement # LD-8790, covering an overhead guy wire crossing, was presented. It was moved by Councilman Page, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

This letter was read by the City Clerk:

150 Tautphaus Drive
Idaho Falls, Idaho
April 17, 1963

City Council
City of Idaho Falls,
Idaho Falls, Idaho

Gentlemen:

I, Harry L. Stavros, being the sole owner of the property, Lot 12 and the north half of Lot 11, Block 43, of the original town-site, request that the City of Idaho Falls change the zone from R-3 to C-limited.

The purpose for the change of zoning is to permit the construction of a modern brick building to be used for the operation of a grocery store.

Included in my plans is off street parking with a 3 to 1 ratio.

Respectfully yours,
s/ Harry L. Stavros

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It was moved by Councilman Leahy, seconded by Creek, that this be referred to the Board of Adjustments for study and recommendation. Roll call as follows: Ayes, 4; No, None; carried.

A memorandum from the City Engineer was presented as follows:

July 23, 1963
Acct. No. 4A-34

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

On July 23, 1963, at 10:00 A.M. bids were opened for the seal coating of roadways for 1963. Two bids were received as follows:

Pickett & Nelson Inc.,	\$0.195 per square yard	\$13,162.50
Carl E. Nelson Const. Co. Inc.	0.20 per square yard	13,500.00

We would recommend that the Council award the contract to Picket & Nelson, Inc. and that the Mayor and City Clerk be authorized to sign the contracts.

Respectfully submitted,
ENGINEERING DEPARTMENT
s/ Don Ellsworth, P.E.
City Engineer

cc: Don Lloyd
Luther Jenkins
Philip Leahy

It was moved by Councilman Leahy, seconded by Page, that the low bid of Pickett & Nelson be accepted as recommended. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 1061

AN ORDINANCE VACATING AN EASEMENT BETWEEN LOT TWO (2) AND LOT THREE (3), IN BLOCK TWO (2), OF RIVIERA HOMES ADDITION, DIVISION NO. 1, TO THE CITY OF IDAHO FALLS, IDAHO; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

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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.

ORDINANCE NO. -----

AN ORDINANCE AMENDING SECTION 9-9-3 OF THE MUNICIPAL CODE OF IDAHO FALLS, 1962, PROVIDING A PERMIT SHALL BE REQUIRED FOR EXCAVATION IN ANY STREET OR ALLEY OF THE CITY; PROVIDING FOR SECURING OF PERMIT; PROVIDING FOR THE RESPONSIBILITY OF THE APPLICANT FOR REPAIR AND BACKFILLING OF THE PERMIT; PROVIDING THE CITY MAY COMPLETE REPAIR BY FAILURE OF APPLICANT SO TO DO, AND PROVIDING FOR REPAYMENT TO THE CITY FOR ANY EXPENSES SO INCURRED; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PENALTY FOR VIOLATION; PROVIDING FOR AN EFFECTIVE DATE.

It was moved by Councilman Leahy, seconded by Creek, that this Ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, None; carried.

Attention was drawn to an option to purchase certain lands from L.E. Erickson, dated December 29th, 1962, the involved area being commonly referred to as the Soderquist property. It was noted that the option provided for the purchase of the property during 1963 for \$40,000.00. It was moved by Councilman Creek, seconded by Leahy, that the option be exercised for the purchase of the property. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor announced the resignation of Lieutenant Wayne Adams as Secretary of the Police Retirement Board. It was moved by Councilman Page, seconded by Creek, that this resignation be accepted. Roll call as follows: Ayes, 4; No, None; carried.

A request was presented from Fire Chief Parley Gillen, through the Mayor, to attend the 68th annual Fire Chief conference at Honolulu, Hawaii, September 23 through September 30, 1963. It was moved by Councilman Creek, seconded by Page, that this request be approved. Roll call as follows: Ayes, 4; No, None; carried. It was understood and agreed by the Council that he would stand his own expense of the difference between the budgeted amount for this trip and the actual expense involved.

Council attention was focused on a proposed ground area lease covering the SE corner of Fanning Field involving the old McCarty building site. Interested lessees, it was noted, are Ray E. Lundahl, Robert Bauchman, Robert Burggraf and Wayne Wilcox. Subject to Council approval, the lease would carry provisions for a five year duration with renewal option, .05 per square foot lease

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rental and also a provision that the lessees would not be engaged in a commercial operation. This proposition was referred to the City Attorney for purposes of lease preparation which would be referred back to the City Council for their review and consideration.

A lease was presented between the Snake River Mutual Insurance Company as lessor and the City of Idaho Falls as lessee for the leasing, by the City, of one Motorola Radio Transmitter and receiver unit, at \$1.00 a year, for a term commencing July 1st, 1963, and continuing until cancelled. It was moved by Councilman Creek, seconded by Leahy, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

The Controller reported that bids had been opened July 9th, 1963 on various materials and equipment as follows:

<u>Type of Material or Equipment</u>	<u>Names of Bidders</u>	<u>Amount</u>	<u>Recommended Successful Bidder</u>
Pole Trailer	Custom Body Works	\$2,223.03	Williamson
	Williamson Ida Equipment	\$1,849.50	
Fire Extinguisher ABC Type with Hangar	L.N. Curtis & Sons	\$ 44.40 each	For 13 L.N. Curtis & Sons
	University Safety & Fire Equip.	65.55 each	
	Musselman Equip. Co.	53.28 each	
	Christensen Fire Extin.	54.75 each	
002 10 Lb. w/Hangar	L.N. Curtis & Sons	\$ 30.40 each	For 1 L.N. Curtis & Sons
	University Safety & Fire Equip.	42.70 each	
	Musselman Equipment Co.	42.70 each	
	Christensen Fire Extin.	32.45 each	
002 20 Lb. w/Hangar	L.N. Curtis & Sons	\$ 39.30 each	For 1 L. N. Curtis & Sons
	University Safety & Fire Equip.	55.30 each	
	Musselman Equip. Co.	50.16 each	
	Christensen Fire Extin.	42.75 each	
Air Compressor	Mendenhall's	\$ 945.50	Mendenhall's
	Arnold Machinery	1,490.00	
	Paul Roberts Steel	1,012.00	
	Ideal Hardware	920.00	
	Int. Equip.	1,065.00	
	Western Road Machinery	1,210.00	
Distributor Tester	Simpson's Inc.	\$ 705.00	Simpson's, Inc.

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It was moved by Councilman Leahy, seconded by Creek, that Western Road Machinery be declared the successful bidder and that the Public Works Division be responsible for determining quantity, as needed. Roll call as follows: Ayes, 4; No, None; carried.

Councilman Leahy then asked the Controller to obtain quotations on a three cubic yard skid mounted container.

Controller Jenkins reported that the City Building Annex windows can be covered with Venetian blinds for \$637.00. This best available bid having been provided by Itex. It was moved by Councilman Leahy, seconded by Page, that approval be granted accordingly. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor presented a petition with nine signers, requesting that the City give consideration for the construction of a sanitary sewer in Block 1, Highland Park Addition. It was moved by Councilman Leahy, seconded by Creek, that this request be referred to the Engineering Department for study, feasibility and recommendation. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor noted a request by Public Works Director Lloyd that he be permitted to attend the annual Public Works Association Congress in Detroit, Michigan, September 29th to October 3rd, 1963. It was moved by Councilman Creek, seconded by Leahy, that this request be approved. Roll call as follows: Ayes, 4; No, None; carried.

Building Official Harris drew attention to the fact that the amending of the Zoning Ordinance to provide a neighborhood shopping center zone would require a public hearing, and, for the zoning of two areas to be so designated, another hearing would be in order. It was agreed that these could be conducted the same night and August 22nd was selected accordingly. The City Attorney was directed to prepare the legal notices and the City Clerk was authorized to publish same.

Subject to previous discussions had been the north half of 23rd Street, owned by Utah Power and Light and needed by the City as an access road to the proposed railroad depot and for area traffic circulation. City Engineer Ellsworth and City Attorney Kidwell were authorized to negotiate with that company as a means of obtaining the most favorable acquisition terms which they were directed to reflect back to the Council for their consideration.

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
