

APRIL 9, 1963

The City Council of the City of Idaho Falls met in Recessed Regular Meeting Tuesday, April 9, 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 Foote, Leahy, Creek. Absent, Councilman Page. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; Alva Harris, Building Official.

Minutes of the last Regular Meeting, held March 21st, and Special Meetings held March 26th and April 3rd, 1963 were read and approved, as amended.

The Mayor announced that this was the time and the place for a public zoning hearing, as advertised, covering certain areas in need of zoning or on which requests had been made for rezoning. First to be considered was the following:

Beginning at the Northwest corner of Lot 22, Block 27, Highland Park Addition to the City of Idaho Falls, Idaho, according to the recorded plat therefore; and running thence North 81.36 feet; thence North 79° 29' 30" East 127.13 feet; thence South 99.63 feet; thence South 87° 45' 9" West 125.09 feet to the point of beginning.

There were no protests. It was moved by Councilman Foote, seconded by Creek, that this be rezoned from R-1 to R-2. Roll call as follows: Ayes, 3; No, None; carried.

Next was the O. H. Hansen property, described as:

Lots 11 and 12, Block 4, Westland Heights Addition, Division No. 3.

No protests were registered. Mr. Hansen appeared and said his needs would be satisfied if Lot 11 remained unchanged from its presently zoned R-3 and that Lot 12 be zoned C-Ltd. It was so moved by Councilman Foote, seconded by Creek. Roll call as follows: Ayes, 3; No, None; carried.

The Campbell property was then considered, described as follows:

Lots Twenty-three (23) and Twenty-four (24) in Block Twenty-one (21) of South Park Addition to the City of Idaho Falls, Idaho.

There were no protests. Mrs. Campbell appeared briefly and explained that, although the change of zoning had been requested to provide for a trailer house, time was not of the essence. It was moved by Councilman Creek, seconded by Leahy, that rezoning action be tabled, pending passage of the new Zoning Ordinance. Roll call as follows: Ayes, 3; No, None; carried.

These three parcels, being in a common area and with identical rezoning being requested, were considered all at one time:

Beginning at a point that is N. 0° 21' W. 2117.67 feet from the South One-Quarter Corner of Section 17, Township 2 North, Range 38 E.B.M., said point being also on the West line of South Bel-Aire Addition, Division No. 2, 135.43 feet North of the North line of College Street, to the true point of beginning, and running thence West 630.08 feet to the East line of Fanning Avenue; thence N. 0° 16' 30" E. 184.00 feet; thence East 100.06 feet;

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thence South 20.00 feet; thence East 395.65 feet; thence North 159.01 feet; thence East 135.27 feet; thence South 0° 18' W. 323.01 feet to the point of beginning, containing 2.911 acres.

Beginning at a point that is N. 0° 21' W. 2440.68 feet from the South One-Quarter Corner of Section 17, Township 2 North, Range 38 E.B.M., said point being also on the West line of South Bel-Aire, Addition, Division No. 2, 458.44 feet North of the North line of College Street and West 135.27 feet to the true point of beginning; thence West 24 feet; thence North 125 feet to the South line of Elva Street; thence West 271.65 feet; thence S. 140 feet; thence West 100 feet; thence S. 144 feet; thence East 395.65 feet; thence North 159.01 feet to the point of the beginning, containing 2.189 acres.

Beginning at a point on the South right of way line of Elva Street to the City of Idaho Falls, Idaho and thirty (30) feet East on said line from the Northwest corner of the East-half of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Seventeen (17) Township Two (2) North, Range Thirty-eight (38) East of the Boise Meridian, thence due South 264 feet; thence due East 100 feet; thence due North 124 feet; thence due East 100 feet; thence due North 140 feet; thence West along said South right of way line of said Elva Street to the point of beginning.

Mr. Perry Fryslie, 737 E. Elva, appeared and protested the proposed rezoning from R-1 to R-3 on the portion of the areas west of Fanning approximately 75' X 124' on the grounds that this would downgrade his residential property. It was learned, however, that the portion of the land with which he was registering concern was not included in the foregoing legally described property and so the protest was withdrawn. It was moved by Councilman Leahy, seconded by Foote, that these three parcels be rezoned from R-1 to R-3. Roll call as follows: Ayes, 3; No, None; carried.

The Phippen property was then considered, described as follows:

Beginning at a point which is South 0° 16' 30" West 55.42 feet due East 362.45 feet from the Northwest corner of the East half (E ½) of the Southwest Quarter (SW ¼) of Section 17, Township 2 North, Range 38 East of the Boise Meridian, thence East 105 feet; thence South 124 feet to the place of beginning.

Mr. Fryslie also protested this rezoning on the grounds that property on both sides was R-1 and that this would constitute spot zoning. It was learned that the Board of Adjustments had denied the request on the same grounds. It was moved by Councilman Leahy, seconded by Foote, that the Board of Adjustments recommendation be supported and the petition for rezoning be denied. Roll call as follows: Ayes, 3; No, None; carried.

Up for initial zoning was the following:

Falls Valley Subdivision, Division No. 5; Lots 1 to 10 inc., Block 9, Lots 9 to

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35 inc., Block 10, Lots 13, 14, Block 11, Lots 16 to 18 inc., Block 4.

There were no protests. It was moved by Councilman Leahy, seconded by Creek, that all Lots in this sub-division be zoned R-1. Roll call as follows: Ayes, 3; No, None; carried.

The final area for zoning consideration was described as follows:

John Heights Subdivision, Division No. 2.

<u>LOTS</u>	<u>BLOCK</u>
2 to 11 inc.	6
1 to 10 inc.	9
10 to 16 inc.	8
1 to 6	11
1 to 12 inc.	10

No protests were registered. It was moved by Councilman Creek, seconded by Leahy, that this subdivision be zoned R-1. Roll call as follows: Ayes, 3; No, None; carried.

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

Dr. John Hatch appeared before the Council relative to his proposed shopping center, boundaried on three sides by First Street, Woodruff Avenue and John Adams Parkway. It has been previously indicated on Page 349 in this Book of Minutes that the City favored annexation, subject to receipt of a contractual agreement. Dr. Hatch presented same. It was noted that Dr. and Mrs. Hatch as parties of the first part had agreed to abide by the Bonneville County Zoning and Planning Ordinance until such time as the City had a comparable zone and could rezone accordingly; that they had agreed to dedicate all public rights of way within the area in accordance with the requirements of the Engineering Department; that they had agreed to construct water and sewer facilities in accordance with City specifications; to complete all street improvements in accordance with City specifications; to purchase all building permits from the City; and, finally, they agreed to certain penalties for failing to conform to the terms outlined in the agreement. It was moved by Councilman Leahy, seconded by Foote, that the Mayor and City Clerk be authorized to sign the agreement after which the City Attorney would be responsible for its recording. Roll call as follows: Ayes, 3; No, None; carried.

This petition was presented:

Idaho Falls, Idaho
March 29, 1963

William J. O'Bryant, Mayor
Council of Idaho Falls
City Building
Idaho Falls, Idaho

Gentlemen:

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By letter dated March 26, 1963 from Donald F. Lloyd, Public Works Director, addressed to the residents of Block 5, Bird Addition, Idaho Falls, Idaho, we were notified that the City of Idaho Falls intends to put an alley through Block 5 of the Bird Addition of the City of Idaho Falls on May 1, 1963.

We, the undersigned, representing 100% of the property owners in this Block, the North side of Ray, East side of Skyline, South side of Cassiopeia and the West side of Grace Avenue, respectfully request that the plans for this alley be abandoned.

It is our belief that no worthwhile purpose will be served by putting the alley through. It will not facilitate the garbage collection because the trucks will still have to go down Grace Avenue in order to serve those living on the East side of Grace. The utilities can all be serviced with the consent of the property owners. In fact, the only thing that we can see resulting from this proposal will be greater expense to the City and an undesirable place for clutter for the neighborhood.

It is our hope that you gentlemen can see fit to abandon this plan and in turn deed back to the property owners this twenty feet to be equally divided between the property owners on the alley. The property owners then are willing to grant to the City of Idaho Falls, an easement on this section of property so that if necessary the City may still have access to this area, without the burden of caring for it.

Mr. Fred Cartan, 775 Grace, appeared before the Council as spokesman for the petitioners. Councilman Leahy drew attention to certain man holes, gas, electric, water and sewer lines in this proposed alley, all of which are in need of servicing from time to time. Mr. Orville Hansen, local attorney, appeared before the Council representing the petitioners and drew attention to the fact that alleys in the newer subdivisions are conspicuous by their absence. He said his clients would be willing in each instance to give the City an easement if the City would give them title to the property. This matter was tabled, pending a specific proposal in writing from the affected property owners and, meanwhile, the May 1st deadline mentioned in the letter from the Public Works Director to the residents was extended.

Mrs. Ed Reno, 635 E. 17th Street, appeared before the Council and presented this letter written by Mr. Reno:

635 E. 17th Street
Idaho Falls, Idaho
April 9, 1963

Mayor O'Bryant
Councilmen of Idaho Falls

Re: 17th & Holmes Shopping Center

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A review of conditions and plans of the 17th Street & Holmes Shopping Center is requested. It was understood prior to annexation of this property into the City of Idaho Falls that the SC-1 neighborhood shopping center zone of the Bonneville County Zoning Ordinance would apply since the City of Idaho Falls Zoning Ordinance did not adequately cover this situation. Although Idaho Falls did have plans and a draft copy of an equivalent shopping center zone, none has been enacted as an ordinance to date.

This request has as its basis the Bonneville County SC-1 Zoning Ordinance and parts of the request may well apply to the City of Idaho Falls zoning also. Please consider the following points:

1) Shopping Center Sign

It is our understanding that the owner of said Shopping Center has requested a permit for the erection of a large sign in the parking area. We are not aware of such detached sign being a part of the original development plan as required in Section 7.7.2. Furthermore, it does not appear that such a sign meets the general objectives and characteristics of Section 7.7.1. It is not in harmony with the characteristics of a residential area. Who wants or who would permit a large advertising sign in their front yard? It is requested that a review be made and that no incompatible signs be permitted in said shopping center. The buildings signs themselves should be adequate. The large service station sign is objectionable but there were bigger issues at stake when this was an issue. We appreciate the City's prompt action in removing the unauthorized signs at the service station when it was brought to their attention.

2) Landscaping Section 7.7.9B

To date this is incomplete. The weather now would permit this to be completed. Is the completion of landscaping assured or should inquiries be made?

3) Storage Section 7.7.9C

"All storage and activities except loading and unloading . . . shall be conducted within the building". A review of the premises reveals that garbage cans (many without lids) and waste paper and cardboard cartons are carelessly stored without the building at the rear. A general clutter is the normal situation. The field to the east of the shopping center is covered with waster paper and cartons carried there by the wind from the unkempt and unauthorized storage area. Some has even reached the lawns of property owners across 17th Street. This is unsightly and at variance with City ordinances. It is requested that a review be made and corrective action be taken.

Very truly yours,
s/ Edward M. Reno

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She asked that the Mayor and Council send a letter to the developer, particularly urging the completion of the planter strip, taking advantage of the season which is now conducive to planting. Mrs. Reno asked if it would be permitted for the developer to install a sign in line with the service station pump island. The Building Official assured Mrs. Reno that he would not issue any sign permit without first reflecting same to the Council for their consideration and approval. The various problems indicated in Mr. Reno's letter were referred to the City Attorney who was directed by the Mayor to check the agreement on all these points to determine the City's position.

Mr. John Hansen, local attorney, appeared before the Council and presented an agreement between the City and N.L.B.C. Utilities Inc., listing the terms and conditions whereby the City would furnish sewer service to Esquire Acres by permitting them to connect a 12" sewer line to the City sewer main at a point on Skyline Drive approximately 3/4 mile south of Broadway and whereby the charge would be based upon the number of users in the area. This agreement was accompanied by the following letter, in the form of a guarantee, from Boise Cascade Corporation:

April 8, 1963

Honorable W. J. O'Bryant
Mayor of City of Idaho Falls
City Building
Idaho Falls, Idaho

Re: Esquire Acres Sewer Line Agreement

Dear Mayor O'Bryant:

Reference is made to an agreement between the City of Idaho Falls and N.L.B.C. Utilities, Inc., dated April 8, 1963, wherein N.L.B.C. Utilities Inc., is granted the right to connect a sewer line serving the Esquire Acres Subdivision to the sewer system of the City of Idaho Falls.

This is to advise that N.L.B.C. Utilities, Inc., is and will continue to be, a wholly owned subsidiary of Boise Cascade Corporation. N.L.B.C. Utilities, Inc., holds a license issued by the Public Utilities Commission of the State of Idaho.

In the event N.L.B.C. Utilities, Inc., shall default in the making of any of the payments required to be made to the City of Idaho Falls under the terms of the aforesaid agreement, Boise Cascade Corporation will, upon notice to it by the City of Idaho Falls of such default, purchase said agreement from N.L.B.C. Utilities, Inc., and will assume all of the obligations of N.L.B.C. Utilities, Inc., under said agreement, including the obligations to make payments to the City of Idaho Falls as specified in said agreement.

Yours very truly,
BOISE CASCADE CORP.
s/ James Hayes
Authorized Agent

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It was moved by Councilman Leahy, seconded by Foote, that the Mayor and City Clerk be authorized to sign the agreement. Roll call as follows: Ayes, 3; No, None; carried.

Bills for the month of March, having been properly audited by the Finance Committee, were presented as follows, to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$128,805.80	\$66,535.84	\$195,341.64
Recreation Fund	3,626.21	583.44	4,209.65
Fire Fund	29,128.39	4,421.31	33,549.70
Electric Light Fund	33,965.14	111,306.15	145,271.29
Water & Sewer	13,129.08	19,940.17	33,069.25
Police Retirement	<u>1,710.82</u>	<u>.00</u>	<u>1,710.82</u>
TOTAL	\$210,365.44	\$202,786.91	\$413,152.35

It was moved by Councilman Leahy, seconded by Foote, that the bills be allowed and the Controller be authorized to draw warrants on the respective funds for their payment. Roll call as follows: Ayes, 3; No, None; carried.

Reports from Division and Department Heads for the month of March were presented and, there being no objection, were ordered placed on file in the office of the City Clerk.

License applications for PHOTOGRAPHERS, Pixy Pin-Ups, Ray's Camera Land, Jeffrey's Coast Color, Staker's Photo & Blueprint Co.; JOURNEYMAN PLUMBER (previously approved by the Planning Inspector) Daniel R. Lewis; RESTAURANT, White Elephant Supper Club, Dave's Dairy Inn, Falls Café, Turf Café, I.F. Baseball Concession (which had been previously approved by the City Sanitarian); DAIRY (previously approved by the City Sanitarian) Rowlands Inc.; GROCERY (previously approved by the City Sanitarian) Phillips Grocery; ELECTRICAL CONTRACTORS (previously approved by the City Electrical Inspector) Whipple Electric, Sparks Electric; JOURNEYMAN ELECTRICIAN (previously approved by the Electrical Inspector) Max Cobbly, R. LeRoy Collins of Idaho Falls Electric, C.P. Jeppesen of Sparks Electric; JOURNEYMAN GAS FITTER (previously approved by the Gas Inspector) Daniel R. Lewis, Elvin R. Connell of Bingham Mechanical, Richard Weimer of Falls Valley Gas Co. were presented. It was moved by Councilman Leahy, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License application for RESTAURANT, Mary's Café was presented. It was moved by Councilman Creek, seconded by Leahy, that this license be granted subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 3; No, None; carried.

License application for ELECTRICAL CONTRACTOR, Clayton Horton of Times Electric of Idaho was presented. It was moved by Councilman Leahy, seconded by Foote, that this license be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 3; No, None; carried.

License applications for HOTEL, New Grand Hotel; MOTEL, Ray's Motel; ROOMING HOUSE, Talbot Motel; HOTEL, Ross Hotel; MOTEL, Green and White Cabins; BEER, CONSUMED

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ON THE PREMISES, Dwight A. Johnson for the I. F. Baseball Concession were presented. It was moved by Councilman Foote, seconded by Creek, that these licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk explained that, with the approval of the Mayor, a public zoning hearing was scheduled for April 18th, 1963, and in the interests of time, a legal notice had been published accordingly without formal Council approval. It was moved by Councilman Leahy, seconded by Foote, that the City Clerk's action in this regard be duly ratified.

This memo from the Public Works Director was read:

March 28, 1963

Honorable Mayor and Council Members
Idaho Falls, Idaho

Subject: Concrete Repair Contract

Gentlemen:

In accordance with procedure followed during the past two years, we are presenting herewith contract forms for concrete repair work. As in the past, unit prices are established for the various items of concrete repair work. The contractor submitting the most desirable unit price is then selected to accomplish most all the City's work throughout the year. The contract calls for a minimum of \$6,000.00 worth of work and the budget item of \$11,000.00 has been approved.

We have attached hereto an advertisement for publication. However, we would suggest formal advertising be waived in this case and contract documents be sent to each of the interested local contractors.

We appreciate your early attention to this matter.

Respectfully submitted,
s/Donald Lloyd, P.E.
Public Works Director

It was moved by Councilman Leahy, seconded by Foote, that the proposal as presented be approved, that formal advertising be waived and, instead, contract documents be sent to each of the interested local contractors. Roll call as follows: Ayes, 3; No, None; carried.

This memo from the City Engineer was presented:

March 28, 1963
Acct. No. 12A-36

Honorable Mayor and City Council
Idaho Falls, Idaho

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Gentlemen:

Enclosed herewith are two proposed contracts with the Union Pacific Railroad concerning the installation of water and sewer line along the South Highway and crossings under the tracts at 25th Street.

We are recommending approval of these contracts and that the Mayor and City Clerk be authorized to sign them.

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

Concurred by: s/ Donald F. Lloyd

Encl. 2

It was moved by Councilman Foote, seconded by Creek, that the Mayor and City Clerk be authorized to sign both contracts, # L.D. 19079 and # L.D. 19080. Roll call as follows: Ayes, 3; No, None; carried.

This memo, explaining Change Order #6 for the water works improvements, was read:

March 28, 1963
Acct. No. 11A-31

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Enclosed herewith are five copies of Change Order No. 6 for construction of water works improvements. This project is under contract to Hunter-Saucerman Construction Company.

The reason for this Change Order involves the power source for the 10th Street Well and the shop area located in the same building. In the past, the Well has had its power source on a direct line from the Eagle Rock Plant. This provided a very high reliability of operation for this Well. The power needed for the old pumping arrangement was only for high voltage operation of the pumps. Under the new operation of the Well high voltage is needed for the operation of the pump motors and low voltage is needed for the operation of the control system for the pump. If we do not have this Change Order, we will have to bring power to our control system from an existing service located in the rear of the building served from a different feeder circuit. This would mean that a power failure on either circuit would place the pump out of operation.

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This Change Order provides for power to the pumps and the complete Well building all to come from an express line from the Eagle Rock Power Plant.

We recommend that the Council approve this Change Order and that the Mayor be authorized to sign.

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

Encl. 5

Concurred by: s/ Donald F. Lloyd

It was moved by Councilman Leahy, seconded by Foote, that the Mayor be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

The final plat of Skyline Terrace, Division #3 was presented. It was moved by Councilman Foote, seconded by Leahy, that the plat be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

A lease agreement was presented between the City and the First Christian Church whereby the Church would agree to lease the Church property at 600 S. Blvd. from the City from April 1st, 1963 to July 1st, 1964 at \$50.00 per month, now that the City has exercised its option to purchase the property. It was moved by Councilman Foote, seconded by Leahy, that the lease be approved, that the Mayor and City Clerk be authorized to sign and that the Controller be authorized to make the final payment on the purchase price under the option agreement. Roll call as follows: Ayes, 3; No, None; carried.

It was moved by Councilman Foote, seconded by Creek, that two men from the Fire Department be authorized to attend an Arson Course in Lafayette, Indiana, April 22nd through April 26th, 1963. Roll call as follows: Ayes, 3; No, None; carried.

It was moved by Councilman Creek, seconded by Leahy, that Captain Cramer from the Department of Detectives be authorized to attend a meeting of the I.P.O.A. Board of Directors in Boise, Idaho, April 10th, 1963. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor announced that Idaho Falls was to act as Host City to the Eastern Oregon Southern Idaho Chapter of the International Conference of Building Officials Convention on May 17th. It was moved by Councilman Creek, seconded by Foote, that this be approved and the Building Official be authorized to make the necessary arrangements accordingly. Roll call as follows: Ayes, 3; No, None; carried.

The Electrical Engineer, through the Mayor, had previously reported that all bids recently received on a mobile transformer were far above the Engineer's estimate. It was moved by Councilman Foote, seconded by Leahy, that all bids be rejected and that this equipment, instead, be set up for acquisition in the next budget. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk drew attention to the fact that Notices of Intention to lease five City owned properties had been legally advertised and that this night, April 9th 1963 had been named as the time

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and the place for any to appear to show cause why said leases should not be granted. The Mayor invited appearances before the Council accordingly and there were none who appeared. It was noted that one of these areas covered property owned by the City but presently used by School District #91 for the parking of school buses. It was moved by Councilman Leahy, seconded by Creek, that the Mayor and City Clerk be authorized to sign this lease and that the Controller be authorized to enter into leases with one or more lessees on the other advertised properties. Roll call as follows: Ayes, 3; No, None; carried.

Attention was drawn to a section in the lease between the City and the Civic Clubhouse Corporation whereby the lessee had agreed to commence construction of a clubhouse building by 1962 and that this had been extended to 1963. The Mayor relayed a request by the Clubhouse organization that this be again extended to July 1st, 1964. It was moved by Councilman Creek, seconded by Leahy, that Council approval be granted according. Roll call as follows: Ayes, 3; No, None; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
