

MAY 8, 1961

The City Council of the City of Idaho Falls met in Recessed Session, Monday May 8th, 1961 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, Page, Creek. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Lloyd, City Engineer; Harold Davis, Electrical Engineer; Boyd Wright, Purchasing Agent; Alva Harris, Building Official; George Aupperle, Controller.

Minutes of the last Regular Meeting held April 21st, 1961 and Special Meetings held April 26th and May 1st, 1961 were read and approved as amended.

The Mayor announced that this was the time and the place for a zoning hearing for the zoning or rezoning of certain properties as advertised in the Post Register April 16th, 23rd, and 30th, 1961.

First to be considered was the Grant Smith request for rezoning to H-C on property located immediately behind his residence at 160 West Anderson to permit trailer house units.

Mr. Smith appeared before the Council to describe, by a blackboard sketch, exactly where the property is located. He explained that all near by property owners are in favor of his proposed plans and that it will not be detrimental to property values, inasmuch as the trailer court will be away from public view because of his own residence and that he intended to permit nothing but late model modern units to occupy the premises.

Mr. Jack Sanders, 1295 Ada Avenue, appeared before the Council representing himself and others, protesting the rezoning and asking if Mr. Smith's plans couldn't be accomplished by R-3 zoning, rather than H-C. He was answered in the affirmative by Building Official, Alva Harris. Mr. Smith then volunteered the information that the original petition requested R-3 but that in some manner it was altered. Mr. Sanders said that, in his opinion, the request should be denied because of this technicality. Asked by the Mayor if objections would be withdrawn if the request was revised to R-3, Mr. Sanders answered in the negative. He explained that the near by residents are interested in up-grading the neighborhood, with some progress in recent years and that a trailer court would help defeat this objective.

Mrs. Molly Micek, 454 College, appeared before the Council, and made a few comments relative to the struggle that she and her colleagues had two years ago when she was President of the Mobile Homes Association in an effort to have drafted and enforced a workable trailer ordinance.

After considerable direct discussion between Mr. Smith and Mr. Sanders, the Mayor interceded by suggesting that, in view of the controversy, plus the aforementioned petition alteration, any Council action be deferred until the area residents have an opportunity to resolve the apparent controversy. To this the Council concurred.

Next to be considered was the Home Ranch Addition, Division No. 1. There were no protests. It was moved by Councilman Creek, seconded by Page, that the entire Addition be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

On the latter, the Building Official was directed by the Mayor to incorporate this zoning on the official zoning map located at his office.

The Mayor turned to the May 4th minutes of the Board of Adjustment Meeting, noting that certain recommendations had been made requiring Council action. Included therein were several approved recommendations for changes in zoning. It was moved by Councilman Foote, seconded by Creek, that a zoning hearing meeting be scheduled for June 8, 1961. Roll call as follows: Ayes, 4; No, None; carried.

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A petition was presented from Mr. Floyd Aiman requesting a change of zone on Lots 25, 26, and 27, Block 32, Capital Hill Addition from R-1 to C-Ltd. to permit construction of a delicatessen store. It was noted that an elevation drawing and plot plan had been presented to the Board after which it was learned that the building, in order to comply with the Zoning Ordinance, must be set back fifteen feet from Freeman Avenue. It was moved by Councilman Creek, seconded by Leahy, that construction of the building be allowed, providing that arrangements are made for a ten foot set back from the alley, a five foot set back from the property line on the east, also subject to the results of a zoning hearing on June 8 for consideration of the rezoning. Roll call as follows: Ayes, 4; No, None; carried.

Other than the Aiman request it was noted from the Board of Adjustment recommendations that there were several other requests for rezoning as follows: Arland Rasmussen in the interests of the Empire Investment Company on property just west of the Bel-Aire School; Glen Session, Lots 45, 46, 47, 48, Block 55, Highland Park Addition; Goodwin Builders, Lots 25, 26, 27, 28, Block 6, Mayflower Addition; Lyle Peterson, on certain property in a metes and bounds description, facing Elva Street; Mrs. Evelyn Cox and Jack Dineen, Normandy Apartments on West Broadway. It was moved by Councilman Leahy, seconded by Creek, that in each instance, these properties be included in the next zoning hearing, scheduled for June 8. Roll call as follows: Ayes, 4; No, None; carried.

Next to be considered from the Board was an appeal from Mr. Harold Harrell, 390 Tendoy Drive, asking permission to build a garage four feet from his side property line. It was noted that this had been approved by the Board and the nearby residents do not object. It was moved by Councilman Creek, seconded by Foote, that the request be denied. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor announced that this was the time and the place for a public hearing as advertised in The Post Register April 23rd, 1961 to amend Ordinance #852, said amendment of which would permit buildings or other structures on City property without regard to zoning.

City Attorney Barnard opened this portion of the Meeting with a few comments, explaining the need for the amendment and the fact that most Cities have this right by ordinance. He explained further that there were certain structures needed on City property within the predictable future and that without this proposed amendment, problems could arise from nearby residents. The Mayor then connected on the west side sub-station, the need for same and the fact that City property was used as a means of conserving funds plus the fact that this site was selected for this purpose, tentatively, in 1952.

Mr. Eugene Bush, County Attorney, appeared before the Council as spokesman for a delegation, also present, protesting the amendment in question. He said he recognized the need in instance of public safety for the City's right to select sites with no concern for proper zoning but on a business activity such as a substation for the Electrical Department, the rights of others should be respected. He took exception to Mr. Barnard's testimony pertaining to ordinances in other Cities, pointing out that these call for hearings prior to any proposed municipal construction and a showing of a public need or necessity be required and proposed that the amendment in question be further amended to provide for same.

Others appearing either to protest the amendment or the location of the west side substation were: Mrs. Molly Micek, Mr. Robert Drexler, 885 Clair View Lane, Mr. Don Suckling, 1545 Clair View Lane, Mr. G. V. Wheeler, 754 Reed Avenue, Mr. Bernard Overlander, 2840 Westmorland Drive. The

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Mayor thanked the group for appearing and assured them their comments would be taken under advisement.

Mrs. M. P. Coover of the League of Women Voters appeared before the Council and presented a proposed program for future City beautification for Council consideration, as follows:

1. Passage of a City beautification ordinance which would establish a beautification board. In this connection Mrs. Coover exhibited a copy of such an ordinance now in effect in the City of Birmingham, Alabama. It was recommended that the board consist of eight to twelve members, one half of which would be women, to serve without compensation.
2. Resume May Day tree plantings on Boulevard.
3. Landscape the north side of the G. Street underpass.
4. City to work with the railroad toward landscaping remaining land between highway and railroad property, after highway is widened.
5. Tree or shrub planting in new highway median, instead of concrete or blacktop.
6. Women to be appointed to fill vacancies on Planning Commission and Recreation Board.
7. Employment of a park superintendent.
8. Land be acquired for another large City park.
9. City Zoo to be improved. In this connection, an outside authority to be brought in to make a study to determine best Zoo planning.

The Mayor thanked Mrs. Coover for her appearance and her comprehensive presentation.

Mr. Jack Voshell, local attorney, appeared before the Council, representing himself and others, asking that a certain parcel of real estate be annexed into the City, said parcel of which contains approximately four acres and is located on Park Taylor Road opposite the rodeo grounds at Tautphaus Park. It was explained that this area would be developed into a cart track concession and that carts would be limited to the four cycle variety which are much quieter than two cycle. He explained that time is of the essence so that an asphalt contractor can be available. In answer to a question by Councilman Creek, pertaining to the canal, Mr. Voshell said it was the intention to bridge same, sufficiently for proper egress.

This had never been presented to the Planning Commission and it was suggested that he obtain a definite plot plan from the Engineering Department and present his proposition to the Commission at their next meeting on May 10th.

Mr. Eldon Harker of the Junior Chamber of Commerce, representing the Chamber of Commerce Recreation Committee, appeared before the Council relative to the tennis court project. He reported that the plan is now to locate the courts on the southeast corner of Wabash and 7th. Interested service clubs, other than the Junior Chamber of Commerce are the Civitan Club, the Tennis Club, and the Lions Club.

Mr. Robert Dodds, 230 Wyatt Avenue, appeared before the Council and asked whether or not room had been provided for spectators and, if this was not possible, space might be provided in Central Park. Mr. Harker said it was hoped the courts could be located in the vicinity of the High School so that they could work in with the intramural program. He was given assurance that

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additional room could be provided, if necessary for spectators. Mr. Harker was instructed to work up a complete plot plan with the approval of all interested parties and under the auspices of the Engineering Department and the again appear before the Council.

Bills for the month of April, having been audited by the Finance Committee, were presented as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$87,777.58	\$84,364.12	\$172,141.70
Recreation Fund	.00	25.20	25.20
Fire Fund	18,578.17	1,012.95	19,591.12
Electric Light Fund	22,661.05	57,381.52	80,042.57
Water & Sewer Fund	14,060.05	30,969.07	45,029.12
Police Retirement	<u>1,493.75</u>	<u>.00</u>	<u>1,493.75</u>
		Total:	\$316,829.71
		Police Retirement:	\$1,493.75

It was moved by Councilman Foote, seconded by Creek, 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, 4; No, None; carried.

License application for JOURNEYMAN ELECTRICIAN for Richard J. Davis was presented. It was moved by Councilman Creek, seconded by Leahy, that the license be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License application for JOURNEYMAN GAS FITTER, previously approved by the Gas Inspector, was presented for Maurice Jacobson. It was moved by Councilman Leahy, seconded by Page, that the license be granted. Roll call as follows: Ayes, 4; No, None; carried.

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

Three lease agreements were presented with Hart Pontiac-Cadillac covering the replacement of three renal units for the Police Department. It was moved by Councilman Creek, seconded by Page, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

The following memorandum from the City Engineer was read:

May 8, 1961
Acct. No. 7A-15

Honorable Mayor and City Council
Idaho Falls, Idaho

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We are presenting herewith one set of prints of the construction drawings for the John Adams Parkway bridge.

The remaining item to complete the bridge for traffic is the roadway section which includes the two approaches and the deck surface. Our estimate for this work is \$4,700 and includes curb and gutter, sidewalk, and asphalt surfacing.

If it is the Council's desire to put this bridge into operation, we are requesting that authorization be given to request informal proposal. This action will permit the Engineering Department to complete the work by June 1st. There are only two local asphalt suppliers who could accomplish this work, so that informal proposals would provide the desired results.

In connection with this project, we would also point out the desirability of vacating E. Bonneville Drive north of the bridge. This street is now dedicated for one lot length and is an undesirable arrangement. No action is required at this time.

Respectfully submitted,
Public Works Division
s/ Donald F. Lloyd, P.E.
City Engineer

It was moved by Councilman Leahy, seconded by Creek, that informal proposals on the balance of the work to be done on the John Adams Parkway bridge, as described, be obtained. Roll call as follows: Ayes, 4; No, None; carried.

Two applications for the limousine service contract at the Airport were presented from Bonneville Auto, Inc. and the Flamingo Motel and Restaurant. These were tabled for further study.

It was noted that the Council had previously given their approval to permit the Trap Club to use certain City owned land between the pistol range and in the vicinity of the City Airport N.E. - S.W. runway fence for trap shooting. It was moved by Councilman Foote, seconded by Creek, that the City Attorney be instructed to prepare a lease agreement which would incorporate, among other provisions, that the City Police would have the right to use the premises under prescribed conditions. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor, interceding for the Electrical Engineer, asked whether or not the Electrical Department serviceman on call over weekends, holiday, etc., be given the authority to give customers electric service without an order from the City Clerk's office. It was moved by Councilman Page, seconded by Leahy, that this procedure be authorized. Roll call as follows: Ayes, 4; No, None; carried.

A sales agreement was presented between the City and the Idaho Potato Growers Association outlining terms, conditions, sales process etc., covering that Company's acquisition of certain electric equipment preparatory to converting to a single meter system. It was moved by Councilman Leahy, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

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The Mayor explained that the Idaho Falls Stake has requested that their lawn be moved by the City until their mowing equipment arrives about June 2nd. The City Clerk reminded the Council that a precedent has previously been set if they chose to be guided accordingly; namely, the City, in years past, has obligingly mowed the Country Club lawn. It was moved by Councilman Page, seconded by Creek, that permission be granted to mow the lawn of the Idaho Falls Stake for the period as stated and that they be charged at a rate previously established on the Country Club lawn. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor reported, as a matter of information, that the Junior Chamber of Commerce have cancelled their plans for an air show this year.

The Mayor made appointments to replace the two Councilmen who recently found it necessary to resign as members of the Planning Commission, as follows: Mr. L. E. Erickson to fill the un-expired term of Mr. Karl Page; Mr. Jack Gamble to fill the un-expired term of Mr. Phillip Leahy. It was moved by Councilman Creek, seconded by Leahy, that these appointments be confirmed. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor then reappointed Mr. Joe Poitevin as a member of the Civil Service Commission Board, to succeed himself. It was moved by Councilman Foote, seconded by Page, that the appointment be confirmed. Roll call as follows: Ayes, 4; No, None; carried.

A request from School District #91 was considered that the City sprinkle the High School grounds for a tract meet the following weekend. It was moved by Councilman Creek, seconded by Leahy, that the request be granted. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor announced that the Idaho Municipal League Convention is to be held June 22nd, 23rd, and 24th at McCall, Idaho. It was moved by Councilman Leahy, seconded by Creek, that an appropriate delegation, to be selected by the Mayor, be authorized to attend. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor announced that the Idaho Safety Council is meeting in Moscow, Idaho on May 19th, 1961. It was moved by Councilman Creek, seconded by Page, that the Chairman of the City Safety Committee, Mr. Mel Baird, be authorized to attend. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 998

AN ORDINANCE ADOPTING A CERTAIN DOCUMENT AS THE OFFICIAL BUILDING CODE OF THE CITY OF IDAHO FALLS; PARTICULARLY DESCRIBING SAID DOCUMENT; PROVIDING FOR ITS CERTIFICATION BY THE CITY CLERK AND FOR THE FILING OF THREE COPIES THEREOF IN THE OFFICE OF THE CITY CLERK; PROVIDING THAT THE PROVISIONS CONTAINED IN SAID DOCUMENT SHALL REGULATE THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF IDAHO FALLS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT

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HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Foote, seconded by Creek, 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.

ORDINANCE NO. 999

AN ORDINANCE AMENDING SECTION I OF ORDINANCE NO. 672, RELATING TO THE POWERS OF THE POLICE JUDGE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR TRIAL BY JURY WHEN DEFENDANT DEMANDS THE SAME.

The foregoing ordinance was presented in title. It was moved by Councilman Creek, 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.

A suggestion was made pertaining to the acquisition of materials for the Electrical Department that bids, when possible, be based upon best prices for a four month period and subject also, to approval by the Controller to determine if sufficient funds are available. Roll call as follows: Ayes, 4; No, None; carried.

Councilman Creek noted that the Western States Crime Conference is being held in Spokane, Washington May 17th, 18th, and 19th, 1961. It was moved by Councilman Creek, seconded by Page, that four delegates from the Police Department be authorized to attend. Roll call as follows: Ayes, 4; No, None; carried.

It was drawn to the attention of the Council that the Purchasing Agent has proposed that the un-owned un-platted portion of Fielding Memorial Cemetery be leased out as farm land. It was moved by Councilman Page, seconded by Leahy, that this be authorized except that no ground be included which is owned and on which deeds have been drawn as cemetery burial plots. Roll call as follows: Ayes, 4; No, None; carried.

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The Council deemed it advisable to consider, at least, the passage of the ordinance which would amend Ordinance #852, on which there was a public hearing this night. The following then, was presented:

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 852 OF THE CITY OF IDAHO FALLS, IDAHO, BY ADDING A NEW SECTION, PROVIDING THAT NOTWITHSTANDING THE OTHER PROVISIONS OF SAID ORDINANCE, BUILDINGS, PREMISES AND USES NECESSARY FOR THE USE AND OCCUPATION OF THE CITY OF IDAHO FALLS FOR PUBLIC OR MUNICIPAL PURPOSES ARE HEREBY PERMITTED IN ANY USE DISTRICT OR ZONE, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

It was moved by Councilman Page, seconded by Leahy, that this be passed on its first reading with the understanding that the City Attorney be directed to amend same, said amendment of which would carry a provision that all constructions on City property would be referred to the Building Official to determine if the proposed construction is in compliance with the zoning requirements and, if not, the Mayor to be obliged to call a public hearing on published notice and that a three fourth majority vote of the Council would be required to proceed with said construction if more than 25% of those present at said hearing objected to said proposed construction. Roll call as follows: Ayes, 4; No, None; carried.

It was agreed that the third and final reading on the ordinance, as amended, would be presented May 19th, 1961.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
