

NOVEMBER 20, 1959

The City Council of the City of Idaho Falls met in Regular Session, Friday, November 20, 1959 at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor Pro-Tem Vernon S. Johnson; Absent: Mayor W. J. O'Bryant. Also present: Councilmen Creek, Foote, Petersen; Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; Alva Harris, Building Official.

Minutes of the last Regular Meeting held November 6th, 1959 were read and approved.

The Mayor announced that this was the time and the place for a zoning hearing on properties as described in a notice of zoning hearing as published in the Post Register, November 1, 8 and 15, 1959 and invited protests, first, on the following:

Lots 13, 14, 15, 16, 17, 18, and 19 of Block 30, Highland Park Addition to the City of Idaho Falls, and that part of said Block 30 described as Beginning at the Northwest corner of said Lot 19, running thence North 57.11 feet; thence North 87° 30' East 125.12 feet; thence South 57.66 feet, thence South 87° 45' 9" West 125.10 feet to the point of beginning.

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

Next to be considered was the following:

Lots 1, 2, 3, and 4 of Block 1, and Lots 1, 2, 3, 4, and 8 of Block 2, of the Original Solaria Tract, according to the plat recorded in the office of the recorder of Bonneville County in Plat Book Number 1, Page 56.

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

Last to be brought up for rezoning consideration was:

Lot 1 of Block 1, of Asper Addition to the City of Idaho Falls, according to the recorded plat thereof.

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

Applications for SOFT DRINK licenses were presented as follows:

Rock's Village Café, 235 Cliff Street
Ted's Coffee Shop, 248 Broadway
Le Baron's Coffee Shop, S. Highway
Stockman's Bar, 840 N. Yellowstone

Albertsons, 550 First Street
Bonneville Lounge, Park & C Street
Highland Grocery, 998 Jefferson

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It was moved by Councilman Petersen, seconded by Creek, that the licenses be granted. Roll call as follows: Ayes, 3; No, None; carried.

The following applications were presented for MEAT MARKET LICENSES: Albertsons, Highland Grocery. It was moved by Councilman Petersen, seconded by Foote, that these licenses be granted, subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 3; No, None; carried.

The following applications were presented for BEER (CANNED & BOTTLED, NTBCOP & CANNED & BOTTLED BEER TBCOP): Albertsons, Highland Grocery, Skaggs Drug Center, Stockman's Bar, Bonneville Lounge. It was moved by Councilman Foote, seconded by Petersen, that these licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor presented bids from Roy J. Keller and Smith Chevrolet on a rental unit for the Gas Inspector, noting that Roy J. Keller had supplied the low bid. It was moved by Councilman Foote, seconded by Creek, that the Keller bid be accepted. Roll call as follows: Ayes, 3; No, None; carried.

Again presented was the requested approval for construction of a dwelling on Lot 40, Block 5, Pine Acres Addition, originally presented November 6th, 1959, originating from the Jim Brady petition. It was moved by Councilman Creek, seconded by Foote, that the approval be given for construction to proceed. Roll call as follows: Ayes, 3; No, None; carried.

Mr. L. R. Bird, West Highway, appeared before the Council representing a group of west side residents, also present, requesting that a West Side Sewer District be formed for purposes of extending lateral sewer lines throughout the west side residential area and also requesting that the main trunk sewer line be extended to Skyline Drive. City Engineer Lloyd explained that preliminaries on both of these projects was progressing as fast as possible but that no work could be expected to start until next Spring.

Mr. P. R. Muncey, 1241 N. Blvd., appeared before the Council and presented a petition with seventeen signers, requesting that the Mayor and Council take whatever action is necessary to construct a bridge across Willow Creek, on North Boulevard and to install curbs, gutters, sidewalks and paving on North Boulevard in the 1100 Block and to have created an Improvement District from which said improvements would be financed. This was referred to the City Engineer.

Mr. Leland Peterson, 520 J Street, appeared before the Council, explaining that he wished to organize a business for the purpose of caring for preschool children but that he has encountered a zoning problem. He intimated that locations which would otherwise interest him are prohibitive because of R-1 zoning. It was suggested that he select several attractive locations, seek out the feelings of the nearby residents by way of petition and then reflect the results back to the Council for their consideration.

Mr. Alva Harris, Building Official, presented the Uniform Sign Code, 1958 Addition, and asked that an ordinance be drafted adopting same. This was referred to the Building Committee for study and recommendation.

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Mr. Harris then presented a suggestion for the City licensing of all building contractors. It was moved by Councilman Foote, seconded by Creek, that this be referred to the City Attorney to determine its legality in the State of Idaho. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE SEWERAGE SYSTEM WITHIN THE CITY OF IDAHO FALLS, IDAHO; DECLARING THE PURPOSE OF THE ACT; DEFINING TERMS; PROVIDING THAT ALL SEWAGE BE DISCHARGED INTO THE SEWERAGE SYSTEM; PROVIDED THAT UNPOLLUTED WATERS BE DISCHARGED TO STORM SEWERS; PROHIBITING CERTAIN TYPES OF WASTE FROM DISCHARGING INTO THE PUBLIC SEWAGE; PROVIDING FOR REVIEW AND APPROVAL OF TYPE OF WASTE PERMITTED TO BE DISCHARGED INTO THE SEWERAGE SYSTEM; PROVIDING FOR OBSERVATION MANHOLES, GREASE TRAPS AND REMOVAL OF HARMFUL INGREDIENTS; REQUIRING ALL PREMISES TO CONNECT TO PUBLIC SEWER; REQUIRING SANITARY FACILITIES; ESTABLISHING PERMIT REQUIREMENTS FOR SIDE SEWER; ESTABLISHING CONSTRUCTION SPECIFICATIONS FOR PRIVATE SEWERS; PROVIDING FOR INSPECTIONS; PROVIDING FOR INJURIES TO SEWERAGE SYSTEM; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS; AND PROVIDING THE DATE SAID ORDINANCE BECOMES EFFECTIVE.

City Attorney Barnard presented the foregoing Sewer Ordinance and explained that this instrument directs what goes into the City Sewer Treatment Plant, controls all sewers and streams and allows the City to enforce all uses of the sewer. It was moved by Councilman Petersen, seconded by Foote, that the Ordinance be passed on its first two readings. Roll call as follows: Ayes, 3; No, None; carried.

Mr. Barnard then presented a lease between the City of Idaho Falls and Bruce Stoddard providing for the party of the second part to lease certain farm property at the Airport for grazing land with option to renew, for \$250.00 a year. It was moved by Councilman Creek, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

November 5, 1959

City Council
City of Idaho Falls, Idaho

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Re: Sears, Roebuck Store
Country Club Center
Idaho Falls, Idaho

Attention: Mr. W. J. O'Bryant, Mayor

Gentlemen:

On or about September 18, 1959, Mr. H. C. Isenhart, Gas Inspector for the City of Idaho Falls, verbally informed Hilp & Rhoades' Construction superintendent on the new Sears, Roebuck and Co. store that a common flue could not be used for both the boiler and the incinerator, as shown on the drawings.

On October 21, I addressed a letter to Mr. Isenhart explaining that the detail was standard with Sears, and has been used throughout the country for a number of years. In view of the fact that the City Gas Ordinance became effective after I had received information from your Building Department regarding all applicable codes, I requested that a variance be granted if this installation conflicted with the Gas Ordinance.

On October 28, Mr. Isenhart wrote stating that the Gas Board had denied the variance, which decision was upheld by the City Council.

On behalf of the owners, I wish to make an appeal to this decision on the following grounds:

1. On March 31, 1959, two complete sets of plans and specifications were filed with the Building Department for plan check and building permit.
2. On May 27, 1959, Mr. Harris, Building Official, advised Hilp & Rhodes that a building permit had been issued to them on May 22, 1959. On July 2, 1959, the total permit fees for building, gas, plumbing and electrical were paid by Mr. L. J. Brown, General Superintendent for Hilp & Rhodes. At neither of these times were marked plans or a list of deficiencies of any kind in connection with this building returned to either the contractor or to me.
3. Finally, in view of the extended experiences Sears has had with this detail with satisfactory results, I feel that it is not an unreasonable request to ask permission to use it in Idaho Falls.

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It is heretofore again respectfully requested that a variance and/or permission be granted to permit both the boiler and incinerator breeching to enter the fire brick lined masonry stack, as shown on the attached drawing.

Yours very truly,
s/ A. E. Alexander
Idaho AR-305

Enc.

cc: Mr. Alva C. Harris, Building Inspector

Mr. Barnard explained that he had replied to the foregoing letter, upon authorization of the Council, denying permission to proceed as requested in the letter.

Mr. Barnard then referred to a letter, originally presented November 6th, 1959, addressed to the Mayor from Sylvan Olson, with regard to the Ina Samson property on which the Department of Public Assistance has a lien and on which the east 16 feet is needed for the extension of North Boulevard. Mr. Barnard felt after studying the letter that no immediate action is necessary.

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A CITY ENGINEER FOR THE CITY OF IDAHO FALLS; FOR THE QUALIFICATIONS OF SUCH ENGINEER; FOR THE TERM OF OFFICE AND REMOVAL FROM OFFICE OF SUCH ENGINEER; PRESCRIBING THE DUTIES OF THE CITY ENGINEER; MAKING IT A MISDEMEANOR TO DISPLACE, REMOVE, INJURE, OR INTERFERE WITH ANY SURVEY OR MONUMENT ESTABLISHED BY THE CITY ENGINEER IN THE EXECUTION OF HIS DUTIES OR TO MOLEST OR INTERFERE WITH THE CITY ENGINEER OR ANY OF HIS ASSISTANTS, AGENTS, OR EMPLOYEES WHILE ENGAGED IN ANY OFFICIAL DUTY, AND PROVIDING A PENALTY THEREFORE.

The foregoing Ordinance was read 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, 3; 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

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Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 3; No, None; carried.

Mr. Barnard then explained to the Council that he has taken the liberty of starting a study of the new unapproved Code Book with particular concentration on all sections where it is obvious that they have inserted without reference to the Revised Code of 1950 or 1943 or to a previously approved ordinance and that he will be, from time to time referring these sections to the Council for their study and approval and, where necessary, preparing ordinances to cover same. The Council agreed that he would have their cooperation in this regard.

Mr. Harris then presented a problem which he feels should bear investigation, namely that the R-3 provisions of the Code are too broad, and should be broken down to cover apartment houses as one classification and professional buildings as another. The Council directed him to analyze the problem with the City Attorney, preparatory to the drafting of an ordinance covering the matter.

Councilman Creek asked about parking on one side of the street as recommended by the Traffic Safety Committee and on the streets designated by that group. The Council noted that this had received good publicity with no protesting public reaction and authorized the City Attorney to prepare an ordinance accordingly.

The Mayor read a letter from the Idaho Cooperative Utilities Association announcing a tentative workshop on retail electric rates, to be held in Idaho Falls in the near future. The Council authorized the Mayor to delegate some responsible person to attend.

November 17, 1959

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

Gentlemen:

Please extend our thanks to the members of the Fire Department for their prompt and efficient removal of a large piece of heavy sheet metal cornice flashing from the façade of the Rogers Building during the wind storm on Sunday, November 15, 1959. The wind had torn the flashing loose and it hung by only one weak fastening, dangling some thirty feet above the sidewalk, thus endangering any pedestrian passing below.

Yours very truly,
ROGERS BUILDING
s/ James L. Thanw

Attention was drawn to the foregoing letter. No action was required.

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September 2, 1959

Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

As owners of property immediately north of Sears' new building, we desire to construct a 6 inch water line from present proposed termination point to the inside of the south curb line on Anderson Street, a distance of approximately 435 feet.

We would be agreeable to annexation to City, if required as a condition for the use of municipal water.

Respectfully yours,
s/ Roy D. Hall
s/ G. A. Cope, Jr.

This letter was read by the Mayor. It was then tabled as it was felt the Council was not ready for official action.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
