

SEPTEMBER 29, 1969

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Monday, September 29, 1969, at 7:30 p.m. in the Council Chambers at Idaho Falls, Idaho. There were present at said meeting, Mayor S. Eddie Pedersen; Councilwoman Lyn Smith, Councilmen Mel Erickson, Jack Wood, Gordon Nelson, Dale Parish, Jim Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Robert Pollock, Police Chief.

Minutes of the last Recessed Regular Meeting, held September 11th, 1969, were read and approved.

This letter was presented and read aloud:

September 22, 1969

To the Mayor and City Councilmen:

The following petition has resulted from concerned parents and property owners in the Rose Nielsen Addition off of 17th Street. The consensus of opinion seems to be that safety standards are not what they should be at the school crosswalk on 17th Street.

Within the last two weeks, at least one serious accident was narrowly avoided at the crosswalk in question, when a truck passed on by an automobile that had stopped to let children pass through the crosswalk, and missed a number of grade school children by seconds.

The volume of traffic is increasing on 17th Street, and far too many motorists do not stop to let children cross the road.

We, the residents of the Rose Nielsen Addition, hope that this petition has brought this crosswalk problem to your attention, and that speedy action to rectify this situation will be forthcoming in the immediate future.

Every home in the Rose Nielsen Addition was contacted.

All 56 homeowners and residents of the Rose Nielsen Addition read this petition.

All 56 homeowners and residents wholeheartedly agreed to sign this petition. The overwhelming majority preferred the presence of an adult crossing guard over a flashing warning light at the crosswalk.

Accompanying the foregoing letter was the following petition with 106 signers, all residents within the Rose Nielsen Addition:

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PETITION

We, the undersigned, have serious reservations regarding the adequacy of safety measures as they now stand on the school crossing zone of 17th Street and Balboa Drive.

The volume of traffic is undoubtedly increasing on this section of 17th Street as more development of land takes place within our housing plan and the commencement of use of the new medical center to the east of our plan. Automobiles traveling east or west on this stretch of thoroughfare are traveling at a higher rate of speed than they do in more congested areas of 17th Street, and the very process of crossing this road is a dangerous and sometimes frightful one for small grade school children.

Therefore, we are petitioning for an adult crossing guard or some sort of flashing light to warn oncoming motorists that our children are crossing this busy thoroughfare four times a day.

Mr. D. R. Maughan , 2031 Belmont, appeared before the Council representing himself and a contingent of Rose Nielsen residents, also present. Mr. Maughan stressed the immediate need for some manner of protection for the school children crossing 17th Street. He illustrated by saying that he, personally, had observed traffic at 17th Street and Balboa and, in one instance, only 2 out of 28 cars stopped and yielded to the children so that they could cross the street. Mr. Maughan expressed appreciation for some limited assistance from the City. He said when an officer is present the traffic, generally, observes the crosswalk. Mr. Maughan acknowledged a walkway along the south side of 17th Street recently constructed by the City and said this was not a satisfactory solution, inasmuch as the children still had the problem of crossing 17th Street. The Mayor explained that the walkway was placed south of 17th Street because of the many impediments on the north side of 17th Street and asked where a crosswalk would be most beneficial. Mr. Andrew McCaulay, 2040 Monticello, answered the Mayor by saying that the exact location wasn't too important as long as it was on the narrow portion of 17th before it became a 4 lane street. Mrs. McCaulay then appeared before the Council to say that the aforementioned walkway along the south side of 17th was completely unsatisfactory. She said it did not provide safe access across 17th, but moreover, cars park on the walkway and one reflector post has already been knocked down. Councilwoman Smith asked the group if the school of their choice for their children to attend was Theresa Bunker and was answered in the affirmative. It was moved by Councilman Erickson, seconded by Smith, that this matter be referred to the Traffic Safety Committee and the Police Committee, working with Mr. Maughan, as a means of arriving at a satisfactory solution to the problem. Roll call as follows: Ayes, 6; No, none; carried. It was agreed that the first meeting would be held Tuesday, September 30th, at 9:00 A. M.

Mr. Gary Stevenson, representing the Idaho Falls High School, appeared before the Council drawing attention the fact that they were celebrating homecoming during the week of October 6th through October 11th and that, in the form of a new and original innovation, they would like to schedule a soap box derby and that class participation would be encouraged. Mr. Stevenson asked that Cranmer Street be used for this purpose on October 7th necessitating blocking off 7th and 8th

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Streets during the event. It was moved by Councilman Erickson, seconded by Smith, that this request be granted for one hour starting at 6:00 P.M. and that Mr. Stevenson work with Lt. Lewis Nielsen in this regard. Roll call as follows; Ayes, 6; No, none; carried.

Recognizing Reverend Bruce Gardner, Pastor of the Calvary Baptist Church, in the Council Chambers and noting by the agenda there was an appeal for a variance by that organization to be presented this night, the Mayor asked the City Clerk to present and read the following:

September 26, 1969

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: William R. Gilchrist
SUBJECT: APPEAL OF THE CALVARY BAPTIST CHURCH

The Calvary Baptist Church located at 785 1st Street is requesting permission to build a planter box and sign in their front yard. The Church is located in an R-3 zone and the Zoning Ordinance does not permit signs of this type. The planter box and sign will be located approximately 17 ½ feet from the front property line.

The Planning and Building Division recommends approval of this request as similar requests have been approved in the past.

Copies of the petition are attached.

Respectfully submitted,
s/ William R. Gilchrist

It was moved by Councilman Wood, seconded by Smith, that this appeal for a variance be granted. Roll call as follows: Ayes, 6; No, none; carried.

A five year extension rider to Union Pacific contract LD #19664 was presented covering a power line crossing and encroachment serving a portion of West Broadway from the railroad tracks to the underpass. It was moved by Councilman Freeman, seconded by Smith, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls
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TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: MOUND AVENUE INTERCEPTOR SEWER G-8-N

The Federal Water Pollution Control Administration requires an official be named for filing, processing and administration of grant application for the above named project. We are requesting that the Mayor be authorized to sign a Certification of Authorization for the Public Works Director to act on behalf of the City for the Mound Avenue Interceptor Sewer.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that Public Works Director, Donald F. Lloyd, be named to act on behalf of the City in connection with a Federal Grant application for the Mound Avenue Interceptor sewer. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, this memo was studied:

City of Idaho Falls
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TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: FOOTE DRIVE SEWER EXTENSION G-8-F

In order to provide sanitary sewer service to the lessee at the Airport Industrial Park it will be necessary to extend our sanitary sewer. The plans and specifications have been completed and the cost has been estimated to be \$4,000. We are requesting authorization to advertise for this project.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Parish, that authorization be granted to advertise for bids on the project as described as soon as possible. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, this memo was presented:

City of Idaho Falls
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TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd, P.E.
SUBJECT: MATERIALS LEASE WITH IDAHO DEPARTMENT OF HIGHWAYS J-2-A

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The existing materials lease with the Highway Department covering the Hatch Pit is not proving satisfactory to the City. We have therefore, requested that for the balance of our initial commitments a new lease arrangement be installed. We are, therefore, submitting a new lease based upon the approval of all City Departments interested and are requesting authorization to sign.

Respectfully submitted,
s/ Donald F. Lloyd

Councilman Nelson explained that the lease in question is merely a rewrite on an existing lease with identical terms and conditions except for area. Nelson said the sanitary land fill is having a difficult time finding sufficient cover and so the state agreed, on the balance of the City's gravel commitment to exchange approximately nine acres within the Hatch Pit to ease the refuse cover problem. It was moved by Councilman Nelson, seconded by Parish, that the Mayor and City Clerk be authorized to sign the new lease. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Traffic Safety Committee was submitted with several recommendations, each requiring separate Council action:

City of Idaho Falls
September 26, 1969

TO: Honorable Mayor and City Council, City of Idaho Falls
FROM: Chairman, City Traffic Safety Committee
SUBJECT: RECOMMENDATIONS

The following are submitted for your consideration and approval:

1. That 14th Street between Holmes and Boulevard and 15th Street between Higbee and Boulevard be changed from one-way to two-way traffic.
2. YIELD sign be installed on Whittier on the west side of Wabash.
3. NO LEFT TURN sign be installed to regulate traffic using the ramp over "G" Street subway to prevent them crossing Boulevard and turning north.
4. Install a blinking traffic signal at "F" and Shoup showing RED on Shoup and AMBER on "F" as soon as finances will allow.
5. It is suggested that the City petition the State for:
 - a. Allow a LEFT TURN movement for east bound traffic on "D" at Yellowstone. (The inside lane would make left turn - outside a right or through movement.)
 - b. Allow the two lanes of traffic on both "B" and "C" Streets to make a left turn movement simultaneously as at "E" and Yellowstone.

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Respectfully submitted;
s/ Robert D. Pollock

With regard to recommendation No. 1, Police Chief Pollock appeared to report that the Committee had recently met with Mr. Don Cook of Cook's Supermarket at the corner of 14th and Holmes. Mr. Cook drew attention to the fact that many motorists, when leaving his parking lot, enter 14th and turn east, thus violating the one-way traffic law for a portion of a block. Pollock continued by saying the Committee included 15th Street in their recommendation, inasmuch as the traffic light at 15th and Boulevard is not now being put to maximum use and two way traffic on 15th would relieve the traffic burden on 14th Street. He said there is no immediate plan for restrictive parking on either street and that this is strictly experimental. If parking on these streets or any portion of these streets does pose a problem with two way traffic, restrictive parking may become necessary. It was moved by Councilman Erickson, seconded by Smith, that this recommendation be approved, to become effective as soon as possible. Roll call as follows: Ayes, 6; No, none; carried. Councilman Erickson urged publicity on this matter with emphasis toward encouraging westbound traffic to use these streets.

Recommendation No. 2 was then considered. It was moved by Councilman Erickson, seconded by Smith, that a "YIELD" sign be installed at the location as proposed. Roll call as follows: Ayes, 6; No, none; carried.

With regard to recommendation No. 3, Pollock explained that there have been a few known instances where southbound Yellowstone traffic has been using this route to gain access to First Street and that this is dangerous, due to southbound traffic entering from the underpass. It was moved by Councilman Erickson, seconded by Smith, that this recommendation be approved. Roll call as follows: Ayes, 6; No, none; carried.

Recommendation No. 4 was then reviewed. Councilman Erickson noted that this proposal was prompted because of several accidents at this intersection. It was moved by Councilman Erickson, seconded by Smith, that this recommendation be approved, subject to the availability of funds and that it otherwise be referred to the Electrical and Traffic Committees to determine the best location for an appropriate installation. Roll call as follows: Ayes, 6; No, none; carried.

In response to the Committee's recommendation to petition the State to allow a left turn movement for eastbound traffic on "D" Street at Yellowstone and also to allow the two lanes of traffic on "B" and "C" Streets to make a left turn movement simultaneously as at "E" Street and Yellowstone. It was moved by Councilman Erickson, seconded by Smith, that authorization be granted in this regard. Roll call as follows: Ayes, 6; No, none; carried.

Submitted by the City Clerk was a petition from Reed Bills reading as follows:

THE FACTS ARE AS FOLLOWS: The property owners whose signatures appear on the attached petition request the Mayor and City Council to proceed with cleaning up the property fronting on Eagle Rock Street. The businesses operating in this location are presently violating many City Ordinances, primarily health, building, and zoning, and should be made to conform to the proper City Codes. We request that the City proceed at once to correct these violations.

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The property covered by this appeal is located at Eagle Rock Street between Capital and Park Avenues, and is situated within the GC-1 zone.

September 19, 1969
s/ Reed E. Bills

It was noted that the petition carried 47 signers of businessmen and/or property owners within the area in question. It was moved by Councilman Wood, seconded by Smith, that this be referred to the Building and Zoning Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood presented a lease renewal in favor of the Falls Delivery Service engaged in the business of transporting air freight to and from the airport. The new lease was identical to the old one except that it was for a two year period. However, it was noted that it failed to include a 30 day cancellation provision. It was moved by Councilman Wood, seconded by Erickson, that the lease in question be referred to the City Attorney for an amendment to include a 30 day cancellation provision, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Nelson reintroduced the construction bids for L.I.D. #39. Nelson advised that, in the opinion of the Public Works Committee, there would be nothing gained by awarding a contract this late in the season. Moreover, continued Nelson, the district might hopefully be expanded by next year which could encourage and command more realistic bids. It was moved by Councilman Nelson, seconded by Parish, that all construction bids for L.I.D. #39 be rejected but that, for the predictable future, the district be not abandoned. Roll call as follows: Ayes, 6; No, none; carried.

The City Attorney presented and read the following:

City of Idaho Falls
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TO: Mayor and City Council
RE: CLAIM BY MAXINE DEHNERT FOR DAMAGES RESULTING FROM
CHANGE OF PARKING REGULATIONS ON SEVENTEENTH STREET

At its latest meeting, the City Council referred to this office the above claim in writing by Maxine Dehnert. It appears that claimant owns property, and resides, at 440 E. 17th Street in Idaho Falls, Idaho. This land is on the south side of 17th Street immediately west of the canal which flows along Holmes Avenue. It seems that Mrs. Dehnert had used part of the right of way to park motor vehicles in front of her premises before the new road was installed. At the time of installation of the new highway, it was seen that parking in front of the Dehnert property could no longer be tolerated because a left turn bay was installed in front of the premises. Accordingly, parking privileges were cut off; hence the claim.

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The Idaho law accords no one any vested right to parking privileges in any public street. Of course, governmental units frequently permit such parking where it does not interfere with traffic flow. Since there is no vested right in the parking, there can be no liability arise against the governmental unit when the parking privileges are removed.

It is the recommendation of this office that the claim of Mrs. Dehnert be denied.

Sincerely yours,
s/ A. L. Smith
City Attorney

It was moved by Councilman Parish, seconded by Freeman, that the claim in question be denied and the City Attorney be directed to so advise the claimant. Roll call as follows: Ayes, 6; No, none; carried.

The following letter from the City Attorney to the Mayor was presented:

City of Idaho Falls
September 29, 1969

Honorable S. Eddie Pedersen
Mayor of Idaho Falls
Box 220
Idaho Falls, Idaho

RE: LAST WILL AND TESTAMENT OF WILLIAM LEE LUXTON

Dear Mayor Pedersen:

The will of William Lee Luxton contains the following conditional bequest:

“FOURTH: The real estate I own in Idaho Falls, Idaho, is to be sold and from the proceeds the sum of Ten Thousand (\$10,000) dollars is to be transferred to the City of Idaho Falls to be used for capital improvements in Tautphaus Park in the City upon condition that a plaque shall be erected and maintained at a suitable place in the park reading as follows: “THIS PLAQUE IS GIVEN BY LT. COL. WILLIAM L. LUXTON, AUS. RETIRED, IN MEMORY OF HIS MOTHER, TILLIE LUXTON, AND HIS FATHER, WILLIAM LUXTON, WHO WAS THE FIRST PRESIDENT OF THE ORIGINAL WAR BONNET ROUND-UP HELD IN IDAHO FALLS, IDAHO, AND ALL MEMBERS OF THE ORIGINAL WAR BONNET ROUND-UP WHO CARRIED ON THIS SHOW WHICH WAS INSTRUMENTAL IN GAINING NATIONAL RECOGNITION FOR IDAHO FALLS AS A PROGRESSIVE CITY.”

“The balance of money realized from the sale of real estate in Idaho is to become part of the rest and residue of my estate, and if, for any reason, the memorial described in this paragraph is not accepted by the City of Idaho Falls within six months after the money becomes available this bequest shall become null and void and the money shall become part of the rest and residue of my estate.”

It now becomes necessary that the City of Idaho Falls accept or reject this bequest with the conditions contained. If the City sees fit to accept this bequest, the Council should pass a simple resolution accepting the bequest and agreeing that a plaque be erected and maintained in Tautphaus Park containing the language of the will. The resolution should also authorize the transmittal of the wording of the resolution to Mr. Robert St. Clair, Idaho Falls, Idaho, the attorney for the estate of William Lee Luxton.

Sincerely yours,
s/ A. L. Smith
City Attorney

The City Attorney then introduced the following resolution:

RESOLUTION (Resolution No. 1969-24)

“It is hereby resolved that the City of Idaho Falls, Idaho accept the bequest to the City contained in the last will and testament of William Lee Luxton, deceased, and that it be accepted, subject to the conditions imposed thereon in the will. Therefore, it is ordered that a proper plaque, as required by the will, be prominently displayed in Tautphaus Park. This action by the City Council shall be properly certified to Robert W. St. Clair, one of the attorneys for the Estate of William Lee Luxton, deceased.”

It was moved by Councilman Freeman, seconded by Councilman Erickson, that the foregoing resolution be accepted and adopted. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 8:50 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
