

MAY 25, 1967

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The City Council of the City of Idaho Falls met in a Recessed Regular Meeting, Thursday, May 25, 1967, at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor Pro-Tem Jim Freeman, Councilmembers Smith, Nelson, Parish, Erickson and Wood. Absent: Mayor S. Eddie Pedersen. Also present: Roy C. Barnes, City Clerk; William Nixon, representing the City Attorney firm of Albaugh, Bloem, Smith and Pike; Les Corcoran, Fire Chief; Robert Pollock, Police Chief; Rod Gilchrist, City Planner.

Minutes of the last Recessed Regular Meeting, held May 11, 1967, were read and approved.

License applications for ELECTRICAL CONTRACTOR, Ronald Scott for Parr Electric Co, Inc.; JOURNEYMAN ELECTRICIAN, Ronald Scott and Lee A. Williams, Jr.; FOUNTAIN (Mobile Unit), J. E. Fickbolm; BARTENDER, Bonnie J. Ralph., Diane DuBois, Richard Harold Lowe, Henry Crews, Jr., Geraldine Croft Royter, Gerald E. Hicks, Roy R. Rathjen, Lorna E. Cutler, Samia Halmer, Roger Steven Dulansky; MOTEL, Ray Bird for Kruse Motel; FIREWORKS, Ray Ohland for M. H. King Company; DANCE HALL, Charles R. Jachetta for Hawaiian, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

One license application received special study and consideration that of Mr. J. E. Fickbolm, to operate a mobile unit known as Mr. Softie. Police Chief Pollock appeared and explained that he had just started his seasonal operation and complaints had already started to come in, particularly from the schools. Although it was conceded that the schools were about to close, Councilman Erickson noted that certain locations in the residential area were also a safety hazard. It was generally agreed that the applicant could not be denied a license because of litter, inasmuch as said litter was caused not by him, but by his customers. The Police Chief said he was of the opinion that Mr. Fickbolm would cooperate, both from the standpoint of litter and safety, if he were approached by the Police Department. The Chief was directed to prepare a list of recommendations in this regard. With this understanding, then, it was moved by Councilman Nelson, seconded by Erickson, that this license be granted, subject to final approval by the Police Chief. Roll call as follows: Ayes, 6; No, none; carried.

These resolutions, having been informally presented to the Council on May 19, 1967 and having been adopted with authorization for the Mayor and City Clerk to sign at that time, were presented as follows:

**RESOLUTION (Resolution No. 1967-17)**

WHEREAS: Invitation for bids has been heretofore duly made and published for construction of the runway and taxiways of the Second Phase of the Third Extension of the N.E. – S.W. Runway at Fanning Field, Idaho Falls, Idaho; and

WHEREAS: Bids pursuant to said invitation have been heretofore duly received, opened, and analyzed; and

WHEREAS: It appears that the bid of Pickett & Nelson, Inc. is the lowest and best bid received, being in the amount of \$268,514.01; and

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WHEREAS: It further appears that the City of Idaho Falls must have the concurrence and approval of the Federal Aviation Agency before entering into a contract for said construction project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Idaho Falls, Idaho, that the bid of Pickett & Nelson, Inc. be, and the same is hereby accepted, subject to the concurrence and approval of the Federal Aviation Agency.

IF IS FURTHER RESOLVED that upon the concurrence and approval of the Federal Aviation Agency of said City of Idaho Falls will enter into a contract for said construction with Pickett & Nelson, Inc. in the total amount of \$268,514.01, and that the Mayor be, and he is, hereby authorized to execute all contract documents on behalf of the City of Idaho Falls, Idaho, to effect the intent of this resolution.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 19<sup>th</sup> day of May, 1967.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

**RESOLUTION (Resolution No. 1967-18)**

WHEREAS: Invitation for bids has been heretofore duly made and published for construction of high intensity runway lighting of the Second Phase of the Third Extension of the N.E. – S.W. runway at Fanning Field, Idaho Falls, Idaho; and

WHEREAS: Bids pursuant to said invitation have been heretofore duly received, opened, and analyzed; and

WHEREAS: It appears that the bid of Hamilton Brothers is the lowest and best bid received, being in the amount of \$58,012.25; and

WHEREAS: It further appears that the City of Idaho Falls must have the concurrence and approval of the Federal Aviation Agency before entering into a contract for said construction project;

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and City Council of the City of Idaho Falls, Idaho, that the bid of Hamilton Brothers be, and the same is hereby accepted, subject to the concurrence and approval of the Federal Aviation Agency.

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IT IS FURTHER RESOLVED that upon the concurrence and approval of Federal Aviation Agency of said bid of the City of Idaho Falls will enter into a contract for said construction with Hamilton Brothers in the total amount of \$58,012.25, and that the Mayor be, and he is, hereby authorized to execute all contract documents on behalf of the City of Idaho Falls, Idaho, to effect the intent of this resolution.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 19<sup>th</sup> day of May, 1967.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

It was moved by Councilmember Wood, seconded by Smith, that this Council action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim was presented and read:

**NOTICE OF CLAIM OF DAMAGES FOR INJURIES**

TO: The City of Idaho Falls  
Sate of Idaho

PLEASE TAKE NOTICE that in accordance with the provisions of Section 50-162 of the Idaho Code, and Section 1-13-2 of the Municipal Code of the City of Idaho Falls, Idaho, I, Kenneth Peart, do hereby present you with my claim for damages against the City of Idaho Falls with the information required to be given under said sections as follows:

1. That the injury for which I claim damages against the City of Idaho Falls occurred on May 6, 1967, at approximately 10:45 A.M.
2. The place of the injury was on the sidewalk at approximately 321-327 Park Avenue, Idaho Falls, Idaho, immediately in front of the new building (to be known, I am informed, as the Dill-Winn Building) being constructed there.
3. The character and nature of the injury suffered by me is as follows: A fracture of the kneecap, resulting in and necessitating the surgical removal of the kneecap, and injury to the muscle and soft tissue in the region of the knee and the general effects of the trauma resulting from this injury.
4. The cause of the injury and facts connected therewith are as follows: As I was walking along the public sidewalk, I tripped on an obstruction placed on the public sidewalk, and I fell, striking my knee. With the knowledge and permission of the City of Idaho Falls and under its supervision and inspection, another party had constructed a wood barricade on the

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public sidewalk with a opening therein through which pedestrians were invited and expected to pass. The barricade and opening were construed and maintained in an unsafe condition, including lack of notice of the unsafe condition and construction of a raised wooden piece at the bottom of the opening over which pedestrians were invited and expected to step and cross. I tripped while passing through such barricade and opening and my fall was due to the unsafe condition of the barricade, opening and sidewalk. There may have been other contributing factors such as debris and tools on the surface of the sidewalk, but I am unaware of them at the present time. The barricade was removed and the surface of the sidewalk made more safe for pedestrian traffic shortly after my fall.

5. The amount of damages which I claim by reason of such injury is indeterminate at this time inasmuch as I am presently undergoing treatment for the injury and have no way of estimating the possible success of this treatment. However, I have incurred medical, hospitalization, and drug expenses, and face the probability of future permanent disability. I would therefore estimate that my damages will be in excess of the sum of \$50,000.00.

Dated this 22<sup>nd</sup> day of May, 1967.

s/ Kenneth Peart

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF BONNEVILLE    )

KENNETH PEART, being first duly sworn, deposes and says: That he is the claimant in the above entitled matter: that he has read the above and foregoing Notice of Claim for Injuries and knows the contents thereof, and that he believes the facts therein stated to be true.

s/ Kenneth Peart

Subscribed and sworn to before me this 23<sup>rd</sup> day of May, 1967.

s/ Dorothy Grimmett  
Notary Public  
For the State of Idaho  
Residing at Idaho Falls, Idaho

My Commission Expires: May 10, 1969

It was moved by Councilman Parish, seconded by Wood, that this claim be referred to the City Insurance Adjustor for investigation and proper handling. Roll call as follows: Ayes, 6; No, none; carried.

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From the City Clerk this memo was submitted:

City of Idaho Falls  
Office of the City Clerk  
May 25, 1967

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

At the last City-sponsored auction sale, a tool box, filled with miscellaneous tools belonging to Mr. Howard Alexander, Soda Springs, Idaho, was inadvertently sold. There is a long, detailed story in this connection, too involved to relate here. Suffice to say, for the purpose of this memo, that ownership of the box was known at the time of sale, identity had been proven, and Mr. Alexander was aware that it was held by the City as evidence. The mistake was made due to lack of communication between Police Records and the Detective Departments.

Mr. Alexander has submitted a claim for the sold merchandise in the amount of \$141.70. Our Purchasing Agent has appraised replacement value at \$70.00. Our City Attorney has been appraised of this entire situation and is of the opinion that, in view of the unique circumstances, this should be handled by some routing other than the City Insurance Adjustor. Recognizing the City's admitted liability, he feels an attempt should be made, through his office, to arrive at a reasonable settlement, directly with Mr. Alexander.

The purpose of this memo, then, is to request that this matter be referred to the City Attorney for proper handling.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilmember Smith, seconded by Erickson, that this matter be referred to the City Attorney and that he be authorized and directed to negotiate directly with Mr. Alexander toward an equitable settlement of this claim. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the City Clerk this memo was submitted:

City of Idaho Falls  
Office of the City Clerk  
May 25, 1967

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

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House Bill Number 3 created some sweeping changes in election laws, including the elimination of Wards as a designating geographical factor pertaining to registration. We are happy about this, as Wards have meant nothing to us since we became a first class City and Councilmen were elected at large.

We do not anticipate any boundary changes in precincts. We respectfully ask that the Council authorize the City Attorney to draft an ordinance for Council consideration which would eliminate Wards and covert all existing precincts to a geographical entity within themselves. We would also expect that said ordinance would provide that all persons properly registered within a given precinct would continue to be properly registered in that same precinct, even though its number be changed. We proposed that the conversion be effect in the following manner:

FORMERLY

PROPOSED

Precinct No. 1, First Ward	Precinct No. 1
Precinct No. 2, First Ward	Precinct No. 2
Precinct No. 3, First Ward	Precinct No. 3
Precinct No. 1, Second Ward	Precinct No. 4
Precinct No. 2, Second Ward	Precinct No. 5
Precinct No. 1, Third Ward	Precinct No. 6
Precinct No. 2, Third Ward	Precinct No. 7
Precinct No. 3, Third Ward	Precinct No. 8
Precinct No. 4, Third Ward	Precinct No. 9
Precinct No. 5, Third Ward	Precinct No. 10
Precinct No. 1, Fourth Ward	Precinct No. 11
Precinct No. 2, Fourth Ward	Precinct No. 12
Precinct No. 3, Fourth Ward	Precinct No. 13
Precinct No. 4, Fourth Ward	Precinct No. 14

Your consideration on the foregoing is requested.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilmember Smith, seconded by Wood, that the City Attorney be directed to prepare an ordinance, as recommended, for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the City Clerk was submitted, as follows:

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City of Idaho Falls  
Office of the City Clerk  
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To The Honorable Mayor and City Council  
Idaho Falls, Idaho

Ordinance No. 1183, regulating the sale, use and possession of safe and sane fireworks, requires that all persons, corporations, or other agencies interested in any phase of this venture must make application through the City Clerk in the amount of \$10.00, but that all applications must be subject to the approval of the City Council and the Fire Chief.

We draw your attention to the fact that these permits have one very unusual feature, not like any other business license; namely, the fact that they cover an operation, as prescribed by the ordinance, for a very limited period from June 26<sup>th</sup> to July 26<sup>th</sup>. During that time, the applicant must make application and pass inspection before he is entitled to a permit. If the Fire Department stands by and waits for applications to voluntarily be made before starting their inspection, it is predicted that there will be many selling fireworks that are not properly licensed, at least for a portion of the above mentioned period. In view of the time element, this is a problem that must be handled with the minimum delay from every aspect.

There would appear to be a solution. The Fire Chief expects to have his Inspectors constantly policing this operation. In fact, a preliminary survey is already being taken. We are sure the Council would never approve any application without it being, in turn, subject to the approval of the Fire Chief. If the Council, at this time, were to give blanket approval to all applications which meet ordinance requirements and inspection, then the Inspectors, as they make their contacts and are satisfied that the applicant is proceeding legally, could be authorized at that time to issue a permit and collect the fee. This has been discussed with the Fire Chief and meets with his concurrence.

Your consideration of this proposal is requested.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

Councilman Erickson voiced concurrence with the understanding that no permit be issued without the approval of the Fire Chief and after adequate inspection. Erickson continued by saying that in effect, that would be no different than the manner in which the Council now approves all licenses. Erickson recommended, however, that the Fire Chief prepare explanatory instructions including the penalty for non-conformance to be made available to any interested applicant, and also, that there be ample publicity in this regard. It was moved by Councilmember Erickson, seconded by Smith, that

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the City Clerk's proposal for obtaining fireworks applications and permit fees, as a matter of timing expediency, be approved. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the City Clerk, this memo was studied:

City of Idaho Falls  
Office of the City Clerk  
May 25, 1967

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Following is a complete list of those who have not yet applied for their 1967 business licenses:

DANCE HALL	Don's Bar Fred and Kelly's
GROCERY	Stillwell Drive Inn
PHOTOGRAPHER	Steven Green Robert H. Rasmussen
DAIRY	Purcell Dairy Stillwell Dairy
MOTEL	Driftwood Motel Fred & Kelly's
SECONDHAND STORE	Altha Ruppert
RESTAURANT	The Dog House

All of these licensees were advised that this report would be made this night unless application was made by May 24<sup>th</sup>. These are the ones who failed to respond.

We ask your authorization to turn this list to the Police Chief for appropriate enforcing action.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Erickson, seconded by Parish, that the foregoing list of names be turned to the Police Chief for appropriate enforcing action. Roll call as follows: Ayes, 6; No, none; carried.

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From the Police Chief this memo was read:

City of Idaho Falls  
Office of the Police Division  
May 25, 1967

TO: Honorable Mayor and City Council  
FROM: Office of the Chief of Police  
SUBJECT: REQUEST CONSIDERATION OF LOADING-UNLOADING ZONE

Kirkham's Auto Part Service, 700 Park Avenue, has asked for Council's consideration of a Loading-Unloading Zone on "D" Street adjacent to their rear door.

Respectfully submitted,  
s/ R. D. Pollock  
Chief of Police

The Police Chief appeared briefly to explain the crowded condition at the location in question. It was moved by Councilman Erickson, seconded by Wood, that the loading-unloading zone be approved for the address as indicated. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director came this memo:

City of Idaho Falls  
Public Works  
May 25, 1967

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SEWER CONNECTION OUTSIDE THE CITY LIMITS

Attached hereto are two copies of sewer service contracts for outside City limits signed by Mr. Ben Brothers. This involves a connection of 4 homes on Atlanta Street and 2 homes on Colorado Street.

The only deviation from the standard form is that the private connecting sewer will not be to City Standard Specifications. However, the contract requires that Mr. Brothers assume the complete cost of installation, operation, and maintenance.

We would recommend that the Council authorize the Mayor's approval of this contract.

s/ Don  
Donald F. Lloyd

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William Cole of the Public Health Department appeared and explained that there are and have been many sanitary problems in this area. He said the raw sewage, at one time, was disposed of in a sink hole which is now clogged, resulting in raw sewage in the street. City Engineer Laird also appeared and concurred that, from a sanitation standpoint, corrective measures were badly needed. Councilman Nelson reviewed the fact that, approximately a year ago, certain Happyville residents petitioned the City for annexation and were told that before this could be considered, a plat should be submitted. Asked why said plat had never been made available, Cole explained that the entire area was in need of a survey. Nelson registered impatience that no steps had been taken toward this end and said he was doubtful that in the absence of annexation the City could or should continue to serve the area in the future with contracts of this nature. It was moved by Councilman Nelson, seconded by Parish, that the Mayor be authorized to sign the contract, subject to final approval by the City Attorney concerning liability, especially in view of the fact that the installation will not be to City standards. Roll call as follows: Ayes, 6; No, none; carried.

From the Controller, through the City Clerk, came this memo:

City of Idaho Falls  
Office of the City Clerk  
May 25, 1967

TO: Mayor S. Eddie Pedersen and City Council  
FROM: L. I. Jenkins, City Controller  
SUBJECT: LEASE AGREEMENT - AIRPORT HANGAR

In Council Meeting of November 18, 1965, and as recorded on Page 320 of the Minute Book, the Council authorized a lease of certain Fanning Field Airport land to group of persons, (Dick Wheeler, Eldon Hall, Lee Wood, Ky Nii, and Lloyd Mecham), and permitted construction of a hangar by the group, at an annual rental of \$254.10. The minutes further state that the cost of any improvements to the rented land benefiting the City could be used by the lessees in lieu of cash payments of rent. The improvements, consisting of black topping and drainage, amounts to \$3,466.50, supported by the contractor's plans and invoices. The cost of these improvements were unknown at the date of execution of the lease agreement.

I believe that an addendum to the lease should be prepared specifying the amount of credit allowable in lieu of cash payment that the lessee will be granted, and the period of time allowable to expend the credit. The term of the lease extends for five years from November 29, 1965, with renewal options for three consecutive extensions of five years each, a possible total period of twenty years.

s/ L. I. Jenkins

It was moved by Councilman Parish, seconded by Wood, that this be referred to the Airport Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

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ORDINANCE NO. 1186

AN ORDINANCE ADOPTING UNIFORM BUILDING CODE, SIGNS, VOLUME V, 1967 EDITION, PREPARED AND PUBLISHED BY INTERNATIONAL CONFERENCE OF BUILDING OFFICIAL, AS SIGN CODE FOR IDAHO FALLS, IDAHO; DECLARING THAT THREE COPIES OF SAID CODE, DULY CERTIFIED, ARE ON FILE IN THE OFFICE OF THE CITY CLERK, ORDERING THAT SUCH COPIES SHALL SO REMAIN ON FILE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilmember Wood, seconded by Smith, 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, 6; 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, 6; No, none; carried.

This communication was presented and read:

Idaho Falls Publishing Company  
Idaho Falls, Idaho  
May 17, 1967

Mayor S. Eddie Pedersen  
City Hall  
Idaho Falls, Idaho

Dear Mayor Pedersen:

The Library Board has been informed that the Ricks' option on the tabernacle property was not exercised; that the property is available.

It is, and has been, the Library Board's position that the acquisition of this property for future Library purposes is of the highest priority. The Library Board recommends City action in that direction.

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This information has already been transmitted informally to members of the City Council. This communication is for confirmation purposes only.

It is the Library Board's urgent recommendation that the City move as rapidly as possible to acquire the Tabernacle property.

Very truly yours,  
s/ Aden Hyde  
Chairman, Library Board

The City felt they were in no position to take action on this proposal at this time, except to take it under advisement.

Councilman Erickson reported that various citizens have indicated an interest in the establishment of a Nuclear Museum Board, appoint its members and reflect said action to the Council for confirmation. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson then announced that Mr. George Hutto, Regional Headquarter Representative of the American Humane Society, Denver, Colorado, had been invited to the City and was expected late in June. In the opinion of the Police Committee, continued Erickson, the City is in need of a Humane Society, a Cat Ordinance and possible revision of the Dog Ordinance. Erickson explained further that Mr. Hutto is an authority and can be of assistance in the proper formation of a Humane Society.

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

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ \_\_\_\_\_  
MAYOR

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