

MAY 19, 1966

The City Council of the City of Idaho Falls met in a Regular Meeting, Thursday, May 19, 1966, at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmembers Smith, Parish, Freeman, Erickson, Wood, Nelson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; Ray Browning, Building Official; William Fell, Electrical Engineer.

Minutes of the last Recessed Regular Meeting, held May 9th, 1966, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised to consider the zoning or re-zoning of various parcels of property. First to be presented was the Hatch Addition, Division #2. There were no protests. It was moved by Councilmember Wood, seconded by Smith, that Lots 4, 6 and 8, Block 2 of this Addition be zoned R-2 and the remainder be zoned R-1. Roll call as follows: Ayes, 6; No, none; carried.

Next, up for initial zoning, was all lots and blocks of the John Height's Addition, Division #6. There were none who appeared for purposes of protesting. It was moved by Councilmember Wood, seconded by Smith, that this addition be zoned R-1. Roll call as follows: Ayes, 6; No, none; carried.

The last parcel to be considered for initial zoning was the Westgate Addition, Division #1. No protests were registered. It was moved by Councilmember Wood, seconded by Smith, that the 300 foot frontage along West Broadway on Lot 1, Block 1, be zoned HC-1, the remainder of this Lot be zoned C-1, Lot 2, Block 1 and Lot 1, Block 2 be zoned R-3A and Lots 2 and 3, Block 2 be zoned R-1. Roll call as follows: Ayes, 6; No, none; carried.

The Tam and Jensen Construction Company petition for rezoning was then presented, covering Lots 1 and 2, Block 1, Melbourne Park Addition. No protests were registered. It was moved by Councilmember Wood, seconded by Smith, that these Lots be rezoned from R-1 to R-2. Roll call as follows: Ayes, 6; No, none; carried.

Next to be considered for rezoning was a petition signed by Gerald Staker, Glenn Collette, Wilford Christensen and Lowell Bishop, covering an area described in metes and bounds but more commonly described as the northwest corner of Mountainview Lane and North Colorado. No one appeared to register a protest. It was moved by Councilmember Wood, seconded by Smith, that this area be re-zoned from R-1 to R-2. Roll call as follows: Ayes, 6; No, none; carried.

Finally, Lots 45, 46, 47, and 48, Block 32, Capitol Hill Addition were presented for rezoning, occasioned by a petition signed by Parley Rigby. The following written protest was read:

May 18, 1966

Idaho Falls City Council
Idaho Falls, Idaho

Gentlemen:

I very strongly object to the proposed zone change requested by Mr. Parley Rigby to rezone the northeast corner of 1st Street and Wabash Avenue from R-2 zone to C-1 commercial zone for the following reasons:

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1. Several years ago the City Planning Commission, acting as your agent, promised the citizens of this area that a 125 foot buffer zone would be maintained if these property owners would go along with the requested commercial zone up the street. This promise has been upheld across the street to the south between Buttrey's new store and the Marjacq, Ronglyn property owners.
2. If a C-1 building, such as a Drive-In or Service Station, were built on this corner, the valuation of my home which is just across the street, would be decreased by at least 10,000 dollars.
3. Mr. Rigby has no justification in asking the neighbors in this area to suffer many thousands of dollars depreciation so that he can gain financially. He purchased this property with this present zoning, and the understanding that this buffer was promised by the City. Mr. Rigby paid 12,000 dollars for the corner property, known as the Mrs. Stoddard house, and with your approval tonight will be able to sell this same piece of property tomorrow for 25,000 dollars. Let me point out again that the neighbors will suffer considerably more than his 13,000 dollar gain. A question you should consider is "Will the City of Idaho Falls stand liable for this unjustified neighborhood depreciation?"
4. The property owners have unitedly submitted to you a petition signed by 100% of the surrounding people requesting that you do not approve this zone change. This petition was submitted to the City Planning Commission prior to their hearing on this request.

May I again respectfully urge that you deny this rezoning request.

Very truly yours,
s/ Dean F. Pfost
160 North Wabash Avenue

Mr. H. F. Rhodes, 705 First Street, appeared before the Council and protested the rezoning on the grounds that this area, if zoned commercial, would be detrimental to the value of his residential property. He said, even now, the traffic on First and Wabash has become a safety hazard. He intimated that, in the event the Rigby property is rezoned, he will ask for a commercial rezoning of his property.

Mr. Emmet Gallup, 130 Ronglyn, appeared before the Council and also registered a protest on the grounds that this commercial rezoning would be detrimental to the value of his residential property. At the request of a Councilman, Mr. Gallup gave a history of the Buttrey development, the manner in which it was originally protested by Ronglyn Avenue residents and the reasonably satisfactory solution that eventually was accomplished by a parking lot buffer strip and a sight proof retaining wall. Mr. Howard Noble, Planning Commission Chairman, appeared and explained to the

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Council that this rezoning request, from R-3 to C-1, was favorably considered by the Commission on the grounds that the character and use of the near by property had changed considerably in the past few years.

Mr. Eugene Bush, Attorney for Mr. Rigby, appeared and noted that the commercial development across the street even extends to the east of the property in question. He also noted that the proposed Lomax couplet is another tendency suggesting that the land use of the immediate area is undergoing and is likely to continue to undergo changes of a commercial nature.

Mr. Parley Rigby, the petitioner, appeared and registered surprise at the foregoing written protest by Mr. Pfof who, according to Mr. Rigby, had approached him on a joint development commercial venture in this same area. He reminded the Council that he had previously requested rezoning, which had been denied and that he had, therefore, not considered the matter again until the Buttrey development. Asked for an opinion by the Mayor, Assistant City Planner Doxey said that the area in question under it's present zoning would constitute spot zoning if it were not zoned commercial. Councilman Nelson asked Noble about the Planning Commission's opinion relative to the area east of Wabash, presently zoned R-3, and was answered to the effect that the Commission intends to hold the line with that R-3 zoning. Nelson then asked if any thought had been given to rezoning the first 25 feet, immediately on the corner of First and Wabash, R-3 or R-3A as a buffer zone. Attorney Bush reappeared and noted that, through building code setback, etc., a buffer would be automatically provided. City Attorney Smith advised that the Planning Commission's recommendation should be weighed heavily and that there should be strong, justifiable reason why a buffer should be considered necessary between and R-3 and a commercial zone. In the absence of further protests and in view of the Planning Commission's recommendation, it was moved by Councilman Wood, seconded by Parish, that the area in question be rezoned from R-3 to C-1. Roll call as follows: Ayes, 6; No, none; carried.

This concluded the zoning hearing. The Mayor instructed the Building Official to incorporate the foregoing zoning changes on the official zoning map, located in his office.

Councilmember Smith reintroduced the drive-in problem at the Roy H. Bennett Shopping Center. She said she had been of the impression that an updated plot plan was to be made available for the Planning Commission's perusal. She explained that she had met with the Commission recently, only to find a plot plan had originally been presented, turned down, revised, re-submitted and denied a second time on the grounds that a drive-in does not meet the objectives or characteristics as described for a residential shopping center and that it does not meet the zone characteristics, in their opinion, of harmonious grouping which takes into consideration such factors as hours of operation.

Mr. Dennis Olsen, Attorney for Ben Lomand Inc., owner of the property on which a drive-in permit has been requested, appeared and reminded the Council that the original plot plan had been formally filed and adopted in August 9, 1963. He said his client had objected to the RSC zone from the beginning in accordance with the currently accepted plat. He said the drive-in, in his opinion, meets all the requirements of an RSC zone including setback, and that this type of business was a compromise on the part of his client who had initially applied for a service station permit. He noted several permitted uses in an RSC zone that would be comparable to a drive-in from the standpoint of

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operational hours and activity. He warned the Council that, in his opinion, if a drive-in is prohibited, it would be depriving his client the use of the property without due process.

Mrs. June Munther, 625 East 17th, appeared to register a protest for construction of the proposed drive-in. She said that she would protest this or any other proposal with comparable operational activity problems that would result in further distraction to near by residents. She then gave a history of the area from the time commercial development first started.

Mr. A. L. Mundell, 695 East 17th Street, appeared and also registered a protest. He said he would prefer a weed patch to a drive-in from the standpoint of litter. Also from that standpoint, he said that, in his opinion, a drive-in and a café are not compatible, borne out by the fact that the RSC zone permits a café but makes no mention of a drive in.

Mrs. Fred Ochi, 1675 Cranmer, appeared and also voiced a protest, particularly on the litter problem. Mr. Olsen said that, in his opinion, litter, if any, should be considered and construed as a problem to be controlled or policed by the Litter Ordinance, rather than by the Zoning Ordinance. In the absence of further discussion, it was moved by Councilmember Smith, seconded by Wood, that the Planning Commission recommendation be upheld and issuance of a building permit for construction of a drive-in restaurant on the area in question be denied. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 406 in this Book of Minutes and a written appeal to the Council from Mr. Glenn McMurray for a variance to permit parking on a vacant lot which would satisfy the off street parking requirements for a renovated office building adjoining said vacant lot at 589 N. Water. Councilman Wood noted that Mr. McMurray pays taxes on the property, maintains it and has custody over it in the interests of the property owner. He also noted that the type of anticipated use for the premises will not attract much traffic. It was noted, further, by Councilman Parish, that neither one of these lots are readily adaptable to development in themselves, and that the renovation plus the cleaning up of the lot would be an improvement to the area. It was moved by Councilman Wood, seconded by Parish, that the variance be granted for use of the vacant lot in question to satisfy the off street parking requirements at 589 N. Water Avenue. Roll call as follows; Ayes, 6; No, none; carried.

Preparatory to introducing the Bonneville Power Administration Power Sales Contract the Mayor recognized, in the Council Chambers, Messrs. Robert E. Lee, Acting Area Manger and David Francisco, Area Power Manager, and thanked them for their presence and their interest. The Mayor then proceeded to introduce and present the twenty year Power Sale Contract between the City of Idaho Falls and the Bonneville Power Administration, #14-03-62305, with comprehensive provisions for wholesale purchase of electrical power by the City from that Federal Marketing Agency. Asked for comment, the City Attorney observed that his Department had closely scrutinized the contract and had approved same as to legal form. The City Attorney acknowledged that the contract restricted the City in its electrical activities but that the restrictive provisions were no more onerous than the existing contract. Councilman Nelson registered concern that the contract had not had sufficient publicity. It was noted that there had been several news releases pertaining to it but that said news releases had not informed the public, specifically, that action was contemplated this night.

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Councilman Nelson also registered mixed feelings on the contract, recognizing, on the one hand, its value and benefit to the City from the standpoint of savings and, on the other hand, objecting to the control placed upon the City in the operation of its own system. Councilmember Smith commended the Electrical Division in the background work necessary to produce the finished product evidenced in the contract in question. She also commented to the effect that, in her opinion, the best interest of the City would be served in the 19% savings as provided by the terms of the contract. It was moved by Councilmember Smith, seconded by Erickson, that the contract be accepted, the Mayor and City Clerk be authorized to sign and the Mayor also be authorized to initial certain minor changes appearing in the final draft. Roll call as follows: Ayes, 6; No, none; carried.

License applications for BARTENDER, Marilyn Jan Junk, Patricia A. Lane, Dwaine L. Jenkins, Jack Banks, Lewis W. Talbot, Edna Garner, Bill Craig, Bonnie J. Ralph; ICE CREAM VENDOR, J. E. Fickbolm for Mr. Softie Mobile Unit; MASTER PLUMBER, Dean C. Kirkham Plumbing and Heating; JOURNEYMAN ELECTRICIAN, Charles J. Pendrey, Robert Eugene Brown; PHOTOGRAPHER, Jerry Stark; JOURNEYMAN GAS FITTER, Charles M. Olsen; CLASS C JOURNEYMAN WET HEAT GAS FITTING, Dale Mathews were presented. It was moved by Councilman Freeman, seconded by Erickson, that these licenses be granted, subject to the approval of the appropriate Division Directors. Roll call as follows: Ayes, 6; No, none; carried.

Two City redemption tax deeds were presented in favor of James Warren, accompanied by resolutions as follows:

RESOLUTION (Resolution No. 1966-03)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 15th day of November, 1961, recorded in Book 138 of Deeds at Page 195, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lot Thirty-seven, Block Fifty-one, Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, James Warren has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute, and deliver to the said James Warren a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

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PASSED BY THE COUNCIL this 19th day of May, 1966.

APPROVED BY THE MAYOR this 19th day of May, 1966.

ATTEST: s/ Eddie Pedersen
MAYOR
s/ Roy C. Barnes
CITY CLERK

RESOLUTION (Resolution No. 1966-04)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 16th day of January, 1956, recorded in Book 101 of Deeds at Page 95, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lot Thirty-seven, Block Fifty-one, Highland Park Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

WHEREAS, James Warren has offered to pay to the City of Idaho Falls the sum of \$50.00.

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute, and deliver to the said James Warren a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 19th day of May, 1966.

APPROVED BY THE MAYOR this 19th day of May, 1966.

ATTEST: s/ S. Eddie Pedersen
MAYOR
s/ Roy C. Barnes
CITY CLERK

It was noted that the Council, at a previous informal session, had authorized the Mayor and City Clerk to sign the resolutions and the deeds. It was moved by Councilmember Parish, seconded by Smith, that this informal action of the Council be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

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This memo from the Assistant City Planner was presented and read:

CITY OF IDAHO FALLS
Building & Zoning Division
May 17, 1966

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Subject: Urban Redevelopment Commission

Gentlemen:

In 1965 the Idaho State Legislature passed a law which authorized the establishment of Urban Redevelopment Agencies or Commissions in Idaho cities. Such Commissions are empowered to plan and carry out redevelopment projects and related activities under the direction of the local governing body.

Under Idaho law, before a redevelopment agency can be established in a community, the local governing body must adopt a resolution finding that:

1. One or more deteriorating areas exist in the municipality.
2. The rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.
3. There is a need for a Urban Redevelopment Agency to function in the municipality.

In the first phase of the Idaho Falls Comprehensive Development Plan, which is now completed, the Planning Consultant made a survey of structural conditions in the City and found that, in their opinion, there were at least seven (7) areas in the community that were potential redevelopment areas. The results of this survey are summarized on Pages 16 through 19 of the Development Plan Report.

It is my recommendation that an Urban Redevelopment Agency or Commission be established in Idaho Falls in order to study the community to determine if redevelopment is necessary, and if the need for such action is found, to plan and carry out projects designed to eliminate blight and improve the community.

Respectfully submitted,
s/ John R. Doxey
Assistant City Planner

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It was noted that there was a letter of endorsement from the local Chamber of Commerce on file in this regard. It was moved by Councilmember Wood, seconded by Smith, that this proposal be referred to the Planning Commission for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
Office of the Purchasing Agent
May 17, 1966

One (1) Portable High Extension Foam Unit

Honorable Mayor and Councilmembers:

Tabulation of bids for one (1) portable high expansion foam unit is attached.

Evaluation of bids received show General Fire Equipment Company of Boise, Idaho submitting the low bid of \$1,610.00.

It is the recommendation of the Fire Department and the Purchasing Department that the low bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilmen Erickson, seconded by Freeman, that the low bid of General Fire Equipment Company be accepted as recommended. Roll call as follows; Ayes, 6; No, none; carried.

Next, from the Purchasing Department, this memo was submitted:

City of Idaho Falls
Office of the Purchasing Agent
May 19, 1966

One (1) Rubber Tire End Loader

Honorable Mayor and Councilmembers:

Tabulation of bids for one (1) rubber tire front end loader is attached.

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Evaluation of bids received show Western Road Machinery Company of Idaho Falls submitting the low bid with trade-in of \$17,222.00.

It is the recommendation of the Public Works Division and the Purchasing Department that the low bid with trade-in be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Nelson, seconded by Parish, that the low bid of Western Road Machinery be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

A memo from the Public Works Director was presented and read, as follows:

City of Idaho Falls
Public Works
May 19, 1966

Honorable Mayor and City Council
Donald F. Lloyd
Water Services

Three residents located at Skyline and Market Road have requested water service from the City. In accordance with past practices, and the City Code, we are requesting authorization to provide this water service to these three residents and that the Mayor and City Clerk be authorized to sign water service contracts for these residents.

Respectfully,
s/ Don F. Lloyd

It was moved by Councilman Parish, seconded by Freeman, that the low bid of the Shattuck Agency be accepted as recommended, subject to final checking and approval by the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

From the Fire Chief, this memo was presented:

May 19, 1966

MEMORANDUM

TO: Mayor and City Council
FROM: Les Corcoran, Fire Chief
SUBJECT: TRANSPORTATION OF NEW FIRE ENGINES

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We respectfully request permission to send four Idaho Falls Firemen to the Seagrave Fire Apparatus factory in Clintonville, Wisconsin, to drive our two new fire engines back to Idaho Falls.

All expenses for the trip will be included in the purchase price of the engines and the City will further enjoy a total savings of \$992.00 over the rail freight delivery charges if our men pick them up.

Delivery date is not exactly known at this time but we ask your approval now so immediate arrangements can be made when the engines are ready.

s/ Les Corcoran

It was moved by Councilman Erickson, seconded by Freeman, that this travel authorization be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The Police Chief, acting in the capacity as Chairman of the Traffic Safety Committee, presented this memo through the City Clerk:

CITY OF IDAHO FALLS
Police Division
May 17, 1966

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: LETTER TO DEPARTMENT OF HIGHWAYS

It is suggested that a letter be sent from the office of the Mayor to the Department of Highways, State of Idaho, Rigby, Idaho, regarding the signalization of Yellowstone Avenue.

Since the removal of the independent arrows from the left turn bays on Yellowstone Avenue we have been fortunate in not having more accidents. At present it appears to many, that there is no control when in the left turn bay. This is due to the overhead control signals being over to the right of the lane. Some drivers are making the left turn when the traffic light, to their right, is red. Our officers have issued tickets on this which have in turn been canceled by the Court. The Court is of the opinion the present signals are inadequate.

Our suggestion is to place a light immediately in front of the left turn bay, tied in with the present lights and include a sign "Yield to Oncoming Traffic".

Your consideration of this will be appreciated.

Respectfully submitted:
s/ Robert D. Pollock
Chairman, Traffic Safety Com.

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It was moved by Councilman Erickson, seconded by Freeman, that signs be installed in front of the left turn bays with the wording as indicated and the traffic lights be moved in accordance with the foregoing recommendation. Roll call as follows: Ayes, 6; No, none; carried.

From the Electrical Engineer, the following was presented and read:

May 17, 1966

MEMORANDUM

TO: Mayor and Council
FROM: W. H. Fell
SUBJECT: ELECTRIC DIVISION BID AUTHORIZATION REQUESTS

Authorization for bidding is requested on the following items:

One two-man, 41 ft. articulating aerial bucket unit complete	\$17,500
Two pick-up truck replacements (\$2,000 ea.) (#308 - 1951 - Ford - 62,000 miles - poor condition) (#320 - 1958 - International - 63,000 miles - poor condition)	4,000
Aluminum conductor, hardware, and miscellaneous construction material for new services, system load increases and re-conductor transmission line.	<u>\$40,000</u>
Adequate funds have been budgeted.	Approximately \$61,500

s/ W. H. Fell
Manager, Electric Light Division

It was moved by Councilmember Smith, seconded by Erickson, that authorization be granted to advertise for bids on this electrical material and equipment as indicated. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a five year extension rider to the Union Pacific Railroad Contract, L. & T. #16624, covering a sanitary sewer lift station. It was moved by Councilman Nelson, seconded by Parish, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

An invitation for bids was presented, covering the runway extension project at the municipal airport. It was moved by Councilmember Wood, seconded by Smith, that authorization be granted to publish this legal notice as required by law. Roll call as follows: Ayes, 6; No, none; carried.

An agreement was presented between the City and the International Brotherhood of Electrical Workers covering working terms and conditions of the unionized electrical workers from May 12, 1966 to May 7, 1967. It was moved by Councilmember Smith, seconded by Erickson, that the Mayor be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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A final plat was presented on the Cambridge Terrace Park Addition. It was moved by Councilmember Wood, seconded by Smith, that the plot be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows; Ayes, 6; No, none; carried.

These two claims for damages were presented and read:

CLAIM FOR DAMAGES

TO: MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, and to HENRY C. ISENHART, an individual

You and each of you will please take notice that:

Pursuant to Section 50-162 Idaho Code, claimant Boss Elg, whose true name is Elmer G. Elg, of Idaho Falls, Idaho, hereby presents and files his claim for damages against the City of Idaho Falls, Idaho, and Henry C. Isenhardt, as follows:

On October 28, 1965, the City of Idaho Falls acting through its employee, agent and plumbing inspector Henry C. Isenhardt, falsely arrested claimant Boss Elg and Henry C. Isenhardt falsely signed a criminal complaint against claimant Boss Elg, as a result of which false arrest and false imprisonment claimant suffered damages as hereinafter set forth.

The time, place, character and cause of the damages are as follows:

At about 7:30 p.m. of said day, claimant was lawfully sitting in his own home when he was informed that Henry C. Isenhardt, of the City of Idaho Falls plumbing department, had sworn out a criminal complaint against him, and not desiring to be further embarrassed, went to the Idaho Falls police station to see what it was all about, where he was then and there falsely arrested on a false charge of doing plumbing work, and was then and there handed a warrant of arrest and criminal complaint. That claimant was refused the privilege of leaving the police station until he posted a \$50.00 case bail bond; that claimant did then and there furnish a cash bail bond in the sum of \$50.00 which was held by the City of Idaho Falls, Idaho.

That claimant had not committed or attempted to commit any public offense of any kind, and there was no reasonable grounds to believe claimant had committed any public offense whatever.

That at the trial, hereinafter referred to, Henry C. Isenhardt and Duane McCracken both testified under oath that Boss Elg did not do any plumbing work at said time and place whatsoever.

That said Henry C. Isenhardt was at all times acting for and on behalf of the City of Idaho Falls, Idaho, and as its plumbing inspector and accomplished the false arrest and false imprisonment under "color of authority" as an agent of said City but not as a police officer, but was the

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instigator of the false arrest, signed the criminal complaint and pushed the case to trial with malice and vigor.

The claimant was an industrious resident of Idaho Falls, Idaho enjoying a good reputation as a "law abiding" citizen when such false arrest and false imprisonment were perpetrated upon him and said arrest and imprisonment were deeply humiliating and degrading to claimant, and subjected him to ridicule, embarrassment and disgrace, and unlawfully deprived him of his freedom and liberty and defamed and depreciated his good name and reputation, all to claimant's general damage in the amount of \$6,000.00.

That claimant necessarily had to obtain legal services from his attorney at law, A.A. Merrill, of Idaho Falls, Idaho, for defending him before a jury against said false charges and that claimant has obligated himself to pay \$250.00 therefore.

That claimant has lost time from his work in making preparations to defend himself against the said false charges and lost thereby an additional \$50.00 all to his special damages in the total sum of \$300.00.

That claimant was tried of said false, alleged crime, before a jury on the 28th day of April, 1966; that after a full day's trial the jury deliberated only about 30 minutes and brought in its verdict of not guilty, whereupon claimant was discharged of any charge filed against him by the said Isenhart.

That at all times herein mentioned, the City of Idaho Falls, was the holder of a public liability policy of insurance No. QLP-10-30-83, issued to it by Queen's Insurance Company of America, insuring the City against loss not exceeding \$100,000.00, arising from any false arrest or false imprisonment perpetrated by any of its agents, including Henry C. Isenhart, and that said City has waived its sovereign immunity as to such claims including this one, not exceeding the amount of said policy, all pursuant to the provisions of Section 41-3504 and 41-3505 Idaho Code.

WHEREFORE, Claimant makes his claim herein against the City of Idaho Falls, Idaho and Henry C. Isenhart in the amount of \$6,300.00.

s/ Elmer Elg
s/ A.A. Merrill
Attorney for Claimant
Idaho Falls, Idaho

Received this 13th day of May, 1966.

s/ Roy C. Barnes
City Clerk

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CLAIM FOR DAMAGES

TO: MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AND to Henry C. Isenhart, an individual.

You and each of you will please take notice, that:

Pursuant to Section 50-162 Idaho Code, claimant Eddie R. Hill of Idaho Falls, Idaho hereby presents and files his claim for damages against the City of Idaho Falls, Idaho, and Henry C. Isenhart, as follows:

On October 28th, 1965, the City of Idaho Falls acting through its employee, agent and plumbing inspector Henry C. Isenhart, falsely arrested claimant Eddie R. Hill, and Henry C. Isenhart falsely signed a criminal complaint against claimant Eddie R. Hill and caused him to be lodged in jail for three hours with other prisoners, and he was refused the right to the use of a telephone, to call his wife, his employer or his attorney, as a result of which false arrest and false imprisonment claimant suffered damages as herein after set forth.

The time, place, character and cause of the damages are as follows:

At about 7:30 P.M., of said day, claimant was lawfully sitting in his own home when he was informed that Henry C. Isenhart, of the City of Idaho Falls plumbing department, had sworn out a criminal complaint against him, and not desiring to be further embarrassed, went to the Idaho Falls police station to see what it was all about, where he was then and there falsely arrested on a false charge of doing plumbing work, and was then and there handed a warrant of arrest and criminal complaint. That claimant was refused the privilege of leaving the police station until he posted a \$50.00 case bail bond; that claimant did then and there furnish a cash bail bond in the sum of \$50.00 which was held by the City of Idaho Falls, Idaho.

That claimant had not committed or attempted to commit any public offense of any kind, and there was no reasonable grounds to believe claimant had committed any public offense whatever.

That at the trial, hereinafter referred to, Henry C. Isenhart and Duane McCracken both testified under oath that Eddie R. Hill did not do any plumbing work at said time and place whatsoever.

That said Henry C. Isenhart was at all times acting for and on behalf of the City of Idaho Falls, Idaho, and as its plumbing inspector and accomplished the false arrest and false imprisonment under "color of authority" as an agent of said City but not as a police officer, but was the instigator of the false arrest, signed the criminal complaint and pushed the case to trial with malice and vigor.

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The claimant was an industrious resident of Idaho Falls, Idaho enjoying a good reputation as a "law abiding" citizen when such false arrest and false imprisonment were perpetrated upon him and said arrest and imprisonment were deeply humiliating and degrading to claimant, and subjected him to ridicule, embarrassment and disgrace, and unlawfully deprived him of his freedom and liberty and defamed and depreciated his good name and reputation, all to claimant's general damage in the amount of \$6,000.00.

That claimant necessarily had to obtain legal services from his attorney at law, A.A. Merrill, of Idaho Falls, Idaho, for defending him before a jury against said false charges and that claimant has obligated himself to pay \$250.00 therefore.

That claimant has lost time from his work in making preparations to defend himself against the said false charges and lost thereby an additional \$50.00 all to his special damages in the total sum of \$300.00.

That claimant was tried of said false, alleged crime, before a jury on the 28th day of April, 1966; that after a full day's trial the jury deliberated only about 30 minutes and brought in its verdict of not guilty, whereupon claimant was discharged of any charge filed against him by the said Isenhart.

That at all times herein mentioned, the City of Idaho Falls, was the holder of a public liability policy of insurance No. QLP-10-30-83, issued to it by Queen's Insurance Company of America, insuring the City against loss not exceeding \$100,000.00, arising from any false arrest or false imprisonment perpetrated by any of its agents, including Henry C. Isenhart, and that said City has waived its sovereign immunity as to such claims including this one, not exceeding the amount of said policy, all pursuant to the provisions of Section 41-3504 and 41-3505 Idaho Code.

WHEREFORE, Claimant makes his claim herein against the City of Idaho Falls, Idaho and Henry C. Isenhart in the amount of \$6,300.00.

s/ Eddie R. Hill
s/ A.A. Merrill
Attorney for Claimant
Idaho Falls, Idaho

Received this 13th day of May, 1966.

s/ Roy C. Barnes
City Clerk

It was moved by Councilman Parish, seconded by Erickson, that these be referred to the City Insurance Adjustor for investigation. Roll call as follows: Ayes, 6; No, none; carried.

MAY 19, 1966

This letter was presented and read by the City Clerk:

May 17, 1966

Mayor S. Eddie Pedersen
City Hall
Idaho Falls, Idaho

Dear Mayor Pedersen:

I have the rather unhappy task of informing you of my resignation from the staff of the City of Idaho Falls effective June 3, 1966, in order to accept the position of Associate Planner with the Planning Department of the City of Modesto, California.

Although in many ways I hate to leave Idaho Falls, the position offered me in Modesto represents another step up the ladder in the Planning "hierarchy" at a substantial increase in salary, and I feel that I must accept this position.

In my stay here, I hope that I have helped to lay the foundation for instituting a comprehensive planning program that will be of benefit to the City of Idaho Falls in the years to come.

Sincerely,
s/ John R. Doxey
Assistant City Planner

The Mayor accepted the resignation with regret. Appreciation was expressed by the Mayor and several Councilmembers for the services rendered by Mr. Doxey in the creation and establishment of a Planning Department for the City.

The Mayor drew attention to a heroic deed by Mr. Don Jesperson of Ammon, Idaho some time ago when, without thought for personal safety, he came to the rescue of a City employee who was being attacked and mangled by a Kinkajou, commonly known as a Honey Bear, at the City Zoo. It was moved by Councilman Freeman, seconded by Nelson, that the City Clerk be directed to prepare a letter of commendation to Mr. Jesperson, to be signed by the Mayor and all Councilmembers. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor noted that the Chairman of the Library Board had recommended that the Masonic Lodge be appraised. It was moved by Councilmember Parish, seconded by Smith, that the Mayor be authorized to select an appraiser and proceed with an independent appraisal of this property, as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo was presented from the Police Chief, acting in the capacity of Chairman of the Traffic Safety Committee:

MAY 19, 1966

CITY OF IDAHO FALLS
Police Division
May 17, 1966

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: RECOMMEND CHANGE "F" STREET AND PARK AVENUE

It is herein suggested that your consideration be given to a resolution to execute change in the present traffic pattern at "F" Street and Park Avenue.

This Committee is of the opinion that "F" Street should be made the thru street to Memorial with a STOP for the south bound traffic on Park Avenue.

Respectfully submitted,
s/ Robert D. Pollock
Traffic Safety Committee
Chairman

It was moved by Councilman Freeman, seconded by Nelson, that this change be approved, effective June 1st. Roll call as follows: Ayes, 6; No, none; carried. Councilman Parish emphasized the need, in changes of this nature, to fully acquaint the traveling public through the medium of signs.

Submitted from the Police Judge was the following:

CITY OF IDAHO FALLS
Office of the Municipal Court
May 18, 1966

Mr. Arthur L. Smith
City Attorney
Rogers Annex Building
Idaho Falls, Idaho

Dear Mr. Smith:

By means of this letter I am making the request that you give consideration to the amending of Section 2-3-2 of the City Code of the City of Idaho Falls.

In this section it is provided that a jury in the Municipal Court must be composed of "six (6) competent men." The Idaho Code provides that juries may be composed of persons, which term includes women.

MAY 19, 1966

I would like to see the City Code amended to provide that juries in the Municipal Court shall be composed of six persons. This will make it easier to obtain the services of jurors.

With kindest personal regards:

Yours very truly,
s/ Bill
WILLIAM W. BLACK, JUDGE

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

Reference is made to Page 395 in this Book of Minutes and, more specifically, a recommendation that a driver's kit be purchased in the amount of \$220.00. It was noted that this was referred to the Fiscal Committee at that time to determine the source and availability of funds. Police Chief Pollock appeared and asked whether or not the Council was now in a position to arrive at a decision on the matter. It was moved by Councilman Erickson, seconded by Freeman, that the driver's kit be purchased and the source of funds be derived by charging the department or departments receiving benefits through driving training. Roll call as follows: Ayes, 6; No, none; carried.

Assistant City Engineer Laird introduced the subject on the Comprehensive Transportation study. He explained that a cooperative transportation planning agreement was forthcoming from the State Department of Highways, which would meet minimum standards as required by the Bureau of Public Roads for such a transportation study, technically referred to as a simulated methodology, local cost of which would be in the amount of \$26,000, one third of the total study cost. The Mayor reported that the Bonneville County Commissioners had recently advised him that their share of the above mentioned local cost must be limited to \$2,500, the amount that could legally be authorized without public bidding. It was noted that the City did not have sufficient budgeted funds to cover the difference. It was moved by Councilman Freeman, seconded by Parish that, even though the Council was of the opinion that this transportation study would be worthwhile and of value, there be no City participation at this time due, only, to the lack of budgeted funds. Roll call as follows: Ayes, 6; No, none; carried. It was noted and acknowledged that the second phase of the "701" Planning Project will offer some minimal phases of benefits which would otherwise be provided by the aforementioned proposed transportation study.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
