

OCTOBER 21, 1965

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Regular Meeting on Thursday, the 21st day of October, 1965, at the hour of 7:30 P.M. at the City Council Chambers in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said Meeting having been given as required by law and the rules and ordinances of the City.

On roll call the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilmen Karl G. Page, Jim R. Freeman, Gordon L. Nelson, Dale D. Parish, Roy J. Keller. Absent: Councilman Philip C. Leahy. Also present: Roy C. Barnes, City Clerk; Robert Fanning, representing the City Attorney firm of Albaugh, Bloem, Smith and Pike; Don Lloyd, Public Works Director; John Doxey, Assistant City Planner; William Fell, Electrical Engineer.

Minutes of the last Regular Meeting, held October 7, 1965, were read and approved.

The Mayor acknowledged the presence of two candidates for Councilmen in the Council Chambers; Messrs. Mel Erickson and David King, and thanked them for their presence and interest.

The Mayor announced that this was the time and the place for reconvening a portion of a recessed zoning hearing, covering the Sacred Heart petition for rezoning. In this connection the following was presented:

City of Idaho Falls
Office of the City Clerk
10/21/65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

It will be remembered that a portion of a recent zoning hearing having to do with the rezoning petition of the Sacred Heart Hospital, was recessed until November 18th, 1965, for the reason that they have not yet received the architect's drawings for presentation to and consideration of the Planning Commission.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Nelson, seconded by Parish, that this hearing be further recessed to the date as indicated. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Tom Ogawa, 570 N. Wabash, appeared before the Council and asked whether or not North Wabash would be paved within the predictable future. The Mayor informed him that the street was not included in the recently formed street improvement district. He was told that he should circulate a petition of interested property owners for inclusion in the next paving district. Mr. Ogawa then asked that North Wabash, particularly between Garfield and Elva, be more closely patrolled for speeding traffic and recommended more stop signs. This was referred to Councilman Freeman for study and correction.

OCTOBER 21, 1965

The Mayor reported that the Manager of Albertsons on First Street had commended the Fire Department on the manner in which a recent fire was extinguished and also the clean up job.

Mr. Cecil Flint, Chairman of the Youth Advisory Committee, appeared before the Council and with the endorsement of the Mayor, proposed the creation of a Community Action Committee. It was noted by Mr. Flint that Federal funds for civic projects are more likely to be made available if application is made from a unified source. Mr. Flint also noted that more progress can be made with civic organizations working together than in competition, so to speak, one with the other. It was moved by Councilman Freeman, seconded by Keller, that the Mayor be authorized to formulate such a committee, select its members and outline its functions, all of this to be subject to Council consideration and approval. Roll call as follows: Ayes, 5; No, none; carried.

License applications for BARTENDER, J. W. Banks; ELECTRICAL APPRENTICE, Robert M. Sperry, previously approved by the Electrical Inspector, and James B. England, previously approved by the Electrical Inspector, were presented. It was moved by Councilman Freeman, seconded by Keller, that these licenses be granted. Roll call as follows: Ayes, 5; No, none; carried.

License applications for ROOMING HOUSE, change of ownership only, Lois Carlson for Rialto Rooms, and PHOTOGRAPHER, previously approved by the Chief of Police, Paul Cartwright were presented. It was moved by Councilman Freeman, seconded by Page, that these licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk then presented an itinerant photographers' license application in the name of The Austin, Fox and Perfect Portrait Studios. This was accompanied by a recommendation from the Police Department that the license be denied, based upon information contained in the files relative to that company's operations and activities, as well as a similar recommendation from the Chamber of Commerce and the Prosecuting Attorney. It was moved by Councilman Page, seconded by Freeman, that the recommendation be upheld and the license be denied. Roll call as follows: Ayes, 5; No, none; carried.

Reference was made to Page 292 in this Book of Minutes and a letter from Mr. Max Parrish, Pocatello Attorney, in which is submitted a Palmistry license application in behalf of his client, Mr. Bob Ephrem, accompanied by a check in the amount of \$100.00, requesting that the Idaho Falls Code be waived and that, for said fee, the Council grant his client a license for three months to practice palmistry. This was referred to the City Attorney and following is his legal opinion in this regard:

City of Idaho Falls
Office of City Attorney
October 19, 1965

S. Eddie Pedersen, Mayor
City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho

Re: Application of Mr. Ephrem through Attorney Max F. Parrish for Palmistry Permit

Dear Mayor Pedersen:

OCTOBER 21, 1965

At the last Council Meeting, this office was instructed to study the application of Mr. Ephrem for a Palmistry Permit and to comment upon the lawfulness of our fee schedule concerning this type of permit.

Ordinance No. 5-1-10 provides that applicants for licenses to carry on the activity of revealing the past and future to clients, including persons who read palms, shall pay a license fee of \$10.00 per day for carrying on the activity within the City. This Ordinance has been in force for two or three decades in this community and it has never been tested in the courts.

A City may not charge a license fee which is disproportionate to the actual contemplated expense of policing, supervising, and licensing the particular activity in question. In other types of licensing, the Supreme Court has held that any excess in the fee over and above the anticipated cost of administering the activity would be a tax, and this is forbidden to municipalities. However, persons who set up business to fore-tell the past or the future immediately create a problem in any City. These activities are exceedingly difficult to police, and fraud and over-reaching are frequent incidents of this type of activity. Unfortunately, there are many persons engaged in this type of "fortune telling" who take advantage of the bereaved and gullible in any community. I think it would be expected that if we set a low fee for these activities that any "fortune tellers" would set up business in Idaho Falls. The police work and detective work in this area would be greatly increased with much increased cost to the City. This, at least, is the reason for the high fee, and the reason is based upon some considerable experience throughout the United States.

It would definitely be the opinion of this office that \$10.00 a day is not an unreasonable fee to charge for this type of activity in view of the possible, and probable, increased expense which might well accrue to the City. This office would advise that no change be made in the fee schedule. Of course, it is fully within the discretion of the City Council to review this fee and to amend it if it sees fit to do so.

Sincerely,
s/ A. L. Smith
A. L. Smith

After some discussion it was moved by Councilman Nelson, seconded by Parish, that the City Code be not waived but that this license be granted for a period of ten operating days if the applicant were to so elect, subject to investigation and approval by the Police Chief. Roll call as follows: Ayes, 5; No, none; carried.

In view of the contents and substance of the foregoing legal opinion, Councilman Page proposed, with general Council approval, that the City Attorney submit another legal opinion as to whether or not the City Code should be amended to entirely forbid this issuance of licenses of this nature.

This memo from the Purchasing Department was presented:

OCTOBER 21, 1965

City of Idaho Falls
Office of the Purchasing Agent
October 21, 1965

One (1) Cab and Chassis
Aerial Tower & Truck Service Body

Honorable Mayor and Councilmembers:

Tabulations for bids received show Ellsworth Brothers Inc. from Idaho Falls, submitting the low bid for Cab and Chassis of \$3,618.00, and W. H. Pingree Company from Salt Lake City, submitting the low bid for Aerial Tower and Truck Service Body of \$9,108.00, for a total unit price of \$12,718.00.

Funds were budgeted in 1965 for this in Account 4530-54.

It is the recommendation of the Electric Light Division and the Purchasing Department that the low bids of the two above firms be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Keller, seconded by Freeman, that the two low bids be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the City Clerk was presented and read:

City of Idaho Falls
Office of the City Clerk
10-21-65

To The Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Since automation has taken over in the office of the City Clerk, there is certain well preserved, useful equipment which is drawing dust; namely, a National cash register billing machine, purchased in 1961 for approximately \$7,500 and a complete complex of addressograph equipment, purchased the same year, for approximately \$8,000.

There is a very limited market of items of this nature. We have not advertised for their sale but, by word of mouth, it has been learned by some interested prospects that they are available

OCTOBER 21, 1965

and, as a result, we are holding two informal unsealed written bids on the addressograph equipment.

Perhaps it is presumptuous on our part to assume only a limited buying interest. Whether or not this is the case, it has been suggested by the Mayor that our only safe course of procedure is to advertise for sealed bids. If the Council so elects, this memo is for the purpose of receiving authorization to publish legal notice. If it is decided that sealed bids are not necessary, then the City Clerk is prepared to reveal the bids already received to determine whether or not the high bid be accepted.

Your decision on this matter is requested.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved Councilman Parish, seconded by Keller, that the City Clerk be authorized to advertise for sealed bids on the used office equipment as described. Roll call as follows: Ayes, 5; No, none; carried.

Presented from the Electrical Engineer was the following memo:

October 21, 1965

TO: Mayor and City Council
FROM: W. H. Fell, Director, Electrical Light Division
SUBJECT: RECOMMENDATIONS FOR BID AWARD FOR ELECTRICAL DIVISION
OFFICE IS ANNEX BUILDING

Gentlemen:

It is the recommendation of the Architect, Larry Matson, and the Electric Division that a bid award be made to the low bidder, Heyrend Construction Company, in the amount of \$28,868.

Following are the bids received:

Heyrend Construction Company	\$28,868.00 with 80 days completion time
Clarks Brothers Construction Co.	\$35,253.00 with 120 days completion time
Architects Estimate	\$25,000 - \$30,000

Attached is a copy of the Architects letter.

s/ W. H. Fell

OCTOBER 21, 1965

It was moved by Councilman Keller, seconded by Nelson, that the low bid of Heyrend Construction Company be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Public Works Director was read:

City of Idaho Falls
Public Works
10-21-65

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: 17TH STREET WATER MAIN

We are submitting herewith a drawing showing a proposed 12" water main located on 17th Street lying east of Woodruff Avenue. Also, attached for your review are water service contracts which have been signed by adjacent property owners.

Conforming to past Council policy, the individual property owners responsibility is for the payment of an 8" pipe and the City has assumed the cost beyond that size. The attached summary sheet shows a breakdown of the cost of the reimbursements expected.

The Public Works Committee has reviewed this proposal and recommended that it be installed by the City Water Department rather than by contract. We would therefore recommend that the City authorize this project to be installed and that the Public Works Division be authorized to submit the requisition for the necessary materials.

Respectfully submitted,
s/ Donald F. Lloyd
Public Works Director

Lloyd appeared before the Council and explained that contrary to the memo, one property owner had not signed a service contract and that another property owner was being served by an existing water line. It was moved by Councilman Keller, seconded by Nelson, that installation of the water line be approved under the conditions as described, subject to the one property owner signing a service contract. Roll call as follows: Ayes, 5; No, none; carried. The City Attorney was directed to determine the legality of the existing water service as afore mentioned.

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

City of Idaho Falls
Public Works
10-21-65

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: HAPPYVILLE

OCTOBER 21, 1965

On September 9, 1965, the Council referred a request for annexation of a portion of Happyville to the Public Works Committee for review and recommendation. The Committee discussed the problem with the City Planner and requested that the Planning Commission consider the proposition. At their last meeting, the City Planning Commission rejected the proposal for a one block annexation but recommended to the Council instead that the entire area of Happyville be annexed to the City.

The Public Works Committee has considered the problem in some detail and concedes that a course of annexation appears to be the only reasonable approach. However, the Committee further feels that in order to minimize conflicts, it would be highly desirable that an official plat be prepared to facilitate annexation. We are therefore requesting that the Mayor be authorized to request the County to order an official plat of the area.

Respectfully submitted,
s/ Donald F. Lloyd, P.E.
Public Works Director

It was moved by Councilman Nelson, seconded by Parish, that the Mayor be authorized to request from the County an official plat of the area in question. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director, the following was read:

City of Idaho Falls
Public Works Division
October 21, 1965

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Gentlemen:

Mr. David Simmons, a draftsman in the Engineering Department, has asked that he be granted an educational leave for twelve (12) months effective October 23, 1965.

Mr. Simmons has been employed by the City Engineering Department since March 1, 1962, and has proven to be an asset to the Department and we would expect to re-employ him at the end of this leave.

We would, therefore, recommend that he be granted an educational leave in accordance with Paragraph 22 in the Personnel Policy.

Respectfully submitted,
s/ Donald F. Lloyd, P.E.
Public Works Director

OCTOBER 21, 1965

It was moved by Councilman Keller, seconded by Nelson, that permission be granted for the educational leave as requested and recommended. Roll call as follows: Ayes, 5; No, none; carried.

This memo through the City Clerk was submitted:

Harold E. Collard
755 Ninth Street
Idaho Falls, Idaho
October 20, 1965

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

Gentlemen:

On October 19, 1965, bids were opened for Phase 1 of Well No. 11. The work bid under this project includes the concrete reservoir, attached pump house with imbedded piping and conduit as defined by the contract documents. The results of this bidding were as follows:

Wadsworth Construction Co.	\$41,450.00
Ormond Construction Co.	\$45,950.00
Clark Brothers Construction Co.	\$53,620.00
Aiman Construction Co.	\$54,938.00

In my recommendation that a contract in the amount of Forty-One Thousand Four Hundred Fifty Dollars (\$41,450.00) be awarded to Wadsworth Construction Company.

Yours truly,
s/ Harold E. Collard

It was moved by Councilman Keller, seconded by Nelson, that the low bid of Wadsworth Construction Company be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

From the Assistant City Planner, the following was submitted:

City of Idaho Falls
October 21, 1965

MEMO TO: MAYOR AND CITY COUNCIL

Gentlemen:

As requested by the City Council, the Planning Commission studied the proposal by Mr. Arland Rasmussen, to construct instructional swimming pools in an R-3A zone.

OCTOBER 21, 1965

Although this type of swimming pool is not one of the specifically permitted uses in this zone, the Commission feels that this type of use is similar in nature to those uses specifically permitted, and that it should be allowed in an R-3A zone.

The Commission did request, however, that special consideration be given by Mr. Rasmussen to parking, lighting, and safety problems that may be encountered in developments of this nature.

Respectfully,
s/ John R. Doxey
Assistant City Planner

It was moved by Councilman Page, seconded by Nelson, that the Council approve inclusion of in structural swimming pools for permitted uses in an R-3A zone with the understanding that the Building Official, at the time a building permit is requested, work out mutually satisfactory arrangements in parking, lighting and safety. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the Assistant City Planner, this memo was considered:

City of Idaho Falls
October 21, 1965

MEMO TO: MAYOR AND CITY COUNCIL

Gentlemen:

At its meeting on October 12, 1965, the Planning Commission acted upon a proposal to change the required building setback on Woodruff Avenue, in Kelsey Estates, Division #3, from fifty feet (50') to thirty-five feet (35').

Because the Commission felt that no additional right-of-way would be needed for developing Woodruff Avenue in the Future, it voted to recommend to the Mayor and Council that this request to change the setback requirements from fifty feet (50') to thirty-five feet (35') be granted.

Respectfully,
s/ John R. Doxey
Assistant City Planner

It was moved by Councilman Parish, seconded by Keller, that the setback on the portion of Woodruff Avenue as indicated be permitted as described. Roll call as follows: Ayes, 5; No, none; carried.

The Assistant City Planner then presented a final plat of Garfield Estates, Division #2, accompanied by the following memo of recommendation.

OCTOBER 21, 1965

City of Idaho Falls
October 21, 1965

MEMO TO: MAYOR AND CITY COUNCIL

Gentlemen:

At its meeting on October 12, 1965, the Planning Commission approved the final plat for Garfield Estates, Division #2.

This plat is located north of Garfield Street and east of the unimproved portion of Fanning Avenue.

The Commission recommended that the Mayor and City Council approve this plat, subject to the recommendations of the Engineering Department.

Respectfully,
s/ John R. Doxey
Assistant City Planner

It was moved by Councilman Nelson, seconded by Keller, that the plat be approved and the Mayor and City Clerk be authorized to sign, subject to final checking by the Engineering Department. Roll call as follows: Ayes, 5; No, none; carried.

This legal opinion from the City Attorney was presented:

City of Idaho Falls
Office of the City Attorney
October 18, 1965

S. Eddie Pedersen, Mayor
City of Idaho Falls
Idaho Falls, Idaho

RE: KITE RAMBLER SALES CONCERNING SIGN AT AIRPORT

Dear Mayor Pedersen:

At the last Council Meeting I was asked to review the contracts of the City with two concessionaires who rent space at the airport as a transport service to the public. I checked these contracts and I also ascertained that the City has also leased small spaces to other entities for direct-line telephones. Two contracts or lease agreements with the concessionaires who furnish on site transportation service at the airport both make plain that the rights granted therein are not exclusive. Of course, since our airport received Federal Funds no concessionaire may be exclusive.

OCTOBER 21, 1965

The request of Kite Rambler Sales is that it be granted the right to put up a sign informing the public that transportation is available through Kite Rambler. I cannot believe that the granting of this sign right would, in anyway, invalidate or harm the two concessionaires, except that it would create some competition.

This whole matter is complicated enough that it seems important to me that Kite Rambler Sales should meet with you and myself, and probably Pete Hill, and maybe a Councilmember to thrash this out.

Sincerely yours,
A. L. Smith
Office of the City Attorney

Councilman Nelson reported that a meeting as suggested by the Attorney had been held. At that time it was learned that Mr. Kite had amended his request to include telephone space but that he had also requested that the entire matter be tabled for the time being. It was moved by Councilman Nelson, seconded by Keller, that the request for tabling be honored. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
Office of the Purchasing Agent
October 21, 1965

Golf Course Fence

Honorable Mayor and Councilmembers:

Tabulation of bids for Golf Course is attached.

Evaluation of bids received show the Mart, from Idaho Falls, submitting the low bid of \$3,614.32.

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

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was explained by Councilman Freeman that there was only \$3,000.00 budgeted and that the low bidder had agreed to install only enough fence not to exceed that budgeted amount. It was moved Councilman Freeman, seconded by Page, that the low bid be accepted under those conditions plus a

similar arrangement and understanding providing more lava rock than anticipated was encountered. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk drew attention to the need for a public hearing to consider the zoning or rezoning of certain areas. It was moved by Councilman Page, seconded by Parish, that said hearing be scheduled for November 9, 1965 and the City Clerk be authorized to publish notice accordingly. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor introduced the subject of the City Garage. He said that in his opinion, endorsed by the Public Works Director and the Street Superintendent, this building is poorly located with inadequate facilities. The Mayor proposed its sale with the understanding that proceeds could be used for another garage better adapted to City use. It was moved by Councilman Nelson, seconded by Keller, that the Mayor be authorized to appoint an appraiser and proceed to appraise the premises, to be reflected back to the Council for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Page introduced the following resolution in writing and moved its adoption:

RESOLUTION (Resolution No. 1965-24)

“WHEREAS, the City Engineer and the Committee on Streets of the City Council have made out an Assessment Roll for Local Improvement District No. 35, according to the provisions of Section 50-2915, Idaho Code, and the provisions of Ordinance No. 1152, and have certified the same to the Council as provided by law;

NOW, THEREFORE, BE IT RESOLVED:

That Thursday, the 18th day of November, 1965, at 7:30 o’clock P.M. of said day at the Council Chambers in the City Building in the City of Idaho Falls, Idaho, be, and the same hereby are appointed and fixed as the time and place when and where objections to said Assessment Roll by the property owners in said District shall be heard, and that said Assessment Roll be filed in the office of the City Clerk.”

Councilman Parish seconded by adoption of said Resolution and the same, on being put to a vote, was unanimously carried by the affirmative vote of all Councilmen present. The Councilmen being as follows: Councilmen Page, Freeman, Nelson, Parish, and Keller, Absent: Councilman Leahy.

s/ Roy C. Barnes
City Clerk

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
