

OCTOBER 7, 1965

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Regular Meeting on Thursday the 7th day of October, 1965, at the hour of 7:30 P.M. at the City Council Chambers in the City Hall 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. There were present at this Meeting: Mayor S. Eddie Pedersen; Councilmen Keller, Leahy, Nelson, Page, Parish, Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; William Fell, Electrical Engineer.

Minutes of the last Recessed, Regular Meeting, held September 23rd, 1965 were read and approved.

The Mayor announced that this was the time and the place for a public hearing as advertised for the zoning or rezoning of certain areas. First to be considered, were lots and blocks in Rose Nielson Addition, Division #1. There were no protests. It was moved by Councilman Nelson, seconded by Parish, that Lots 5, 6, 7 and 8, Block 2; Lots 3, 5, 6, 7, 8, 9 and 10, Block 3; and Lots 2, 3 and 4, Block 4; be zoned R-1 and Lots 1, 2, and 3, Block 1, Lots 1, 2, 3 and 4, Block 2, Lots 1, 2 and 4, Block 3 and Lots 1, Block 4; be zoned R-2. Roll call as follows: Ayes, 6; No, none; carried.

Next to be considered for initial zoning was the Home Ranch Addition, Division #3. No one appeared for purposes of protesting. It was moved by Councilman Page, seconded by Freeman, that all lots and blocks within the Division be zoned RPA. Roll call as follows: Ayes, 6; No, none; carried.

A petition was presented for the rezoning of the William Hatch property, located north of Grandview and east of Skyline. In this connection, the following memo was presented:

City of Idaho Falls
Office of the City Clerk
10/7/65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

It will be noted that certain west side property owned by William R. Hatch had been advertised for rezoning this night.

Please be advised that a request has been made by Mr. George Petersen, Attorney for Mr. Hatch, that this portion of this zoning hearing be recessed until November 9th, 1965. Your approval is requested accordingly.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

Mr. Lloyd, 1525 Claire View Lane, appeared before the Council and protested the fact that the petitioner or his agent, even though he seeks rezoning, has repeatedly asked for extension of time which results in an imposition for nearby residents who feel obliged to appear each time a notice

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is published. It was moved by Councilman Parish, seconded by Nelson, that the portion of the zoning hearing would be conducted on the date as indicated or that he would be personally notified of any change.

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.

Mr. Val Rupeiks of the Planning Consultant firm of Clark, Coleman & Rupeiks appeared before the Council to submit a progress report on the 701 planning project which his firm is conducting for this City. He explained that business questionnaires were presented and distributed to all retail and other selected establishments in the planning area and of these, 33% have been completed and returned. He pointed out that the retailers study has been conducted by John Doxy, Assistant City Planner, and that the parking study is being administered by six employed parties, working 8 hours a day.

Rupeiks first referred to a detailed land use survey map, in conformity with Bureau of Public Roads new land use categories. He said this should serve as a land use guide for the next two to three decades, providing it is properly used, revised and amended as the occasion arises, which would fall into the sphere of responsibility of the City's Planner. He noted that this map covered an area of approximately 81 square miles which incorporates only the City and the immediate outlying area. His next exhibit was a dwelling unit distribution map. He noted that even now, prior to known results of present population, a trend is developing toward multi-unit uses. Next, a structural map was shown. He advised that this was a product of a non-engineering exterior condition survey. He said that structural deficiencies are apparent in this area, especially in the north and south sections of the City but that, as a whole, structures are in good condition. He then presented a map which, will eventually reveal how much land has been used since 1957. He said when the study is completed it will also show to what use the land has been made. By chart covering the entire trading region, he compared areas for acquiring primary goods, secondary goods and convenience goods. He said the objective of this study was to determine how much trade is being drawn in each category, areas that are both over and under developed; areas that would best be suited for future development in each category.

Generally speaking he said his study to date, has revealed that rentals are in line, limited progress is being made toward up-grading structures and that the business levels pertaining to sales is satisfactory. Sales per square foot and per employee are high compared to other comparable cities. He pointed out that very few downtown retailers would want to move. Of those who had complaints, Rupeiks noted that they were for such reasons as insufficient parking, poor appearance and location, high taxes, etc. He said his parking study, when completed, should show the effectiveness of existing parking areas, the need for other parking areas and their most effective location and, otherwise, the supply and demand factors pertaining to parking. He pointed out that there would be a study next spring relative to origin and destination of traffic in which the State has offered to participate. He said that this study would concentrate on such problems as needed arterials, width of streets, bottleneck areas etc. He said the working relationship with the State is not known at this time. He concluded by saying that his study at this premature time is only a preface to

offering solutions but that, when completed, would provide a development plan which should eliminate, to a great degree, the guess work in future community development.

Chamber of Commerce Secretary, Bob Steiling, asked if the density studies were included in the distribution areas and was answered in the affirmative. Planning Commission Chairman

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Howard Nobel, asked if this study would be helpful in determining a high school site and was answered in the negative. Paul Ahlstrom, past President and Board of Director Member of the Chamber of Commerce, asked when the population study would be completed. Rupeiks explained that this would be part of phase two and would be a few months away. This completed the report, the questions and answers. The Mayor thanked Mr. Rupeiks for his appearance and this progress report.

Mr. Ed Strobel appeared before the Council in the interest of his Grandmother, Florence Rees and, more specifically, pertaining to her property at 1130 Jackson Drive. Strobel reminded the Council that an agreement had been entered into between the City and Mrs. Rees, whereby the City would take certain property owned by Mrs. Rees for the purpose of rounding the intersection at Elmore and Jackson Drive and in exchange, she would receive certain City owned property, adjacent to her residential property, with the understanding that an underground sprinkling system and lawn be furnished. The Mayor said it was his understanding that the sprinkling system had been installed but that, whether this be the case or not, if this was the agreement, Mr. Strobel should rest assured it would be accomplished.

Mr. Strobel then drew attention to his property on Lot 1, Block 2, Strobel Addition which has been conditionally zoned to permit construction of a book store and that he was still awaiting the preparation of a restrictive covenant agreement accordingly. City Attorney Smith acknowledged that this matter was pending and agreed to confer with Mr. Strobel's Attorney in this regard.

Bills for the month of September, having been properly audited by the Fiscal Committee, were presented in caption form as follows; to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$105,868.42	\$101,423.30	\$207,291.72
Fire Bonds	28,755.31	3,642.31	32,397.62
Water & Sewer Fund	9,753.74	50,519.47	60,273.21
Electric Light Fund	27,897.72	154,328.00	182,225.72
Recreation Fund	842.75	4,668.91	5,511.66
Police Retirement Fund	<u>2,234.44</u>	<u>.00</u>	<u>2,234.44</u>
<u>TOTAL FUNDS</u>	\$175,352.38	\$314,581.99	\$489,934.37

It was moved by Councilman Parish, seconded by Page, that the bills be allowed and the Controller be authorized to draw warrants on the respective funds for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Reports from Division and Department Heads for the month of September were presented and, there being no objection, were ordered placed on file in the office of the City Clerk.

License applications for BARTENDER, O.A. Johannesen, L.W. Taylor, Floyd Murray, Morris Hoyle; RESTAURANT, transfer of ownership only, previously approved by the City Sanitarian, Bernice Bailey for Zip-In Zip-Out; CAB DRIVER, Frederick W. Martindale, previously approved by the Police Chief; VENDOR, for selling some grown produce, for Carl Winkler; ELECTRICAL APPRENTICE, Harold L. Christensen with L. O. C. Electric, previously approved by the Electrical
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Inspector; JOURNEYMAN PLUMBER, Eldon M. Crooks, previously approved by the Plumbing Inspector; CLASS D JOURNEYMAN GAS FITTER, previously approved by the Gas Inspector, for Russell Partella; BEER, previously approved by the Police Chief, change of ownership only, Helen Hart for Lobby Bar were presented. It was moved by Councilman Freeman, seconded by Keller, that these licenses be approved. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented a Palmistry license application with this letter:

Professional Suites
Pocatello, Idaho
October 5, 1965

City Clerk
City of Idaho Falls
Idaho Falls, Idaho

REFERENCE: PALMISTRY LICENSE

Dear Sirs:

Enclosed please find the following documents:

1. Completed and signed application for Palmistry Permit.
2. Check in the amount of \$100.00 for licenses for 4th quarter, 1965. This is the amount which Mr. Ephrem is charged by the City of Pocatello. We would like to make a specific request that he be given a waiver and be charged this amount by the City of Idaho Falls.

Mr. Ephrem would appreciate your prompt attention to this matter to allow him to establish an office for the practice of palmistry.

Very truly yours,
s/ Max F. Parrish
Attorney at Law

It was moved by Councilman Leahy, seconded by Page, that this be referred to the City Attorney for a legal opinion, not only as to whether or not the Code should be waived to permit issuance of the license but, also whether or not, in his opinion, the City Code could be considered punitive in this regard. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read:

School House Road
Nerragansett, Rhode Island
September 17, 1965

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Dear Sir:

I wish to thank you for the courtesy parking ticket I received while I was a visitor to Idaho Falls. My home in Nerragansett is within walking distance to the ocean. This is a small town but very pleasant to live in.

I enjoyed my stay in Idaho, and although we have mountains in New England, they can't compare with yours, which are my idea of real mountains. If you should ever come east, please accept an open incitation to visit us.

Sincerely yours,
Mrs. Raymond Yenino

No Council action was considered necessary.

A denial recommendation was presented as follows, relative to the Marvin D. Shurtliff damage claim:

General Adjustment Bureau, Inc.
P.O. Box 797
Idaho Falls, Idaho
October 1, 1965

Roy C. Barnes
City Clerk
City Building
Idaho Falls, Idaho

RE: ACCIDENT OF 7-27-65 MARVIN D. SHURTLEFF, CLAIMANT

Dear Roy:

We acknowledge receipt of the claim of Marvin D. Shurtliff against the City, the claim being for \$10.00 damage to his car when it dropped into a hole on Park Avenue.

In checking with the Police report, accident happened on 7-27-65 and claim was not made to the City until 8-31-1965. As claim was not filed against the City within a 30 day limit, we fail to see where we can accept and consider this property damage claim.

We might also point out that accident occurred at the U. P. railroad tracks on South Park Avenue and we feel claim if any, should be placed against the Union Pacific Railroad. We request that you have the City Council respectfully decline the claim of Mr. Shurtleff for the above reason.

Yours truly,
s/ Art Knight
Manager

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It was moved by Councilman Leahy, seconded by Freeman, that this recommendation be upheld and the claim be denied. Roll call as follows: Ayes, 6; No, none; carried.

The following certificate was presented by the City Clerk:

CERTIFICATE

Mayor:	S. Eddie Pedersen
Council:	Melvin L. Erickson David C. King Philip C. Leahy Marilyn (Lyn) Smith Quentin Tobin Jack A. Wood, Jr.

I respectfully request the City Council to cause such certified list of names and the offices to be filled to be published in a proclamation calling for such election, such publication to be in at least two issues of the Post Register, with the first publication to be at least ten days before the first election.

IN WITNESS WHEREOF, I have hereinto set my hand and affixed my official seal the 7th day of October, 1965.

s/ Roy C. Barnes
City Clerk

It was moved by Councilman Parish, seconded by Keller, that the Candidates for Mayor and Councilman for the forthcoming General Municipal Election, to be held November 2nd, 1965, be officially acknowledged and accepted as certified by the City Clerk. Roll call as follows: Ayes, 6; No, none; carried.

The following proclamation was then presented:

PROCLAMATION

Pursuant to the laws of the State of Idaho and specifically 50-3714 Idaho Code, notice is hereby given that a General Municipal Election will be held in the City of Idaho Falls, Bonneville County, Idaho, at the voting places hereinafter designated, on Tuesday, the 2nd day of November, 1965, beginning at 12:00 o'clock noon, and closing at the hour of 8:00 o'clock P.M. of said day, for the purpose of electing a Mayor for a term of four years, and three Councilmen for terms of four years each, or for such other terms as may hereafter be provided by law.

The certified list of candidates nominated and the offices to be filled are as follows:

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Mayor:	S. Eddie Pedersen
Council:	Melvin L. Erickson David C. King Philip C. Leahy Marilyn (Lyn) Smith Quentin Tobin Jack A. Wood, Jr.

The designated voting places of said election and the designated Deputy Registrars and their respective addresses for the respective precincts are as follows: to-wit:

Precinct No. 1 - First Ward - Whittier School
Registrar, Hazel Kyle - 130 E. Anderson

Precinct No. 2 - First Ward - Log Hut Highland Park
Registrar, Mrs. W. L. Adams - 190 Alpine Drive

Precinct No. 3 - First Ward - Riverside School
Registrar, Mrs. S. L. Van Orden - 425 "J" Street

Precinct No. 1 - Second Ward - Veterans Memorial Bldg.
Registrar, Mrs. George Thomas - 302 Hill Street

Precinct No. 2 - Second Ward - Temple View School
Registrar - Mrs. Robert Jones - 789 Sonja Avenue

Precinct No. 1 - Third Ward - O. E. Bell Junior High
Registrar - Mrs. Jim Paschke - 334 11th Street

Precinct No. 2 - Third Ward - Hawthorne School
Registrar - Mrs. Norma Lewis - 160 East 17th Street

Precinct No. 3 – Third Ward – Longfellow School
Registrar – Ardeth Lee – 154 East 19th Street

Precinct No. 4 – Third Ward – Linden Park School
Registrar – Mrs. Keith Park – 1095 Austin

Precinct No. 5 – Third Ward – Edgemont Gardens School
Registrar – Jane Heffner – 530 East 16th Street

Precinct No. 1 – Fourth Ward – Golf Course Club House
Registrar – Janice McClain – 1255 Garfield

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Precinct No. 2 – Fourth Ward – Bel Aire School
Registrar – Jan Jensen – 2183 Logan Drive

Precinct No. 3 – Fourth Ward – Emerson School
Registrar – Inez Blakely – 162 2nd Street

Precinct No. 4 – Fourth Ward – Central High School
(Formerly Central Intermediate School)
Registrar – Virgie Prestgard – 216 7th Street

In order to vote at this election each voter must meet the following requirements:

1. He must be at least twenty-one years of age.
2. He must be a qualified elector of the State.
3. He must have resided within the municipal corporate limits for not less than three months preceding the election.
4. He must have registered for the election or must have voted at either of the last two preceding General Municipal Elections.

No qualified elector shall be required to register so long as he remains, or has remained continuously after such registration, a duly qualified elector of the City of Idaho Falls; provided, however, after any qualified elector has reregistered and failed to keep his continued residence and full qualifications to vote in said City, regardless of how short the term of his disqualification shall exist or have existed, he shall not be entitled to vote at such elections after such disqualification existed, unless he shall have registered for the election at which he next desires to vote. If such elector shall have moved to another precinct within the City, he or she shall notify the City Clerk of such change of address and such Clerk shall register him or her in the precinct to which the elector shall have moved.

Municipal electors may register from and after the date of this notice during the office hours of said City Clerk and continuing until and including Saturday next preceding the election date. On Thursday, Friday and Saturday next preceding the above noticed election, electors may

register between the hours of 9:00 o'clock A.M. and 5:00 o'clock P.M., and between the hours of 7:00 o'clock P.M. and 9:00 o'clock P.M.

Roy C. Barnes, City Clerk, is the ex officio registrar of said City. The places of registration are the office of said City Clerk in the City building and the respective residences aforesaid of the said Deputy Registrars.

The voting at said election shall be by ballot. The ballot to be supplied the voters for their use at said election shall be substantially as provided by Section 50-3715, 50-3716, and 50-3717, Idaho Code.

By order of the City Council.

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Dated this 7th day of October, 1965.

s/ Roy C. Barnes
City Clerk

It was moved by Councilman Leahy, seconded by Freeman, that the City Clerk be authorized to publish as required by law. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was presented:

City of Idaho Falls
City Clerk
10/7/65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

An auction sale was conducted by the City Clerk at 10:00 A.M., Tuesday, October 5, 1965, covering lands legally described as follows, appraisal of which had been established at \$500.00:

Beginning at the southwest corner of Lot 5, Block 1, Original Townsite to the City of Idaho Falls, Bonneville County, Idaho, and running thence S. 61° 12' 40" E. 17.76 feet; thence N. 28° 47' 20" E. 53.19 feet to a point on a 622.75 foot radius curve; thence to the left along said curve 19.09 feet; thence S. 28° 47' 20" W. 60.18 feet to the point of beginning, containing 1007 square feet.

Mr. Keith Douglass appeared and bid on the area in the amount of the appraised value. Council authorization is required to accept or reject said bid. In the event the bid is accepted,

it would also be in order for the Council to authorize the City Attorney to prepare the deed in favor of Mr. Douglass, and authorizing the Mayor and City Clerk to sign.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Nelson, seconded by Keller, that the Keith Douglass bid be accepted, that the City Attorney be directed to prepare all legal documents and, when prepared, the Mayor and City Clerk be authorized to sign the deed. Roll call as follows: Ayes, 6; No, none; carried.

These memos from the Purchasing Department were presented and read:

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City of Idaho Falls
Office of the Purchasing Agent
October 5, 1965

Civic Auditorium Sound System

Honorable Mayor and Councilmembers:

Quotation of \$9950.00 of Schwendiman's Wholesale Distributors of Idaho Falls for the Civic Auditorium sound system is attached.

This proposal approved and accepted by Civic Auditorium Committee. It is their recommendation that Schwendiman's Distributors be awarded the contract.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

City of Idaho Falls
Office of the Purchasing Agent
October 5, 1965

Civic Auditorium Temperature Control Revisions

Honorable Mayor and Councilmembers:

Quotation of \$775.00 of Johnson Service Company of Salt Lake City for revisions of existing heating and cooling system is attached.

This proposal approved and accepted by Civic Auditorium Committee. It is their recommendation that Johnson Service Company be awarded the contract.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Agent

It was moved by Councilman Parish, seconded by Keller, that in each instance the low bid be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

A memo from the Fire Chief was presented, to-wit:

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Honorable Mayor and City Council
City of Idaho Falls

Gentlemen:

Final plans and specifications have been completed for the Fire Training Center which is to be constructed on Foote Drive. This will include a 4-story cinder block drill tower, a pumper drafting pit, an oil fire training pit and a flammable liquids fire area.

Engineers estimate that the City Clerk be authorized to advertise for bids on October 17, 24, and 31, with bid opening set for 10:00 A.M. November 3rd.

Respectfully submitted,
s/ Les Corcoran
Fire Chief

cc: Jim Freeman
P.C. Leahy
Roy C. Barnes

It was moved by Councilman Freeman, seconded by Leahy, that authorization be granted for advertisement of bids as recommended. Roll call as follows: Ayes, 6; No, none; carried.

A memo as prepared by the Electrical Engineer was presented:

MEMORANDUM

October 6, 1965

TO: THE COUNCIL COMMITTEE
FROM: W. H. FELL, ELECTRIC LIGHT DIVISION

SUBJECT: TRANSFORMER BID RECOMMENDATION

It is recommended by the Electric Light Division and the Purchasing Agent that the following quantities be purchased from suppliers as follows:

Single Voltage 7200/1247OY

<u>KVA</u>	<u>COMPANY</u>	<u>NUMBER</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
15	RTE	15	\$175.00	\$ 2,625.00
25	SPOKANE	15	\$210.00	\$ 3,150.00
37 ½	RTE	3	\$316.00	\$ 948.00
50	ALLIS CHALMERS	1	\$357.00	\$ 357.00

Dual Voltage 2400-7200/1247OY
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<u>KVA</u>	<u>COMPANY</u>	<u>NUMBER</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
15	RTE	15	\$187.00	\$ 2,805.00
25	SPOKANE	15	\$233.00	\$ 3,495.00
37 ½	RTE	5	\$333.00	\$ 1,665.00
50	RTE	5	\$377.00	\$ 1,885.00
			<u>TOTAL</u>	\$16,930.00

These recommendations are in accordance with the attached evaluation performed by the Electric Light Division. Bid opening date was July 22, 1965. Quantities adjusted to meet present modified needs and to correlate with present available budget funds.

It was moved by Councilman Leahy, seconded by Keller, that the electrical supplies be purchased from the vendors and for the prices as recommended. Roll call as follows: Ayes, 6; No, none; carried.

An advertisement for bids was presented covering renovation of a portion of the City Annex Building to provide quarters for the Electrical Department. It was moved by Councilman Page, seconded by Keller, that the City Clerk be authorized to publish. Roll call as follows: Ayes, 6; No, none; carried.

Presented were four notices of completion of public works, as follows; Seal Coating by Pickett & Nelson; Street Reconstruction by Pickett & Nelson; Concrete Work by C. Reinhart & Son; Retaining Wall, south of the Eagle Rock Power Plant by Wadsworth Construction Company. It was moved by Councilman Keller, seconded by Nelson, that authorization be granted to publish these notices. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
Public Works

10/7/65

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATERLINE REPLACEMENT ON BOISE AVENUE

A single bid was received from Hartwell Excavating Company for the replacement of a waterline on Boise Avenue. This bid has been carefully reviewed and we find that the unit prices are in line.

We would, therefore, recommend that the Mayor and Council award this contract to Hartwell Excavating Company in the amount of \$19,259.00.

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

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cc: Roy Keller
Gordon Nelson
Ray Stark

It was moved by Councilman Keller, seconded by Nelson, that the bid be accepted as recommended. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
Public Works
10/7/65

TO: HONORABLE MAYOR & CITY COUNCIL
FROM: DONALD F. LLOYD
SUBJECT: EAST EXTENSION OF LOMAX

We are presenting herewith the proposed east extension of Lomax Street.

This proposal has been reviewed with the property owners and generally does not have their approval.

We have re-evaluated the necessity of this improvement and are prepared to recommend that the Council adopt this alignment.

Respectfully submitted,
s/ Don
Donald F. Lloyd

Public Works Director

Mr. Lloyd then appeared and reminded the Council that the east extension of Lomax Street, as previously proposed, had been recommended in the Metropolitan Transportation Study, approved by the Planning Commission and endorsed by the City Council at an earlier date and that land appraisal had been accomplished. Lloyd noted that six affected property owners had been contacted and they had voiced their disapproval on the grounds that property values would be deteriorated. Lloyd pointed out that the need does exist to alleviate the traffic merger problem at First Street and Yellowstone. Lloyd said a decision is necessary as soon as possible, not because early development is anticipated, but because it affects the planning of those interested in nearby construction, including a property owner of a five acre tract who has commercial development plans and who favors the street extension in question. Councilman Parish voiced an opinion that that property owner, inasmuch as he would benefit, should be expected to dedicate his portion of the needed right of way. It was moved by Councilman Parish, seconded by Leahy, that the Building Official be directed not to issue any building permits for any of the affected property without first notifying the Council but that otherwise, the proposition be tabled for further study. Roll call as follows: Ayes, 6; No, none; carried.

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This damage claim was presented and read:

Curtis P. Jeppesen
Rt. 1, Box 270
Idaho Falls, Idaho

City of Idaho Falls

Dear Sirs:

On September 28, 1965 on C Street between Park & Shoup, one of your City Policeman, Lt. Stanley Ward came out of the parking lot by the City Building and damaged my left fender. On the suggestion of Mr. Ward I am sending you this repair bill, also on the suggestion of our Allstate Ins. Agent, Mr. Verne Hill, in the amount of \$190.85.

Sincerely,
s/ Mrs. Lucille Jeppesen

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

Another damage claim was read, as follows:

September 30, 1965

Mr. Roy Barnes
City of Idaho Falls Electrical Department

Idaho Falls, Idaho

Dear Mr. Barnes:

I am herewith submitting expenses to the City of Idaho Falls for damages to my home and to appliances therein, caused from faulty City wiring. The transformer and wiring in the alley immediately in back of my home burnt as a consequence of high winds blowing bare wiring together. In turn causing my fuse boxes to burn, which in turn, short circuited the wiring in the house causing quite extensive damage. This occurred on September 3, 1965. At the time both the Fire Department and the City Department were on the scene and made inspections. The damage caused to my property is as follows: A burnt out refrigerator (not repairable) \$220.00, a burnt out toaster (not repairable) \$20.00, damage to the stereo wiring (\$15.00) for repairs, furnace repairs in the amount of \$35.00, electrical repairs for hot water heater, freezer, electrical outlets \$23.95, electrical repairs for fuse boxes \$29.99. As a result of no electricity the contents of my freezer were lost. My own estimate of loss of food therein is approximately \$120.00. The total amount of damages \$463.94.

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I should like to express the fact at this time that the danger still remains in this area. The wiring through the alley and to my home is in very bad condition. The homes in the entire block are in danger. We as homeowners in this area have discussed this among ourselves and all of us feel highly unsafe in our homes under the prevailing conditions. Another windstorm could cause a repeat of the same thing.

I as a property owner of two homes in this particular location have been trying to get someone to make these necessary repairs for just about five years now, with no results. I have contacted City offices and the Fire Department. The City did inspect the wiring from the alley to my home this summer and I was quite alarmed over the condition. The City did put an insulator on one of the wires leading to my house that was hanging over the roof of my rental property directly in back of my home. The men at that time told me there was no danger from the bare wiring. If this wiring in the alley had been replaced at the time these fire damages could have been avoided.

Under the circumstances I feel that the City is liable and should pay for the damages caused to my property and that something should be done immediately to repair and replace the wiring down the alley and to our homes before a repeat of fire and damage.

Sincerely,
s/ Mrs. Lou Jean Nielsen
499 J Street
Idaho Falls, Idaho

In answer to a question by a Councilman, Electrical Engineer Fell reported that this alleged damage is being studied and analyzed by his Department and it is their opinion that the wiring is not faulty and that the City is not negligent in this regard. It was moved by Councilman Leahy, seconded by Freeman, that this be referred to the City Insurance Adjustor for investigation. Roll call as follows: Ayes, 6; No, none; carried.

These two damage claims were then submitted:

St. Clair, St. Clair & Hiller
P.O. Box 29
September 30, 1965

Idaho Falls City Council
Administration Building
308 C. Street
Idaho Falls, Idaho

RE: CLAIM OF CHARLES LAU

Gentlemen:

OCTOBER 7, 1965

As attorneys for the above claimant, Charles Lau, claim pursuant to applicable requirements of the Idaho Code is hereby made upon the City of Idaho Falls for damages sustained by and to Mr. Charles Lau as a result of actions taken by an Idaho Falls Policeman, one Terry B. McMurdo.

On the night of September 6, 1965, Mr. Lau was a business invitee in Jacks Club, which club is located in the City of Idaho Falls. During the course of the evening, and while Mr. Lau was in the aforesaid Jacks Club, the said Terry B. McMurdo, while on police duty for the City of Idaho Falls, without any provocation whatsoever, accosted Mr. Lau, arrested him, and forcibly took him to the Idaho Falls Police Station. Whereupon Officer Terry B. McMurdo did use physical violence and force upon Charles Lau in that he grabbed the right index finger of Charles Lau and bent it backwards, causing severe spraining and bruising of said finger and hand. Charles Lau was then placed in a cell and otherwise mistreated.

While at the Police Station, certain other police officers participated in the unprovoked mishandling of Charles Lau, the names of said officers are at this time unknown to Charles Lau.

Mr. Charles Lau's damages, for which demand is hereby made upon the City of Idaho Falls, are specifically identified as follows:

1. Approximately \$35.00 special damages;
2. \$ 5,000.00 general damages;

3. \$20,000.00 punitive damages.

Your very early attention to the foregoing is solicited and you are requested to consider this claim at the next meeting of your Council.

Would you kindly advise the undersigned as to your decision?

Yours very truly,
St. Clair, St. Clair & Hiller
s/ M. B. Hiller
Attorneys for Charles Lau

St. Clair, St. Clair, & Hiller
P.O. Box 29
September 30, 1965

Idaho Falls City Council
Administration Building
308 C. Street
Idaho Falls, Idaho

OCTOBER 7, 1965

RE: CLAIM OF NORMAN J. ATKINS

Gentlemen:

As attorneys for the above Claimant, Norman J. Atkins, claim pursuant to applicable requirements of the Idaho Code is hereby made upon the City of Idaho Falls for damages sustained by and to Mr. Norman J. Atkins as a result of actions taken by an Idaho Falls Policeman, one Lt. Tex Hamberlin.

On the night of September 6, 1965, Mr. Norman J. Atkins' business associate, Mr. Charles Lau, was without provocation forcibly taken from Jacks Club here in Idaho Falls to the Idaho Falls Police Station. While in the police station attempting to gain information concerning Mr. Charles Lau, Mr. Norman J. Atkins was without provocation accosted, struck and hit about the face and body; and further, the said Lt. Tex Hamberlin did grab, twist, bend and break the ring finger and little finger of the right hand of Norman J. Atkins. Whereupon Norman J. Atkins was arrested and was not released from custody until bail arrangements had been made.

While at the Police Station, certain other police officers participated in the unprovoked mishandling of Norman J. Atkins; the names of said officers are at this time unknown to Norman J. Atkins.

Mr. Norman J. Atkins' damages, for which demand is hereby made upon the City of Idaho Falls, are specifically identified as follows:

1. Approximately \$50.00 special damages;
2. \$ 5,000.00 general damages;
3. \$20,000.00 punitive damages.

Your very early attention to the foregoing is solicited and your are requested to consider this claim at the next meeting of your Council.

Would you kindly advise the undersigned as to your decision?

Very truly yours,
St. Clair, St. Clair & Hiller
s/ M. B. Miller
Attorneys for Norman J. Atkins

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

The City Clerk drew attention to a damage claim from Mr. Lyle Enlow, submitted directly to the Insurance Adjustor. This alleged damage occurred on 9-23-65 as a result of a City vehicle driving over the lawn to pull out damaged wires from a burned out underground primary; also, another damage claim from Kenneth Kirkbride, turned directly to the Adjustor, reporting similar damage to

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that of Mr. Lou Jean Nielson and caused by the same wind storm on the same day. Although no action appeared necessary on these two claims Council acknowledged receipt of same and the fact that Insurance Adjustor investigation was in progress.

A letter was presented from Mr. Milton Kite of Kite Rambler Sales, asking for a contractual arrangement with the City for sign rental space at the Airport which would advertise and offer the car rental service of Budget Rent-A-Car. It was moved by Councilman Freeman, seconded by Page, that this be referred to the Airport Council Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

It was noted by the City Attorney that the Assessment Roll of L.I.D. #35, as computed by the Engineering Department, is now completed. It was moved by Councilman Parish, seconded by Page, that the public assessment hearing on this Local Improvement District be scheduled for November 18, 1965 and the City Clerk be authorized to publish notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

An amended airport lease, as prepared by the City Attorney, was presented. It was noted that this supersedes a lease dated September 19, 1963 with minor technical revisions. It was moved by Councilman Nelson, seconded by Page, that the Mayor and City Clerk be authorized to sign and the City Clerk be directed to certify one copy to be forwarded to the Federal Aviation Agency. Roll call as follows: Ayes, 6; No, none; carried.

This ordinance was introduced and studied:

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1142, ORDINANCES OF IDAHO FALLS, IDAHO; CHANGING THE NAME OF A PORTION OF NORTH YELLOWSTONE AVENUE TO NORTHGATE MILE; DEFINING THE PORTION SO CHANGED; RENAMING A PORTION OF U. S. HIGHWAY NO. 191 NORTH YELLOWSTONE AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Leahy, seconded by Freeman, that this be tabled for further study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented by Councilman Parish:

Ricks' Sign Company
53 North 5th West
Rexburg, Idaho
September 29, 1965

Mayor Pedersen:

I would like to purchase the piece of ground just west of A. W. Hunter on Broadway of Idaho Falls for the purpose of erecting a sign according to the Sign Code of Idaho Falls.

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I offer \$300.00 for the little piece of ground and will make no changes in your situation. You as the City of Idaho Falls would be able to continue to use the ground as you have been doing. The sign would not interfere with your usage of the property and I would have no right to change the situation as far as you are concerned.

As I see it the property is valuable only for the purpose in which it is being used, with the exception of being the most excellent sign location in Idaho Falls. The sign would not interfere with the present usage.

s/ Don L. Ricks

After some discussion it was moved by Councilman Parish, seconded by Leahy, that the offer as indicated be refused on the grounds that the City is not interested in disposing of the ground in question. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman reported that the Traffic Safety Committee is meeting with the State Highway Engineers to study various recommendations for easing the traffic problems in downtown Idaho Falls. Included in said recommendation, continued Freeman, was the elimination of the center parking strip on Memorial Drive; removal of certain parking stalls on each side of Broadway west of Yellowstone; also on each side of Shoup, south of Broadway; also each side of Park Avenue north of

Broadway; also on the east side of Capital south of Broadway; also removing left turn lights on A, B, and C Streets and Yellowstone. Freeman expressed hope that the meeting would also include the City Engineer, the Public Works Director and interested downtown merchants.

Councilman Nelson reported that the Building Official has encountered a problem, whereby, in some instances, construction of buildings is started without building permits. It was agreed that contractors should be advised and warned of the penalties of such a practice. It was moved by Councilman Nelson, seconded by Page, that the Building Official be directed to send all contractors and sub-contractors as excerpt from the Ordinance in this regard, together with an explanatory cover letter. Roll call as follows: Ayes, 6; No, none; carried.

There was then some general discussion relative to other violations of other ordinances which are known to exist. The Council asked the newspaper reporter for a press release covering this general problem.

The Mayor concluded the meeting by acknowledging two candidates for Councilman in the Council Chambers, Messrs. Quentin Tobin and David King, and thanking them for their presence. It was moved by Councilman Page, seconded by Leahy, that the meeting adjourn. Carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
