AUGUST 9, 1965

The City Council of the City of Idaho Falls met in Recessed Regular Meeting, Monday, August 9, 1965 at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmen Freeman, Keller, Leahy, Nelson, Page, Parish. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; William Fell, Electrical Engineer; Ray Browning, Building Official, Robert Sandersfeld, City Engineer.

The Mayor directed the City Clerk to dispense with the reading of the minutes of the last Recessed Regular Meeting, held July 22, 1965, in the interests of time.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the purpose of hearing protests and other comments relative to the establishment of Local Improvement District #36. The Mayor invited Robert Sandersfeld, City Engineer, to discuss the costs of the District. By use of slides, all affected areas were shown and it was explained that each street was evaluated on its own merit. Sandersfeld explained further, that construction costs, including 15% for Engineering, legal and contingencies, was to be $350,400, City participation, $23,400 for a net total to be assessed in the amount of $327,000. From this total there were 29,150 linear feet of curb and gutter at $2.30 per linear foot; 685,050 square feet of paving at .28 per square foot and 139,063 square feet of sidewalk at .49 per square foot.

The Mayor noted that, in most instances, this District was formulated by direct petition requesting the improvement and asked the City Clerk to enter in the record the written petitions to this effect which are as follows: A petition dated December 8th, 1964 by the First Christian Church requesting paving, curb and gutter on the south side of 12th immediately in front of the church property at 1800 12th Street; a petition by four property owners dated June 25, 1965, requesting the improvement of Higbee from Elva to Keefer Streets; a petition signed by 20 property owners dated February 2, 1965, requesting improvement of Boise Avenue from West Elva to Anderson; a petition signed by 20 property owners, dated January 26, 1965 requesting improvement of Cassia Avenue from Shelley to Anderson Streets; a petition by Albert and Mary Micek, dated July 19, 1965, requesting improvement of the 400 block on East College between Higbee and Holmes.

The Mayor invited protests against establishment of or inclusion within the District or other comments pertaining thereto. The City Clerk presented and read the following:

Donald M. Ellsworth, P.E.
P.O. Box 2336
Idaho Falls, Idaho
August 6, 1965

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Gentlemen:

This letter is written in protest of the inclusion of the property at 130 Linden Drive into the proposed Local Improvement District No. 36. This property is described as Lot 2, Block 19, Linden Park Addition, Division No. 3. to the City of Idaho Falls, Idaho.

After review of the proposed improvements and methods of assessments as proposed by the City Engineering Department, the following reasons are given to qualify the removal of this property from the L.I.D.

1. As quoted from the NOTICE OF INTENTION, "and to assess the cost and expense thereof by special assessment levied against and upon the lots and parcels of land fronting on, abutting, adjoining, contiguous and adjacent to said streets and alleys to be improved in proportion to the benefits to be derived by the property assessed." In that this property meets none of these tests, it should be removed from the District.

2. In that no improvements abut or adjoin this property there is no tangible benefit received.

3. The method of assessing "end costs" in this area as proposed by the Engineering Department does not provide a fair or equitable means of dispersing the costs. It produces an unbalanced and arbitrary assessment on property not receiving benefit, and future use of the same method will result in some properties paying no part of "end costs" and other properties paying a high proportion of same.

I believe you will find these above reasons valid and anyone of these reasons should qualify this property to be removed from the District.

Yours very truly,
s/ Don Ellsworth, P.E.
Civil Engineer Consultant

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Gentlemen:

This letter is written in protest to the inclusion of our property into the proposed Local Improvement District No. 36. Our Engineer has reviewed the proposed improvements and methods of assessment with the City Engineering Department and finds that the proposed method of distributing "end costs" results in our property bearing the costs as if it were frontage on both sides. This is an unfair and unjust method and does not provide for equal assessment on the basis of benefit received. The proposed method of assessment places nearly all of the "end costs" on some property and no "end costs" on other property.

The descriptions of our properties are as follows: Lots 3 and 4 and that park area lying north of Lot 3, Block 19, and Lot 1 and that park area lying north of Lot 1, Block 20, Linden Park Addition,

Division No. 3 to the City of Idaho Falls, Idaho. We request the above properties to be removed from the proposed Local Improvement District.

s/ J.W. Enke, 120 Linden Drive
s/ Max Laughlin, 125 Linden Dr.
Idaho Falls, Idaho

PETITION

TO: HONORABLE MAYOR AND CITY COUNCIL
IDAHO FALLS IDAHO

The undersigned, individually and jointly, as property owners within that certain subdivision known as South Lawn Addition, hereby sign this petition for the purpose of registering a written protest for the proposed inclusion of the following described lots and blocks within the proposed Special Improvement District 36 of the City of Idaho Falls, Idaho, for the purpose of providing curbs and gutters on Alice Avenue, City of Idaho Falls, Idaho.

1. That the proposed curb, gutter and paving improvements would not in any way improve nor benefit the lots described to the right of the signatures of the undersigned petitioners.

2. That the cost of the proposed assessments for the various lots hereinafter described would far exceed any direct or indirect benefit to the owners of the hereinafter described lots.

3. That the cost of the proposed improvements on Alice Avenue are far in excess of the general benefit to be derived by the City generally and the undersigned owners of the adjacent property specifically.

4. That the equities of the proposed District would not balance the undue economical hardship suffered by the owners of the lots hereinafter described in comparison with any public benefit that might come from including the above property in the proposed Special Improvement District 36.

PETITIONER	LOT	BLOCK	SO. LAWN ADDITION TO CITY OF I. F.
Jay Eckersley	23	3	"
Clem Page	21	3	"
Claude C. Christensen	20	3	"
H. N. Briggs	18-19	3	"
Clive Short	15-16	3	"
Mrs. Roy Armfield	24	3	"
Roy Armfield	24	3	"

PETITIONER	LOT	BLOCK	SO. LAWN ADDITION TO CITY OF I. F.
Glen Johnson	17	3	"
Joseph W. Tolley	12-13	3	"
Wm. Thayne Earl	10	3	"
Dorothy Norell	7	2	"
Wilma Madsen	9	2	"
Velma R. Petersen	5-6	2	"
Ellis M. Storms	8	3	"
Jean Cutler	7	2	"
A. K. Larson	13-14	3	"
Gary D. Huskinson	11	3	"
Frank Bird	9	3	"
Mary B. Ryset	3	2	"

8-9-1965

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Gentlemen:

In regard to your "Notice of Intention to Establish L.I.D. No. 36", it is noted that a sidewalk is proposed for the west side of Rollandet Avenue between 16th Street and 17th Street. As owner of the major portion of this property we would like to protest the intention of placing sidewalk here at this time. This property is being used for warehousing, storage and manufacturing. there is little use of demand for foot traffic. A sidewalk seems unnecessary at this time and would be an extra burden of cost on this large tract.

s/ Cecil Owens, 470 8th Street
s/W.C. Burns, 164 N Lloyd Circle

BROWNING GRAIN AND
PRODUCE COMPANY
P.O. Box 781
125 N. Yellowstone Highway
Idaho Falls, Idaho

The City of Idaho Falls
City building
Idaho Falls, Idaho

ATTN: City Councilmen

Gentlemen:

We received a notice informing us that we own property included in a proposed improvement district.

The property improvement only extends from West Broadway to the railroad tracks. Considering that we own a far greater frontage on the east side of Utah Avenue, than does Sinclair, and would receive no direct benefit from the improvement, we don't feel we should be obligated to pay for this proposed improvement.

On the other hand if the entire Utah Avenue was improved through to the New Sweden Road, and the other property owners were agreeable, this would make a different situation.

Since the present proposal will only improve conditions for one business, we wish you would consider our protest to the present proposal as it stands at this time.

We believe, although not positive, that there is a matter of right-of-way that has not been completely settled, as Mr. William Black has contacted us several times, but so far nothing has been agreed upon.

Sincerely,
s/ C. E. Browning
Browning Grain & Produce Co.

To the Honorable Mayor and City Council of Idaho Falls:

I, Phillip Thomas, as an unauthorized representative of the First Christian Church of Idaho Falls, request on behalf of the Church that the construction of the sidewalk be omitted from Local Improvement District No. 36 appertaining to Division #3.

As in our written request to have paving, curb and gutter installed, the men's organization of the Church, as a means of economy would like to construct the sidewalk.

The property is south of 12th Street and immediately east of Woodruff.

s/ Philip Thomas

Mr. R. C. Sherman, 200 Ronglyn, appeared and asked if only the immediate frontage is assessed to any given property subject to improvement. Mr. Bud Evans, from the Public Works Division explained the City's policy involving end costs. He then cited an example of a sidewalk to be improved on only one side of the street. It was explained that only that side of the street is assessed for such improvement. Mr. Emmett Gallup, 130 Ronglyn, appeared and asked whether or not sidewalk already in existence would be taken out and reconstructed if it otherwise was in an area

for sidewalk improvement and was answered in the negative, providing the sidewalk was in good shape. Molly Micek, 1035 12th Street, appeared and asked that their improvement provide 50 feet of curb cut instead of sidewalk. The Mayor invited Mrs. Micek to discuss this problem with the Engineering Department. Mr. A. K. Larsen, 1525 Alice Avenue, appeared and asked that his street be excluded from the district on the grounds that, due to improper grade, the street is not yet ready to be improved. Mr. Larsen said that, even if the street is improved, there is no need for the sidewalk, due to the absence of foot traffic. Mr. J. M. Madsen, 230 W. 15th Street and Mr. Clive Short, 456 E. 18th Street, both appeared, protesting the fact that they were included in the assessment for the improvement of Alice Avenue, and also the excessive assessment, as proposed. It was explained that this results from the end cost method of assessment which may be the subject of further study and adjustment. Mr. Grant Packer, 653 9th Street, appeared briefly to speak in favor of the District. He voiced an opinion that any affected party should not object to paying for the improvement of his street when all affected parties consistently use other streets, improved in the past by others. Mr. Wallace Burns, 164 N. Lloyd Circle, appeared briefly, asking for additional information relative to costs so that the property owner would better be in a position to approximate his own assessment. He said he would like cost information on linear feet of streets, and sidewalks, instead of on a square foot basis. Mr. Sanderfield converted square foot costs of five foot sidewalk to linear feet on the blackboard. Mr. Emmett Gallup reappeared and asked about intersection costs on streets such as Marjac, Ronglyn, etc., in connection with the First Street improvement, when said streets did not extend north of First Street. It was explained that in computing City costs, these were considered as one-half intersections for that reason. Mr. Jerry Jacobsen, 991 First Street, appeared and proposed that the middle section of First Street be not reconstructed inasmuch as that portion of the street is in good condition. He suggested, instead that surfacing be limited to the other strips, this reducing costs. He said the property owner has already paid, directly or indirectly, for the improvement of the center portion of the street. The City Engineer explained that neither the quality of the improved portion nor the grade comes up to City standards. Improvement of this nature would result in nothing more than a partial job. Mr. Jacobsen said, this being an arterial, that if the center portion is reconstructed the cost should be borne by the City. Mr. Leland Staten, 995 First Street and Mr. John McGuire, 981 First Street, both appeared to concur with Mr. Jacobsen's theory. Mr. Richard Caughie, 1128 Boise, appeared to request that, when Boise is improved, parking be eliminated, creating a wider street. Mr. Howard Nelson, 1127 Boise, appeared and concurred with Mr. Caughie. Asked if this would reduce costs, he was informed that, instead, it would increase costs due to the greater square foot area of pavement. Mr. Kay Simmons, 1156 Cassia, appeared to concur with Mr. Caughie. He reminded the City Engineer, however, that, presently, there are certain properties in this area with curb and gutter improvements and that the street, when improved, should be of uniform width. Mr. H. F. Rhodes, 705 First Street, appeared and protested the improvement of First Street without also including storm sewer improvement which, he urged, should be concurrent with the street improvement. He also voiced an opinion that construction of First Street, because it is an arterial, should be financed by the entire City. Mr. Rhodes was advised that the City will be participating in a storm sewer for this area. Mr. Alfred Crandall, 227 W. 15th Street, appeared and drew attention to a widow residing on Alice Avenue whose property faces that Street at an angle. He said that her assessment on a front foot basis, as proposed, would create a serious hardship for her. The Mayor said this would be taken under consideration.

Mr. D. L. Westergard, 912 Jackson Drive, registered his protest and that of Mr. Ross Clement, 1002 W. Elva against their inclusion in the District on the grounds that they had plans for privately improving their street.

The protest of Ivy B. Kugler, 1458 ½ W. Broadway, was entered by her attorney, Mr. Eugene Bush, against inclusion of her undeveloped property, located on the corner of Mountain View Lane and Saturn, on the grounds that she had no immediate development plans and the assessment would, therefore, be excessive in relation to benefit to the property.

In the absence of further protests or comment the Mayor commented to the effect that all valid protests would be considered, that a decision would be forthcoming shortly pertaining to the establishment of the District, thanked all present for their interest and attendance and declared the hearing concluded.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to consider the rezoning of certain properties as requested by petition.

First to be considered was the Brunt petition pertaining to property located north of 17th Street and one-half block east of Riviera Drive. In this connection the following memo was read:

8/6/65

TO: Honorable Mayor and City Council
FROM: John R. Doxey, Assistant City Planner
SUBJECT: REZONING

The Idaho Falls City Planning Commission, in a telephone poll authorized by Chairman Howard E. Noble, recommended by a 7 to 2 vote, with 3 Commissioners not voting, that the rezoning request of Brunt Better Built Homes, Inc. be granted for the rezoning of its property from R-1 to R-3A. The property is legally described as follows:

> Beginning at a point that is S. 89° 47′ 20″ E. 2,152.50 feet and N. 0° 04′ 20″ E 40.0 feet from the southwest corner of Section 21, T. 2N R. 38, E.B.M. ; running thence N. 0° 04′ 20″ E. 145.0 feet; thence S. 89° 47′ 20″ E. 148.50 feet; thence N. 89° 47′ 20″ W. 148.50 feet to the point of beginning, containing 0.49 acres.

There were no protests. It was moved by Councilman Leahy, seconded by Freeman, that this property be rezoned from R-1 to R-3A. Roll call as follows: Ayes, 6; No, none; carried.

Next to be considered was the Lee C. Murphy petition covering Lots 25 and 26, Block 53, Crows Addition. It was noted that the Planning Commission had deferred making a recommendation on this area until their next meeting. It was moved by Councilman Leahy, seconded by Keller, that this portion of the hearing likewise be recessed until the next regularly scheduled Council Meeting. Roll call as follows: Ayes, 6; No, none; carried.

The Richard Nielson petition was then reviewed, covering the west 9 feet, 3 inches of Lot 20 and all of Lots 21, 22, 23 and 24, Block 10, Capitol Hill Addition. There were no protests; however, it was noted that the Planning Commission had recommended denial. It was moved by Councilman Leahy, seconded by Page, that the Planning Commission's recommendation be upheld and the

petition to rezone this property from R-3A to C-1 be denied. Roll call as follows: Ayes, 6; No, none; carried.

Finally, a petition was presented from the Sacred Heart Hospital to rezone the following legally described property from R-1 & R-P to R-3A:

> Tract 16 – Beginning at a point 3 rods east of the northwest corner of the SE ¼ of Section 30, T. 2N, R 38, E.B.M., and running thence east 35 rods; thence south at right angles 45 rods; thence west at right angles 35 rods; thence north at right angles 45 rods; more or less to the place of beginning.

In this connection, the following letter was presented and read:

ST. CLAIR, ST. CLAIR & HILLER
P. O. Box 29
Idaho Falls, Idaho
August 9, 1965

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

Dear Sirs:

In accordance with our conversation with the Mayor and Roy Barnes, City Clerk, would you kindly postpone any action on the zoning of the Sacred Heart Hospital grounds until your next meeting, which we believe to be the 26th day of August or thereabouts.

We have just learned of the action taken by the Planning Commission and wish to convene the Sacred Heart Hospital Advisory Board so that they may fully understand the Planning Commission's recommendations prior to action taken by your body.

Yours very truly,
Sacred Heart Hospital Board
s/ Gilbert C. St. Clair
Chairman

It was therefore, moved by Councilman Parish, seconded by Keller, that the written request be honored and this portion of the zoning hearing be recessed until the next regularly scheduled Council Meeting. Roll call as follows: Ayes, 6; No, none; carried.

This completed 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. Brad Lewis, 2122 Calkins, appeared before the Council with regard to a fence located along the north side of his residential property on which he had received a correction notice from the

City to remove. He explained that this fence had been constructed with the consent of the City about five years ago on City right of way, reserved for sidewalk and parking. He said the request from the Building Official was that it be moved onto private property about 11½ feet back from its present location, because it constituted a traffic hazard. Mr. Lewis argued that a traffic hazard did exist but that removal of the fence would not be a solution. Instead, he said, the traffic hazard was caused by a raise in the street at it crossed the canal. He said removal of the fence would destroy the privacy of his yard. Councilman Parish drew attention to the fact that, at the last Council Meeting, it was found necessary to deny a request to construct a comparable fence on an identical location by a near by neighbor. Mr. Lewis, recognizing this, said he would do that which was necessary to cooperate. The Mayor referred the matter to the Building Official with the understanding that he and Mr. Lewis work together toward resolving the problem.

Councilman Leahy commented to the effect that every effort should be made to correct all known instances of traffic hazards of this nature, siting as an illustration the heavy shrub problem at 21st and Boulevard. The Mayor said the Parks and Recreation Department is working with the owner of that property and that the shrubs in question would be moved at the proper season to insure their growth.

Mrs. Lewis appeared briefly and drew attention to another traffic hazard caused by a direction sign at 11th and Holmes which cannot be seen because it is in direct line with a power pole. The Mayor assured her this would receive proper attention.

Recognizing that certain parties were in the Council Chambers with reference to the following, the Mayor asked that it be presented and read:

City of Idaho Falls
August 3, 1965

The Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We are asking for a ruling, by the City Council, on the following:

We have an application to establish a "Coin Operated Laundromat", in the east section of the 17th Street Shopping Center Building.

The Ordinance #1115 does not include the Laundromat in the list of permitted uses in the RSC-1 Zone.

In addition to the listed uses, the Ordinance states "other uses similar to the foregoing, which uses are ruled by the City Council to be in harmony with the intent of this zone".

Respectfully yours,
s/ Ray Browning
Building Official

Mr. James Howard, 685 E. 17th, appeared before the Council acting as spokesman for certain 17th Street residents, also present, and protested this type of proposed business activity in this particular location, on the grounds that it was not in harmony with the other businesses. He particularly objected because of the fact that the tenant was desirous that the business be operated 24 hours a day. Mr. Howard reminded the Council that the 17th Street residents had been given every assurance that this shopping center would be operated in accordance with an original agreement and that there had been other infractions such as un-shaded lights. Mrs. Fred Ochi, 1675 Cranmer, appeared and said the nearby residents would object to an access road to the Laundromat on Cranmer which would also be a violation of the original agreement. City Attorney Smith said that, in his opinion, a Laundromat , although not specifically defined, would not be in conflict with permitted uses for an RSC zone as described in the Zoning Ordinance. Mr. Russell Nelson, one of the owners of the proposed business, appeared and assured the Council that, if permitted to operate, the owners would agree to close by 9:00 P.M. and that an access road from Cranmer was not anticipated. With this understanding, it was moved by Councilman Parish, seconded by Leahy, that the business, as proposed, be permitted and the Building Official be authorized to issue a permit accordingly. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Building Official was then read:

August 9, 1965

The Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We are asking for a ruling, by the City Council, on the following:

We have an application to construct and operate a "swimming pool for instruction purposes only", in an R-3A zone.

The Ordinance No. 1115 does not include a swimming pool for instruction purposes only, in the R-3A Zone.

In addition to the listed uses, the Ordinance states "other uses similar to the foregoing, which uses are ruled by the City Council to be in harmony with the intent of this zone."

Respectfully yours,
s/ Ray Browning
Building Official

It was noted that Mr. Arland Rasmussen was the applicant who appeared briefly and explained that specific locations had not yet been determined for swimming pools to serve the purpose as described. It was moved by Councilman Leahy, seconded by Keller, that this be referred to the City Attorney

who would confer with Mr. Rasmussen, after which a legal opinion would be presented for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

At the invitation of the Mayor, the City Attorney submitted a report, relative to the Roy H. Bennett Shopping Center litigation between the City and Ben Lomand, Inc. It was noted that, at an earlier date, Ben Lomand Inc. had applied for a building permit to construct a second service station on the northeast corner of the shopping center and that said application had been denied. Mr. Smith noted that the trial was presently in progress and that the court, recognizing that this Council Meeting was scheduled for this night, permitted this report to be made to the Council with attorney for the plaintiff present in the hope that said Meeting might result in certain beneficial compromises. Mr. Smith continued by saying that, in his opinion, the Council cannot forbid the use of the land for any lawful purpose as described in the Zoning Ordinance and that, if an application were made for a business that was compatible with the area and considered economically feasible with only the existing curb cuts, such an application could not be denied. Smith said that the plaintiff is now willing to consider another type of acceptable business, other than a service station, which would be in harmony with the area and in compliance with the Code. Councilman Parish, noting that the original agreement provided for only one service station, said that he would not, under any circumstances, favor or agree to construction of a second service station. Mr. Dennis Olsen, local attorney representing Ben Lomand, Inc., appeared before the Council and confirmed Mr. Smith's remarks and said his client appreciated the position of the Council, relative to a second service station. It was noted that Mr. Norman Thompson, an officer in Ben Lomand, Inc., was also present. In view of the foregoing discussion, Councilman Page introduced the following resolution:

R E S O L U T I O N (Resolution No. 1965-17)

> The City Council will authorize and grant a building permit for the construction of a building to house any of the permitted uses in an RSC-1 zone on the Ben Lamond premises, except a service station, provided that the construction pursuant thereto complies with the setback requirements under the Ordinance and does not require any access in addition to that provided in the approved plan for the development of the Roy H. Bennett Shopping Center.

After some discussion by the Councilmen, Mr. Olsen reappeared and said the Resolution, as stated, meets with the approval of his client. Councilman Leahy stated that, before a vote was taken, he wished to qualify the Resolution and his vote to the effect that any construction must also be in conformity with the originally approved plan for the development of the shopping center. It was moved by Councilman Page, seconded by Leahy, that the foregoing Resolution be approved and adopted. Roll call as follows: Ayes, 6; No, none; carried.

As one of the involved principals of the proposed new private hangar lease at the airport, originally introduced at the Council Meeting dated July 22, 1965, Mr. Richard Wheeler appeared before the Council, explaining that there was a substantial problem of fill and black topping around the hangar, cost of which is estimated at $1,800 for fill and $4,000 for black top. Mr. Wheeler said his group would prefer to have the work done by the City and start paying rent immediately. Councilman Parish said an agreement has been negotiated on a fair and equitable rental fee, subject to a Council decision on the fill and black top as now presented. No decision was reached and the matter continued to rest with the proper Council Committee who agreed to check with the Public

Works Division to determine the availability of fill dirt and the economic feasibility of eventually black topping the area.

Bills for the month of July, having been properly audited by the Finance Committee, were presented in caption form as follows:

FUND	GROSS PAYROLL	SERVICES & MATERIALS	TOTAL EXPENDITURES
General Fund	$162,767.54	$205,147.95	$367,915.49
Fire Bonds	38,330.04	3,632.13	41,962.17
Water & Sewer Fund	14,458.53	26,279.40	40,737.93
Electric Light Fund	42,688.58	48,649.73	91,338.31
Recreation Fund	14,206.11	7,738.78	21,944.89
Police Retirement Fund	2,234.45	.00	2,234.45
TOTAL FUNDS	**$274,685.25**	**$291,447.99**	**$566,133.24**

It was moved by Councilman Page, seconded by Keller, 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 were presented for the month of July, 1965 and there being no objections, were ordered placed on file in the office of the City Clerk.

License applications for BARTENDER, Albert R. Weigel, Boyd R. Roberts; SECOND HAND STORE, previously approved by the Police Chief, Altha Ruppert at 281 Elm Street; PHOTOGRAPHER, previously approved by the Police Chief, Steve Green at 1154 Lake Avenue; MOTEL, previously approved by the Police Chief, Fred Huth for 10 rooms at Fred & Kelly's Motel; BEER, previously approved by the Police Chief, change of ownership only, Dale Drollinger for Playboy Bar; JOURNEYMAN ELECTRICIAN, previously approved by the Electrical Inspector, Ray Empey with Riv-oen Electric Sign Co., Gary Barrett with Riv-oen Electric Sign Co., Robert Warren with Riv-eon Electric Sign Co., Roger Dye with Riv-eon Electric Sign Co., Sanford Dunn, Jr. with Riv-eon Electric Sign Co., Linford Christensen with Almon L. Brown Contractor, James B. Emery with J & J Electric, Frank Stahl with Elec. Heat Center, Arnold Hansen with Idaho Falls Electric, Clinton G. Duncan with Shore Electric were presented. It was moved by Councilman Freeman, seconded by Parish, that these licenses be approved. Roll call as follows: Ayes, 6; No, none; carried.

License application for REFRIGERATION APPRENTICE, Kent Brown was presented. It was moved by Councilman Leahy, seconded by Freeman, that this license be granted, subject to the approval of the Heating Inspector. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that, in the interests of time, on July 26, 1965, a PHOTOGRAPHER'S license was issued to Maurice Studios to do photography work at the H. S. Kress Company by direction of the Mayor, after the application had been approved by the Police Chief. It was moved by Councilman Freeman, seconded by Leahy, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk read from the Book of Minutes, Page 244, the proceedings of an informal meeting of the City Council dated July 30, 1965, at which time Mr. Val Rupeiks of the Planning Consultant firm of Clark, Coleman and Rupeiks submitted a completed report of his company's plan and proposal for administering this City's participation in an urban planning assistance program for comprehensive planning for growth and development. It was noted that informal approval was given at that time for Clark, Coleman and Rupeiks to proceed as described. It was moved by Councilman Page, seconded by Keller, that the informal action of the Council in this regard be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

This damage claim was presented and read:

ST. CLAIR ST. CLAIR & HILLER
P.O. Box 29
Idaho Falls, Idaho
July 29, 1965

Mr. Roy Barnes, City Clerk
City of Idaho Falls
Administration Offices
308 C Street
Idaho Falls, Idaho

Dear Sir:

This is to notify you that I am hereby submitting a claim in the approximate amount of $42.00 for damages sustained to my 1964 Oldsmobile station wagon, vehicle license No. 8B6520, arising out of an accident between my car, driven by my wife on June 30, 1965 at 8:00 A.M., in the 1100 block of First Street in Idaho Falls, Idaho, with one of the Idaho Falls garbage disposal trucks.

The character of the damage to my car was to the right rear fender.

This notice is given in conformance with Idaho Code 50-162.

Very truly yours,
s/ Gilbert St. Clair

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

The following memo was presented from the Purchasing Department:

CITY OF IDAHO FALLS
Office of the Purchasing Agent
August 9, 1965

CITY SUBSTATION FENCE

Honorable Mayor and Councilmembers:

Tabulation of bids for the City substation fence is attached.

Evaluation of bids received show Mountain States Fence Co. Inc., from Salt Lake City, submitting the low bid of $1,825.00.

It is the recommendation of the Electric Light Division and the Purchasing Department that the low bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

Mr. Don Lloyd
Director of Public Works
City of Idaho Falls, Idaho
Idaho Falls, Idaho

Dear Sir:

I find that the City of Idaho Falls is extending Shoup Avenue south through Block 1 Original Town Site to Cliff Street.

I own the property the Firestone Safety Center is on, and am interested in purchasing the few feet of ground that apparently will remain between the new sidewalk on the west side of this new street and my property on the east side of the Firestone Safety Center.

It looks as if this piece of ground would be of no value to the City, but would be of great help to me adjoining my property.

I have discussed this matter with the Mayor, who told me to write this letter to you with my request. I would appreciate any help you can give me in this matter.

Thanking you in advance, I am,

Yours very truly,
s/K. S. Douglass
282 3rd Street, P.O. Box 7
Idaho Falls, Idaho

It was moved by Councilman Leahy, seconded by Keller, that authorization be granted to have the property in question appraised, after which the City Clerk be authorized to advertise for sale at auction, subject to final checking by the Engineering Department for proper legal description and size. Roll call as follows: Ayes, 6; No, none; carried.

This letter from the City Auditor was read:

Williams, Gaskill & Ferguson
Accountants – Auditors
P.O. Box 457
Idaho Falls, Idaho
July 27, 1965

Honorable Mayor & City Council
Idaho Falls, Idaho

Gentlemen:

Since we will not be able to complete the audit for the year 1964 by July 31, 1965, we are requesting an additional thirty days for completion of the work.

Work load and vacation time has put us behind on all of our work.

Your consideration of this request will be greatly appreciated.

Respectfully,
Williams, Gaskill & Ferguson
s/ Ruland E. Williams, C.P.A.

It was moved by Councilman Leahy, seconded by Parish, that the request for the extension be granted. Roll call as follows: Ayes, 6; No, none; carried.

This letter of resignation was read:

Honorable Eddie S. Pedersen
City Hall
Idaho Falls, Idaho

Dear Eddie:

It is with no small amount of regret that I must tender my resignation as a member of the Idaho Falls Civil Service Commission. I am moving to Ketchum, Idaho, so I will be unable to continue in that capacity.

My association and work on the Commission have been very enjoyable, and I'm sorry that I must leave. Your cooperation, as well as that of the Council, helped make the work a pleasure. Please extend my thanks to the members of the Council.

Sincerely,
s/ J. Joe Poitevin

It was moved by Councilman Freeman, seconded by Page, that the resignation be regretfully accepted. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that, following receipt of the foregoing resignation, he had appointed Mr. Joe Call to fill the un-expired term of Mr. Poitevin as a member of the Civil Service Commission. It was moved by Councilman Page, seconded by Freeman, that this appointment be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk read a letter from Lawrence Matson, local architect, expressing appreciation and commendation for the City's decision to beautify the parking area along Yellowstone Avenue.

This letter was presented and read:

TAM & JENSEN CONST. CO.
Idaho Falls, Idaho
August 6, 1965

City Clerk
City of Idaho Falls

Dear Sir:

We would like to make application to obtain City water services for our new shop building on Lewisville Highway.

We agree to comply with all laws and regulations as are required by the governing body, and are submitting a plan as to how we are proposing to extend and hook to water main.

We have been advised that if an arrangement is made before work is started that the City has participated in the difference in cost between 6 and 10 inch lines, as we are only to use a 2 inch service we feel we should have some help in sharing the cost of water main.

Installation will be as per standard specifications for the construction of water lines, City of Idaho Falls.

Yours very truly,
s/ David S. Edwards
Edwards Brothers

City Engineer Sanderfeld commented to the effect that installation of a 10" line would be preferable to the City. It was moved by Councilman Parish, seconded by Keller, that this be referred to the Public Works Director who, working with the City Attorney, was directed to study the problem and make recommendation to the Council accordingly. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Police Chief was presented:

CITY OF IDAHO FALLS
Office of Police Division
August 3, 1965

RDP- 70 – 65

TO: Honorable Mayor and City Council, City of Idaho Falls
FROM: Office of the Chief of Police
SUBJECT: LICENSE OF BARTENDERS AND/OR WAITRESSES

Your attention is called to City Code – Title 5, Chapter 12, Section 16 – Waitresses.

It is herein recommended that Title 5, Chapter 12, Section 10 of the City Code be revised to concur with the Idaho State Code.

Specifies:
1. To provide permit for female bartenders with compliance to Idaho State Code.
2. To incorporate 5-12-16 within 5-12-10.
3. To set permit feet at $2.50.
4. To issue permit to expire at the end of one year from the date on which issued.

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

It was moved by Councilman Leahy, seconded by Freeman, that the City Attorney be directed to prepare an ordinance accordingly, in conformance with the State Code. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the City Engineer, this memo was presented through the City Clerk:

CITY OF IDAHO FALLS
8/9/65

TO: Honorable Mayor & City Council
FROM: Donald F. Lloyd
SUBJECT: REQUEST FOR AWARD OF CONTRACT FOR WATERLINE ON 8TH STREET

Friday, August 6, 1965, four (4) informal proposals were received to install a 6" waterline (660 linear feet) on the 300 block of 8th Street

Grover & Sons – Shelley, Idaho	$2,337.00
Hartwell Excavating Co. – Idaho Falls, Idaho	2,637.00
Pickett & Nelson, Inc. – Idaho Falls, Idaho	3,517.00
Bateman Bros. Const. Co. – Shelley, Idaho	3,961.00

The bids have been canvassed and no errors were found in the proposals.

We are recommending that the low bid of $2,377.00 submitted by Grover & Sons be accepted.

Respectfully submitted,
s/ R. E. Sanderfeld

It was moved by Councilman Keller, seconded by Nelson, that Grover & Sons be awarded the contract as recommended. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was presented and read:

CITY OF IDAHO FALLS
Office of the City Clerk
8/9/65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

At a recent informal meeting of the City Council, the Employees' Retirement Committee was authorized to hold meetings with all employees eligible for participation in a retirement plan to inform them that the City Council was looking with favor toward contracting with the State of Idaho for inclusion under the Idaho Public Employee Retirement System, to explain the plan, to acquaint them with the basic facets of the system including benefits, cost to the City, cost to the employee, and also, to make them aware that a contract, if signed, would be on a mandatory rather than a voluntary basis.

Your Committee has completed these meetings which were conducted Monday, Tuesday, and Wednesday of last week. Virtually 100% of all eligible employees were in attendance except for those who were on vacation or ill, and received a copy of the explanatory brochure as prepared by the State Retirement Board. Although no poll was taken at these meetings, your Committee sensed absolutely no opposition to the plan. Instead, it would appear that there is in evidence a substantial amount of enthusiasm and appreciation on the part of the employee.

The Committee is apprehensive about conducting a mass election meeting, even if authorized by the Council, after having so recently called the employees together in a series of informatory meetings on the grounds that this might be considered anti-climatic, possibly resulting in poor attendance. Even if this did not prove to be the case, certainly it would be impossible to select a time convenient for all, including shift workers.

After considerable thought on this matter and conferring with the Mayor, we are proposing a secret ballot election in the City Clerk's office. We would ask the voter to register before voting and we would have, by then, a complete roster of eligible employees so that the name could be checked off. The secret ballot, of course, would be unsigned. We propose, further, to have the balloting continue for a week so that all employees, except those on vacation, have an opportunity to vote.

We have contacted Mr. Terrill, Executive Secretary of the State Retirement Office, and he not only says his office would approve and accept such an election but commented to the effect that, in his opinion, this is probably the most democratic method that could be devised.

We therefore respectfully request from the Mayor and City Council that authorization be granted to conduct an election as described and that the balloting be permitted Monday through Friday, August 16th through August 20th. All employees would be notified and urged to vote by their Department Head.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Parish, seconded by Leahy, that authorization be granted to conduct an employee election on the State Retirement Plan as proposed and described. Roll call as follows: Ayes, 6; No, none; carried.

A memo from the City Controller pertaining to the proposed Federal Census was submitted, as follows:

CITY OF IDAHO FALLS
Office of the City Controller
August 9, 1965

TO: Mayor S. Eddie Pedersen and City Council
FROM: L. I. Jenkins, Controller
SUBJECT: SPECIAL CENSUS

By letter of July 22, 1965, the City made inquiry to the United States, Department of Commerce, Bureau of the Census concerning a special census for the City of Idaho Falls. In reply to the inquiry, the Bureau of the Census has stated the estimated cost of a special census of Idaho Falls, based on a population estimate of 38,500 will be $7,145.00. The total cost is

divided two ways; the City should remit to the Department of Commerce a check for $2,620.00 made payable to the Department of Commerce. Later the City should pay the balance of the cost directly to local persons, when such payment is certified by the special census supervisor.

Certain preparatory work in connection with the census is now in progress and we are informed that the census may be scheduled within 60 to 90 days following receipt of the payment of $2,620.00.

I have been given to understand that this census will be acceptable to the State of Idaho for the distribution of certain monies distributed to the City of Idaho Falls, and I recommend that because of the monetary advantage to the City, that the Council approve the special census and authorize Mayor S. Eddie Pedersen as the official signature in connection with the authorization and certifications.

s/ L. I. Jenkins
Controller

It was moved by Councilman Leahy, seconded by Page, that approval be granted to proceed with the Federal Census as recommended, subject to written statements of clarification being obtained from the State Tax Collector by the City Attorney pertaining to certain gray areas on additional revenue to the City which would result from increased City population growth. Roll call as follows: Ayes, 6; No, none; carried.

At the request of the Mayor, City Engineer Sandersfeld reported on a tentative proposal made by the City to the State Highway Department that "D" Street be again made two way traffic. Sandersfeld explained that this would relieve, to some extent, the traffic load on Broadway. It was understood that no left turn would be permitted for east bound traffic at the corner of Yellowstone and "D" Street. It was moved by Councilman Page, seconded by Keller, that the Engineering Department be authorized to negotiate with the State Highway Department for the best workable plan acceptable to both the City and the State. Roll call as follows: Ayes, 5; No, 1; carried. Councilman Leahy voting no and said that he would not be in favor of a left turn for East bound traffic at Yellowstone and "D" Street under any circumstances.

Councilman Freeman reported that the State Licensing Board had reversed their decision and had notified the City Attorney by telephone that R. V. Burggraf Company was, in their revised opinion, as a holder of a Class A Type I, heavy construction license, entitled to bid on the fire alarm system project. It was, therefore, moved by Councilman Freeman, seconded by Leahy, that R. V. Burggraf Company be awarded the contract for installation of the fire alarm system and the Mayor and City Clerk be authorized to sign the contract documents when submitted. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1143

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, TO EXECUTE AND DELIVER A WARRANTY DEED ON BEHALF OF SAID CITY CONVEYING CERTAIN LANDS OWNED BY SAID CITY TO THE UNITED STATES OF AMERICA, ALL PURSUANT TO SECTION 50-1001, IDAHO CODE AS AMENDED; PARTICULARLY DESCRIBING SAID LANDS; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Freeman, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

Councilman Parish proposed that the City Attorney prepare one or more ordinances for Council consideration which would increase the Mayor's salary and the Councilmen's salary, effective January 1st, 1966, and which would amend the City Code relative to the change in the Mayor's term of office from two to four years. It was moved by Councilman Parish, seconded by Page, that the City Attorney be instructed to proceed accordingly. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, 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

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