

MAY 6, 1965

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The City Council of the City of Idaho Falls, Bonneville County, State of Idaho, met in a Regular Meeting, Thursday, the 6<sup>th</sup> day of May, 1965, at the hour of 7:30 P.M. at the regular meeting place of the City Council, in the Council Chambers in the City Hall, in Idaho Falls, Idaho, due legal and timely notice of said Meeting having been served upon the members as required by law and the rules and ordinances of said City.

On roll call the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilmen Philip C. Leahy, Jim R. Freeman, Gordon L. Nelson, Dale D. Parish, Roy C. Keller. Absent: Councilman Karl G. Page. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Ray Browning, Building Official; Don Lloyd, Public Works Director; William Fell, Electrical Engineer.

Minutes of the last Recessed Regular Meeting held April 22<sup>nd</sup>, 1965, recessed and reconvened on April 27, 1965, were read and approved as amended.

The Mayor announced that this was the time and the place for a public hearing to consider various requests for rezoning. First to be considered were two small areas, one in the near vicinity of the other, legally described as follows:

Beginning at the Northwest Corner of Linden Park Addition Division No. 1 to the City of Idaho Falls, Idaho as shown on the recorded plat thereof said point of beginning being also S. 0° 15' 30" W. 1324.86 feet from the North ¼ corner of Section 20 T. 2N., R.38 E.B.M., and running thence S. 0° 15' 30" W. 593.67 feet; thence S. 89° 44' 30" E. 14.18 feet to a point of curve with a radius of 20.00 feet; thence to the left along said curve a distance of 24.77 feet to a point of reverse curve with a radius of 604.49 feet and a tangent that bears N. 19° 18' 09" E.; thence to the right along said curve a distance of 242.37 feet; thence N. 42° 16' 30" E. 125.00 feet to a point of curve with a radius of 1096.74 feet; thence to the left along said curve a distance of 189.45 feet; thence N. 57° 37' 20" W. 162.87 feet; thence N. 65° 52' W. 103.50 feet; thence N. 89° 30' 30" W. 120.52 feet to a point of beginning.

**ALSO:**

Beginning at a point that is S. 0° 15' 30" W. 1324.86 feet; thence S. 89° 30' 30" E. 120.52 feet; thence S. 65° 52' E. 103.50 feet from the North Quarter corner of Section 20 T. 2N., R. 38 E.B.M., and running thence N. 20° 45' E. 134.00 feet to a point on a curve with a radius of 660.00 feet and a tangent that bears S. 69° 31' 20" E.; thence to the right along said curve a distance of 164.40 feet to a point of compound curve with a radius of 20.00 feet; thence to the right along said curve a distance of 28.20 feet to a point of compound curve with a radius of 1096.74 feet and a tangent that bears S. 25° 43' W.; thence to the right along said curve a distance of 127.51 feet; thence N. 57° 37' 20" W. 162.87 feet to the point of beginning.

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It was noted that the Planning Commission had recommended R-2A rezoning for the first section and R-3A for the second section, both of which had previously been zoned R-1. There were no protests. It was moved by Councilman Leahy, seconded by Keller, that this rezoning, as recommended, be approved. Roll call as follows: Ayes, 5; No, none; carried.

Next to be considered was the following leally described property, owned by Mr. Ray Bird:

Commencing at a point 30' North and 230' W. of the S.E. Corner of the S.W. ¼ of the S.W. ¼ of Section 13, T. 2N, R. 37, E.B.M.; thence running 420.66' North; thence West 170.66'; thence South 140.00 ft.; thence East 65'; thence South 280.75'; thence East 105.66' to the point of beginning.

It was noted that the Planning Commission had recommended denial on the grounds that this, if rezoned R-3A from HC-1, would constitute spot zoning. In this connection the Building Official presented the following memo:

City of Idaho Falls  
Building Official  
April 28, 1965

TO: The Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

We are asking for your guidance with the following problem:

We have an application for a permit to build a ten-unit apartment house on West Broadway, which will replace existing trailers, adjoining the Kruse Motel, on the east side. This is now in HC-1 zone, which excludes dwellings.

Permitted uses include motels and trailer parks and other uses ruled by the City Council to be similar to the above listed uses and are in harmony with the objectives and characteristics of this zone.

A change of zone from HC-1 to R-3A, was applied for and denied by the Planning Commission on April 27, 1965. Reason for denial was that it would create a "spot zone". No objection was made to the use for an apartment house.

Yours truly,  
s/ Ray Browning  
Building Official

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Mr. Ray Bird appeared in his own interests, protesting the recommendation of the Planning Commission on the grounds that his request for rezoning would be compatible with the area. Councilman Parish explained that residential spot zoning in a commercial area is not good planning. Mr. Bird said he already had requests for permanent or long term tenants in the apartment house he would construct on the land in question. Browning noted that the Planning Commission had no objection to an apartment house on this location but merely the spot zone. Parish suggested to Mr. Bird that he petition a change of zone for a larger area, getting other affected property owners to sign the petition, thus eliminating the spot zone precedent and problem. Meanwhile, upholding the decision of the Planning Commission, it was moved by Councilman Nelson, seconded by Leahy, that the Ray Bird petition for rezoning be denied. Roll call as follows: Ayes, 5; No, none; carried.

Finally, the following was introduced for rezoning:

Beginning at a point 102.54 feet South of the Southwest Corner of Lot 21, Block 8 of South Hillcrest Addition to Idaho Falls, Idaho, according to the recorded plat thereof, running thence North 102.54 feet, thence North 88° 50' East 369.72 feet, thence South 27° 00' West 145.29 feet, thence South 89° 52' 30" West 283.64 feet, thence in a 20 foot radius curve to the right a distance of 34.46 feet more or less to the point of beginning.

However, it was noted that the Planning Commission was still studying the request and had not come to a decision of recommendation. It was moved by Councilman Parish, seconded by Leahy, that rezoning on this parcel, therefore, be temporarily deferred. Roll call as follows: Ayes, 5; No, none; carried.

This concluded the zoning hearing. The Mayor instructed the Building Official to incorporate the foregoing rezoning changes on the official zoning map, located in his office and the City Attorney to also incorporate said changes in the Zoning Ordinance by amendment.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for hearing objections and protests on the Assessment Roll for L.I.D. #34.

Mr. George Petersen, local attorney, representing himself and others, appeared before the Council and presented the following:

**OBJECTIONS TO ASSESSMENT ROLL**

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF IDAHO FALLS, IDAHO

The undersigned, individually and jointly, as property owners of real property which real property fronts "E" Street in the City of Idaho Falls, submit the following objections to the Assessment Roll proposed for Special Improvement District #34 of the City of Idaho Falls, Idaho, to-wit:

1. That the said District constitutes an unlawful and illegal assessment under the laws of the State of Idaho.
2. That the present paved street together with the curbing, guttering and sidewalk presently installed along "E" Street is in good repair and condition and thus is not in need of being replaced.
3. That the cost of the proposed assessment for the various lots hereinafter described would far exceed any direct or indirect benefit to the owners of the hereinafter described lots.
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 to any public benefit that might come from including the above property in the proposed Special Improvement District #34.
5. Any widening of "E" Street would represent an overall improvement to the City and thus any cost of said improvement should be borne by each of the residents of Idaho Falls and not merely the properties fronting "E" Street.

**PROPERTY OWNER: (Signatures)**

**LAND DESCRIPTION:**

Eagle Rock Investment Inc. Sterling A. Jensen, Pres.	Lot:		Railroad Addition to the Original Town of Eagle Rock, now the City of Idaho Falls
Grace G. Voight	10, 11, 12	5	Same
John Schwendiman	8	5	Same
George L. Trumbo			Same
Leo A. Williams	3, 4, 9	5	Same
Margaret Derr	796 Memorial Drive		Same
Lorraine Lockyer	Lot 5	12	Same
L.D.S. Hospital by Grant C. Burgon	7	5	Same
L.D.S. North I. F. Stake by Dale G. Olson, Pres.		6	Same
Orland C. Buck		6	Same

Mr. Peterson asked that it be made a matter of record that all petitioners were present. He reminded the Council that, in his opinion, the District was illegal inasmuch as a local improvement district, by statute, must prove of benefit to the affected property owners which cannot be proven with L.I.D. #34, in view of the fact that the improvement presently exists and the proposed construction is

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primarily for reconstruction rather than construction. Mr. Petersen proceeded to point out that the street widening for instance, could only be of benefit to the motorist and, thus, the community as a whole; not the property owner. Mr. Petersen concluded by requesting that, in the event the assessment roll was approved by the Council, he be notified immediately so that he could appeal the action.

Mr. Terry Crapo, local attorney, appeared before the Council and presented the following written protests:

Holden, Holden & Kidwell  
Idaho Falls, Idaho  
May 6, 1965

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

Dear Mr. Barnes:

We have been authorized by Mr. O. A. McCune and Chloe McCune, his wife, to enter a protest on their behalf with respect to assessments recently made against them in the Assessment Roll of Local Improvement District No. 34 filed in your office on April 22, 1965. Mr. and Mrs. McCune are the owners of property described as the North 54 feet of Lot 7 in Block 7 of the Railroad Addition to the City of Idaho Falls, according to the recorded plat thereof. Their property fronts on Park Avenue and does not front on "E" Street. The closest distance of any portion of their property to "E" Street is 86 feet on the extreme Southerly edge of the McCune property.

This protest against said assessment is made upon the following grounds:

1. The existing improvement is in reasonably good repair and is adequate for the purposes for which constructed.
2. Section 50-2905 of the Idaho Code requires that assessments in local improvement districts be made in proportion to the benefits derived by the assessed property. It is the position of the McCune's that the proposed construction on "E" Street would not in any manner benefit property located North of "E" on Park Avenue, inasmuch as Park Avenue at the location of the McCune property is South bound and therefore improved or two-way traffic on "E" Street would not in any way improve access or traffic past the McCune property. It would thus appear that the McCune's will not receive any benefits in excess of the benefits of the general public and that so far as they are concerned, this is a public and not a local improvement.

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3. We further understand that the purpose of widening "E" Street is for the improvement of traffic flow in downtown Idaho Falls, which would appear to benefit the public at large.
4. A portion of the proposed charges would apparently be for the installation of sidewalks and curbs. Under the provisions of Section 9-1-1 of the Idaho Falls Code, the property owner is responsible for the construction and repair of sidewalks, curbs and gutters abutting his property. It would appear that this assessment is an attempt in violation of the Idaho Falls Municipal Code to extend the liability for construction and repair of sidewalks, curbs and gutters to other than abutting property owners.

Mr. and Mrs. McCune desire to renew their general objections to the establishment of Local Improvement District No. 34 as set forth in our letter of May 22, 1964, to the Honorable S. Eddie Pedersen, Mayor of the City of Idaho Falls, Idaho, and to establish of record their objections to the assessments made against them in the recently filed Assessment Roll.

Respectfully submitted,  
s/ Terry L. Crapo  
Holden, Holden & Kidwell

Holden, Holden & Kidwell  
Idaho Falls, Idaho  
May 6, 1965

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

Dear Mr. Barnes:

We have been authorized by the North Idaho Falls Stake of the Church of Jesus Christ of Latter Day Saints to enter a protest on its behalf with respect to the assessment recently made against it in the Assessment Roll of Local Improvement District No. 34, filed in your office on April 22, 1965. The North Idaho Falls Stake of the Church of Jesus Christ of Latter Day Saints is the owner of the property described as Block 6 in the Railroad Addition to the City of Idaho Falls, Idaho, according to the recorded plat thereof.

This protest against said assessment is made upon the following grounds:

1. Section 50-2905 of the Idaho Code requires that assessments in local improvement districts be made in proportion to the benefits derived by the

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assessed property. It is the position of the North Idaho Falls Stake that the proposed improvement district would not benefit its property in any way, but would in fact be detrimental to its present use.

2. The existing improvements, composed of the street, gutters and sidewalks are in reasonably good repair and adequate for the purposes for which constructed. The proposed improvement would thus appear to be unnecessary and superfluous.
3. It would appear that the primary purpose for widening and improving "E" Street is not to benefit the adjacent property owners, but to provide an arterial connection between the U. S. Interstate Highway No. 15 and U. S. Highway 191 and also to improve the traffic flow in all of downtown Idaho Falls. Both of these purposes would appear to be to the benefit of the public at large and the actual benefit, if any, to the non-commercial property owners adjacent to "E" Street would be negligible.

The North Idaho Falls Stake of the Church of Jesus Christ of Latter Day Saints renews its general objections to the property of the establishment of Local Improvement District #34 as set forth in our letter of May 25, 1964, to the Honorable S. Eddie Pedersen, Mayor of the City of Idaho Falls, Idaho, and protests against the assessment now being made in the recently filed Assessment Roll.

Respectfully submitted,  
s/ Terry L. Crapo  
Holden, Holden & Kidwell

Mr. Crapo then commented to the effect that there is an existing street, sidewalk and gutter and so this proposed construction must be classified, instead, as reconstruction. He said the project might even be considered a detriment to property owners instead of an advantage, because of the increased traffic flow. He reminded the Council that benefits must be in relation to costs. He said the "E" Street business interests are the only ones who would benefit and this is a direct violation of the Idaho Code. He said, contrary to reports, the L.D.S. Church does not intend to convert their "E" Street location into a commercial enterprise.

Mr. George Trumbo appeared and protested the district and particularly the need for a wider sidewalk.

Mr. Fred Haroldsen appeared and protested being assessed when his property was on "F" Street. The Mayor explained that "F" Street property was involved only in the storm sewer portion of the improvement.

Mr. Orland Buck appeared and protested on the same grounds as previously registered by others.

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The Mayor asked for opinions relative to whether or not protests would be withdrawn if the City were to decide to improve the Street without charge to the property owner.

Bishop T. P. Grimmett and Mr. Dale Olson, representing the L.D.S. Church, appeared and said that, under these conditions, the church would not only withdraw their objections but would be willing to give the needed property for street widening.

Mr. Grant Burgon of the L.D.S. Hospital said his organization could not justify the assessment, as proposed, to be paid from hospital operation funds but would donate the needed property if the City were to elect to improve the street without assessment. This concluded the assessment hearing. The Mayor said that, in view of the protests, no decision would be made this night and thanked all participants for their interest.

The Mayor recognized Mrs. Frank Schroeder as representing the League of Women Voters and thanked her for presence and her interest.

The School Board and School Superintendent from School District #91 appeared before the Council. Dr. Rheim Jones acted as spokesman. It was learned that they were proposing and seeking joint use facilities between the City and the School District for the new high school and, for purpose of planning, needed a commitment from the City in this regard. The Mayor assured the Board that the Council favored joint use facilities and that they could expect support in an amount as could be justified from the budget. It was noted that a Joint Use Committee had previously been active but were now inactive. It was agreed that said Committee should be reactivated and a meeting was called for the following Monday Noon toward that end. It was further agreed that said Committee would report back to the City Council at the next Regular Meeting and the School Board agreed to be present at that time. Councilman Parish reported, as the Council representative on the Citizen's Advisory Committee, that the group had been active with considerable progress toward recommendations for the School facilities.

Mr. Ferren Martin, although having appeared primarily as a member of the School Board, appeared on another matter of a personalized nature. He explained that, as lessee of the Dr. John Hatch farm property boundaried by the Idaho Canal, First Street and Woodruff Avenue, there has been a request by a nearby developer immediately north of the farm property that an irrigation ditch be removed and that, instead, water serving the farm area be pumped from the Idaho Canal. The Mayor explained that the developer had requested City participation in the cost of correcting this situation in the amount of \$300.00. The Mayor referred same to the Public Works Committee with the understanding that Martin meet with them in an effort to resolve the problem.

Bills for the Month of April, having been properly audited by the Finance Committee, were presented as follows, in caption form, to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$96,528.821	\$81,348.10	\$177,876.92
Fire Fund	21,003.32	3,593.42	24,596.74
Water and Sewer	9,057.11	18,318.04	27,275.15

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Electric Light Fund	26,673.02	56,475.71	83,148.73
Recreation Fund	1,368.34	611.56	1,979.90
Police Retirement	<u>1,992.91</u>	<u>.00</u>	<u>1,992.91</u>
<b>TOTAL</b>	\$156,623.52	\$160,346.83	\$316,970.35

It was moved by Councilman Parish, seconded by Leahy, 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, 5; No, none; carried.

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

License applications for BEER, previously approved by the Police Chief, change of ownership name only, Mamie Baird for Buckhorn Gardens; Robert Nelson for New Grand Hotel; RETAIL LIQUOR, name change only, Agatha Huth for the Serendipity; HOTEL, MOTEL, previously approved by the Police Chief, Robert C. Nelson, 28 rooms for the New Grand Hotel; Dorothy Drake, 10 rooms for Gem Rooms, change of ownership only, Phyliss and David Hand for Falls View Motel; MASTER PLUMBER, previously approved by the Heating Inspector, Howard B. Davis Sr. for Red Davis Plumbing Co.; CLASS D WET HEAT CONTRACTOR, previously approved by the Heating Inspector, Howard B. Davis for Red Davis Plumbing Co.; CLASS D WARM AIR HEATING CONTRACTOR, previously approved by the Heating Inspector, Paul B. Hammond for Hammond Furnace Co.; CLASS C JOURNEYMAN WARM AIR HEATING-VENTING & GAS FITTING, previously approved by the Heating Inspector, Kent McGary; CLASS D JOURNEYMAN WARM AIR HEATING, previously approved by the Heating Inspector, Paul Hammond; CLASS D GAS FITTER JOURNEYMAN, previously approved by the Heating Inspector, Kenneth Dean; CLASS D REFRIGERATION APPRENTICE, previously approved by the Heating Inspector, Clyde G. Smith for Scott Refrigeration; JOURNEYMAN PLUMBER, previously approved by the Heating Inspector, Kenneth Sprinkle, Jim Justerson, Lewis Thompson; JOURNEYMAN ELECTRICIAN, previously approved by the Electrical Inspector, Harold T. Babbitt, Harold L. Brainard, Floyd M. Gifford were presented. It was moved by Councilman Freeman, seconded by Keller, that these licenses be approved. Roll call as follows: Ayes, 5; No, none; carried.

License application for DANCE HALL, previously approved by the Police Chief, name change only, Mamie Baird for Buckhorn Gardens was presented. It was moved by Councilman Leahy, seconded by Freeman, that this license be granted, subject to the approval of the Police Committee. Roll call as follows: Ayes, 5; No, none; carried.

This damage claim was presented and read:

May 5, 1965  
Idaho Falls, Idaho

To the City Clerk  
City of Idaho Falls, Idaho

MAY 6, 1965

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Dear Sir:

I am advised to file a claim for damage and theft to my 1950 Oldsmobile station wagon, during the time it was impounded by the City of Idaho Falls.

Damage listed as follows: Stolen - one six volt battery. Broken - one right wing window, one six volt seal beam headlight.

The car was impounded on March 5<sup>th</sup>, 1965, and released April 14<sup>th</sup>, 1965.

Sincerely,  
Clayne A. Larson

It was moved by Councilman Leahy, seconded by Parish, that this be referred to the insurance adjustor for investigation and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

Attention was drawn to a recommendation of the Planning Commission that a request to change Ash Street to a two-way street be referred to the Public Works Department. It was moved by Councilman Freeman, seconded by Keller, that instead, said request be referred to the Traffic Committee. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the Planning Commission, came a recommendation that the City notify the County Planning Commission that the City has no objection for the changing from County Zoning R-1 to County Zoning R-2 on a strip of land 135 feet deep and located one quarter to one half mile south of Broadway on the east side of South Skyline Drive. It was moved by Councilman Parish, seconded by Freeman, that the County Planning Commission be notified accordingly. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to Page 180 in this Book of Minutes and a proposed amendment to the Zoning Ordinance under Section 4-26-I-8 which would replace the words "Affidavit" in that section of the work "Statement". It was noted that said proposed amendment was, at that time, referred to the Planning Commission who has since studied the proposition and has recommended approval. It was moved by Councilman Leahy, seconded by Keller, that the wording be changed as described and recommended. Roll call as follows: Ayes, 5; No, none; carried.

A preliminary plat of Garfield Estates, Division No. 2, was presented for Council perusal with a Planning Commission recommendation that it be approved. It was moved by Councilman Leahy, seconded by Keller, that this preliminary plat be approved. Roll call as follows: Ayes, 5; No, none; carried.

These memos from the Purchasing Department were read:

City of Idaho Falls  
Purchasing Agent  
May 5, 1965

Seven Trucks

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Honorable Mayor and Councilmembers:

Tabulation of bids for seven (7) trucks showing net price with six trade-ins is attached.

Evaluation of bids received show Ellsworth Brothers Inc. of Idaho Falls, submitting the low lump sum bid, with trade-in of \$23,440.00. This price to include two Tesco Dump Boxes.

These seven trucks are to be used by the Street Department, Sanitation Department, Public Works, and Parks and Recreation.

This recommendation subject to your approval.

s/ W. J. Skow  
Purchasing Department

CITY OF IDAHO FALLS  
Purchasing Department  
May 3, 1965

Electrical Materials

Honorable Mayor and Councilmembers:

Tabulation of bids for electrical materials is attached.

Evaluation of bids received show Electrical Contractors Supply of Idaho Falls, submitting the low bid of \$4,509.20.

The insulators and cutouts are to be used by the Electric Light Department.

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

It was moved by Councilman Keller, seconded by Freeman, that the low bidder in each instance be selected and approved as recommended. Roll call as follows: Ayes, 5; No, none; carried.

Presented by the City Clerk was the following:

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CITY OF IDAHO FALLS  
City Clerk  
May 6, 1965

Gentlemen:

On March 23, 1965, a public auction was conducted for the sale of certain City owned property lying directly east of the City owned Riverside Substation. This was sold to the Burggraf Family in the amount of \$8,800 who subsequently offered certain adjacent or nearby property to the City for a like amount of money, legally described as follows:

Beginning at a point that is S 89° 55' W 1335.08 feet and S 27° 25' 41" W 230.33 feet from the Northeast corner of Section 25, T. 2N., R. 37 E.B.M. said point of beginning being on the North line of Burggraf property; running thence S 27° 25' 41" W 12.77 feet to the point of curve of a 1075 foot radius curve; thence to the left along said radius curve 372.64 feet to the South line of Burggraf's property line; thence N 70° 17' W 61.28 feet along said property line to a 1135.0 foot radius curve; thence to the right along said radius curve 362.07 feet; thence N 89° 55' E 67.48 feet to the point of beginning containing 0.51 acres more or less.

Inasmuch as the City had a need for this property for the extension of South Capital right of way the offer was accepted by the City Council and the City Attorney is now processing the legal papers.

Inadvertently, no formal Council action was taken pertaining to the purchase of the above described land from the Burggraf Family. The purpose of this memorandum is to request ratification accordingly so that the Controller may be officially authorized to make payment.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Parish, seconded by Keller, that the informal action of the Council be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Next, from the City Clerk, this memo was read:

CITY OF IDAHO FALLS  
City Clerk  
5/6/65

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To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

At a recent informal meeting of the Mayor and City Council, the City Clerk submitted a progress report relative to certain experimental work which has been in progress by Machine Tabulating Service, otherwise known as the local Service Bureau, preparatory to and in anticipation of a working arrangement whereby the City would contract with the Service Bureau, on a farm out basis, for the electronic data processing of all utility billing.

It was learned that said experimentation has been in progress since April 1<sup>st</sup>, 1965, with complete success. The Service Bureau has been listing the City accounts which has been used as the informational source of the billing, instead of the meter route book, with substantial man hour savings. All of this has been without cost to the City. The Service Bureau has chosen to call this their Systems Development Program.

Pursuant to a recommendation by the City Clerk, informal authorization was granted to contract with Machine Tabulating Service to continue with this systems development program until September 30, 1965 for a non-recurring fee of \$3,500.00 plus a recurring monthly charge of \$78.00 per 1,000 accounts, to approximate \$930.00. It was understood that the contract would also provide for the Service Bureau to be responsible for preparing statements, effective October 1<sup>st</sup>, 1965, at which time there would be an additional non-recurring charge of \$350.00 and an additional re-curing monthly charge of \$400.00.

It is further understood that a suitable and appropriate contract will be negotiated between the City and Machine Tabulating Service. The purpose of this memorandum is to request official conformation and ratification of this informal action by the Council.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Freeman, seconded by Keller, that the informal action of the Council be duly confirmed and ratified as described. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Controller was then presented:

TO: Mayor S. Eddie Pedersen  
FROM: L. I. Jenkins, City Controller  
SUBJECT: LEASES

CITY OF IDAHO FALLS  
May 6, 1965

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Farm Lease - A lease on the so called Wright Farm has been satisfactorily negotiated with Mr. James S. Schwarzenberger for a one year lease.

Youngstrom Lumber Co. - Mr. Lewis Youngstrom DBA Youngstrom Lumber Company, has requested that he be permitted to re-lease the property for one year at the same rate of \$100.00 per month for the purpose of continuing the operation of a saw mill. Mr. Youngstrom has leased this property since April, 1962.

The leases have been prepared and it is requested that the Mayor and City Clerk be authorized to sign. It was moved by Councilman Parish, seconded by Leahy, that these leases be renewed as described. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

CITY OF IDAHO FALLS  
5/6/65

Honorable Mayor and City Council  
City Hall

From: Don Lloyd  
City Annex

Gravel Crushing

On May the 4<sup>th</sup>, two bids were received for crushing the City's maintenance gravel. Each bidder submitted a price for crushing gravel on their own site and unit price for hauling to a City stock pile site.

Based upon the attached analysis of these bids, it is our recommendation that an award be made to Hartwell Excavating Company in the amount of \$12,000 to crush 10,000 tons of gravel from our own site.

It was moved by Councilman Keller, seconded by Nelson, that the Hartwell Excavating bid in the amount of \$12,000 be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

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

CITY OF IDAHO FALLS  
5/6/65

TO: Honorable Mayor and City Council  
FROM: Don Lloyd  
SUBJECT: IMPROVEMENT OF RIVERSIDE DRIVE

MAY 6, 1965

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The improvement of Riverside Drive was contemplated in connection with a street local improvement district. However, because of the traffic loading expected during the summer season, it is desirable this improvement proceed as early as possible.

We are therefore requesting that this Department be authorized to accept bids for additional curb and gutter work amounting to approximately 2,500 linear feet.

It was moved by Councilman Keller, seconded by Nelson, that the City Clerk be authorized to publish legal notice as described. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the Public Works Director, this memo was read:

CITY OF IDAHO FALLS  
5/4/65

TO: Honorable Mayor and City Council  
FROM: Don Lloyd  
SUBJECT: VACATION OF SEWER LINE EASEMENT

Please find attached hereto a formal petition and a drawing showing request for vacation of a sewer line easement. The requested vacation is shown in red on the attached drawing.

This request has been reviewed in detail and we find no objections, if the requestors will construct a manhole at the end of the public easement, we would recommend it be approved.

It was moved by Councilman Keller, seconded by Leahy, that the sewer line easement in question be vacated in favor of Larena and Ray Bird and Elaine and Dean Storer. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Public Works Director this memo:

CITY OF IDAHO FALLS

TO: Honorable Mayor and City Council  
FROM: Don Lloyd  
SUBJECT: TELEPHONE BOOTH

We have a request for an installation of a telephone booth on City owned property at the corner of North Highway and Elva Street, as shown in the attached sketch.

Power forces for this booth would be from the City Garage and I have been advised by the Electric Light Division, power use would be minimal. The service to the booth will be underground. There is to be no cost other than power to the City and the City is to receive 15

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percent on all tolls collected. We find no objection to this request and would recommend that it be approved.

It was moved by Councilman Nelson, seconded by Keller, that this request be approved. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Parish introduced the following Resolution in writing and moved its adoption:

**RESOLUTION NO. 1 (Resolution No. 1965-10)**

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF IDAHO FALLS, IDAHO, TO CONSTRUCT STORM SEWERS IN AND ALONG CERTAIN STREETS, ALLEYS, EASEMENTS AND RIGHTS-OF-WAY, AND PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF SAID CITY; TO CREATE A LOCAL IMPROVEMENT DISTRICT, TO BE KNOWN AS LOCAL IMPROVEMENT DISTRICT NO. 35 OF THE CITY OF IDAHO FALLS, FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAY THE COSTS AND EXPENSES OF SAID DISTRICT AND OF SAID IMPROVEMENT BY SPECIAL ASSESSMENTS LEVIED ON AND AGAINST THE LOTS, TRACTS AND PARCELS OF LAND ABUTTING, ADJOINING AND ADJACENT TO THE STREETS AND ALLEYS, EASEMENTS AND RIGHTS-OF-WAY IN WHICH SAID SEWER LINES ARE CONSTRUCTED, AND ON AND AGAINST ALL TRACTS, LOTS AND PARCELS OF LAND IN SAID DISTRICT SPECIALLY BENEFITED BY SUCH IMPROVEMENT; PROVIDING THE BASIS UPON WHICH SUCH SPECIAL ASSESSMENTS SHALL BE LEVIED; GIVING THE KIND AND CHARACTER OF SUCH IMPROVEMENTS AND THE ESTIMATED TOTAL COST THEREOF; FIXING THE TIME WHEN PROTESTS AGAINST SAID IMPROVEMENTS AND THE CREATION OF SAID DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK AND WHEN SUCH PROTESTS WILL BE HEARD AND CONSIDERED BY THE CITY COUNCIL; AND PROVIDING FOR THE GIVING OF LEGAL NOTICE THEREOF.

WHEREAS, the City Council of the City of Idaho Falls, Idaho, deems it for the best interests of said City to construct storm sewers in and along certain streets and alleys, easements and rights-of-way and parts thereof, within the corporate limits of said City, hereinafter particularly described, and for the making of said improvements to create Local Improvement District No. 35 for the City of Idaho Falls, Idaho, and

WHEREAS, the estimated costs of said District and of said improvements is \$39,000.00, and

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WHEREAS, the City Council proposes to defray all the costs and expenses of said district and of said improvements by special assessments levied on and against all lots, tracts and parcels of land abutting, adjoining and adjacent to the streets and alleys, easements and rights-of-way in which said sewers are constructed and against all tracts, lots and parcels of land in said District specially benefited by such improvement, and to defray the entire cost by such assessments;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AS FOLLOWS:

**Section 1.** That the City of Idaho Falls, Idaho, does hereby declare its intention to construct storm sewers in certain streets, alleys, easements and rights-of-way and parts thereof, within the corporate limits of said City, and for that purpose to create and establish a Local Improvement District therein, to be known as "Local Improvement District No. 35 of the City of Idaho Falls, Idaho", the lands and lots in District and the boundaries of said District are described as follows:

Beginning at the point of intersection of the centerline of North Fanning Avenue and Cleveland Street, and running thence North along the centerline of North Fanning Avenue to the North property line of Garfield Street; thence North 45° East 200 feet; thence North parallel to and 125 feet East of North Fanning Avenue, 900 feet; thence East and parallel to East Elva Street 625 feet, more or less, to the Northeast corner of Lot 2, Block 8, South Bel-Aire Addition; thence North 45° East 80 feet, more or less, to the intersection with the centerline of Lovejoy Street; thence East along the centerline of Lovejoy Street 450 feet to the East property line of Lot 1, Block 2, South Bel-Aire Addition, extended; thence South to the Southeast corner of said Lot 1; thence East to the Northeast corner of Lot 29, Block 2, of said Addition; thence South 470 feet to the southeast corner of Lot 4, Block 4, of said addition; thence East to the Northeast corner of Lot 21, Block 4; thence South 240 feet, more or less, to the Southeast corner of Lot 5; Block 5; thence East to the Northeast corner of Lot 17, Block 5; thence South 240 feet, more or less, to the Southeast corner of Lot 4, Block 6; thence East to the Northeast corner of Lot 12, Block 6; thence South to the southeast corner of Lot 12, Block 6; thence South 45° East 80 feet, more or less, to the intersection with the centerline of Spruce Drive, Pine Acres Subdivision; thence South along said centerline 100 feet, more or less, to the South line of Lot 17, Block 5 of said addition extended; thence West 985 feet, more or less, to the Southeast corner of Lot 30, Block 5, of said addition; thence Southeasterly along the Easterly boundary of Lot 31,

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Block 5, to the Northerly boundary of Hemlock Circle; thence Southwesterly along the boundary of Hemlock Circle to the southeast corner of Lot 32, Block 5; thence Southeasterly 190 feet to the Southwest corner of said Lot 32; thence South along the West boundary line of Pine Acres Subdivision 300 feet, more or less, to the center of the West boundary of Lot 40 of said Block 5; thence Northwesterly 750 feet to the point of intersection of the centerline of Cleveland Street and the West property line of the Bel-Aire School site; thence West along the centerline of Cleveland Street 330 feet, more or less, to the point of beginning, containing 58.3 acres, more or less,

The points between which said storm sewers are proposed to be laid, and the location thereof, are as follows:

Commencing at the intersection of Royal Avenue and Garfield St. thence East 1040 feet along Garfield Street to the extension of the lot line common to Lots 13 and 14, and 20 and 21, Block 5, Pine Acres Subdivision; thence South along the said common lot line 300 linear feet to the underground conduit of Crow Creek.

**Section 2:** The kind and character of said improvements are the construction of storm sewers to serve said District and all properties within the boundaries of said District, as heretofore described and located in Section 1 hereof, all according to the plans and specifications thereof, to be filed in the office of the City Engineer and in the office of the City Clerk of the City of Idaho Falls, Idaho, on or before the day hereinafter fixed for the hearing of protests against the creation of said District and the making of said improvements.

**Section 3.** Said improvement is an original improvement.

**Section 4.** The estimated cost and expense of said District and of said improvement is \$39,000.00, all of which is to be assessed against those lands in said District which will be benefited thereby.

**Section 5.** The cost of said District and of said improvement shall be paid by special assessments, levied and assessed against the lands of said District which will be benefited by said improvements as follows:

The lots and lands benefited by such improvement and included in the improvement district heretofore particularly described, in proportion to the number of square feet of said lands as specially benefited, sufficient to cover the entire cost and expenses of said District and said improvements.

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**Section 6.** The lots, parcels and tracts of land included in said District which will be benefited by said improvements and which will be assessed for such improvements of said District are as heretofore described in Section 1 herein.

**Section 7.** Said improvement is to be made by the installation of storm sewers in the locations as set forth in Section 1 hereof.

**Section 8.** The cost and expenses of the improvements within the intersections will be paid from land benefited thereby.

**Section 9.** That Tuesday, the 8<sup>th</sup> day of June, 1965, at 7:30 o'clock P.M. of said day, in the Chambers of the City Council, in the City Hall in the City of Idaho Falls, Idaho, be, and the same are hereby designated as the time and place when and where protests against the creation of said District for the making of such improvements, shall be heard and considered by the City Council.

**Section 10.** All protests against the creation of said District or the making of said improvements to be considered must be in writing, filed in the office of the City Clerk, prior to the time set for the hearing thereof.

**Section 11.** The City Clerk shall give notice of the passage of this resolution and the time within which protests against said proposed improvements or creation of said District may be filed, and the date when such protests will be heard and considered by the Council, such notice to further describe the general character of the improvement or improvements proposed to be made, and the estimated total cost thereof, and shall refer to the resolution on file in the office of the City Clerk for further information in regard thereto. Said City Clerk shall cause such notice to be published in the Post Register, the official newspaper of this municipality in three consecutive issues, and shall cause a copy of such notice to be mailed to each owner of property, if known, or his agent, if known, within the limits of said proposed improvement district, addressed to such person at his post office address, if known, or if unknown, to the post office in the City of Idaho Falls, where said improvements are to be made, said notice to provide the expiration of the filing of protest shall be not less than ten days after the date of the last publication of such notice or of the posting and mailing of the same. Said City Clerk shall file and maintain in his office proof of publication and an affidavit showing posting and mailing of such notices.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF IDAHO FALLS, IDAHO, this 6<sup>th</sup> day of May, 1965.

Councilman Freeman seconded the adoption of Resolution No. 1, declaring the intention of the City Council of the City of Idaho Falls, Idaho, to create Local Improvement District No. 35, and the same on being put to a vote was unanimously carried by the affirmative vote of all Councilmen

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present, the vote being as follows: Councilman Philip C. Leahy, Councilman Jim R. Freeman, Councilman Gordon L. Nelson, Councilman Dale D. Parish, Councilman Roy G. Keller.

This memo from the Police Chief was read:

CITY OF IDAHO FALLS  
Police Division  
April 30, 1965

TO: Honorable Mayor and City Council  
City of Idaho Falls  
FROM: Office of the Chief of Police  
SUBJECT: PROPOSAL FOR CITY ORDINANCE

It would assist the operation and efficiency of the Police Division if we had an ordinance which would empower the police officers and our pound masters to issue tickets in the form of a citation or summons to appear in court to violators of the dog ordinances.

It is further suggested that other Divisions within the City might be included in the same ordinance. A uniform ticket could be adopted which police officers could issue to cover the dogs, water regulation, animals and fowl, health and sanitation, and other types of violations. This same ticket could be used by the meter readers for broken meter seals, the Fire Department Inspectors as well as the Building Inspectors for definite violations.

Your consideration will be appreciated.

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

It was moved by Councilman Freeman, seconded by Keller, that the City Attorney be instructed to prepare an amending ordinance to the Dog Leash Law and also a form of citation for Council consideration with the understanding that said amended ordinance also incorporate other policing problems listed in the memo, providing it is found advisable to handle in this manner. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk drew attention to the need for a Public Zoning Hearing. It was moved by Councilman Leahy, seconded by Nelson, that said hearing be planned and scheduled for June 8, 1965. Roll call as follows: Ayes, 5; No, none; carried.

It was noted that the Personnel Policy had been reviewed by Division Heads, the Mayor and City Council and that various amendments had been made. It was moved by Councilman Leahy, seconded by Keller, that the personnel policy as amended be accepted and that the effective date be June 6, 1965. Roll call as follows: Ayes, 5; No, none; carried. It was noted that official copies, as amended would be on file in the offices of the City Clerk and the Personnel Officer.

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Councilman Leahy noted that the Council, at an earlier date, had informally approved travel authorization for William Fell, Electrical Engineer, to appear before the Subcommittee on Public Works of the House Appropriations Committee in Washington D.C. May 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>. It was moved by Councilman Leahy, seconded by Keller, that this informal action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried. It was noted that the purpose of the appearance was to represent the City of Idaho Falls in an appeal for adequate power supply for the City.

Councilman Nelson presented an application for Federal Aid relative to an airport program which would involve land acquisition for extension of runways, site preparation, runway paving, high intensity lights, fencing, marking, etc. It was noted that the total cost was estimated at \$565,575 and, from that, the sponsor's cost would approximate \$245,664 and the Federal Aid would be in the amount of \$319,911 and that the project would extend through 1968. It was noted, further, that the application provided for something less than the full amount of land acquisition required for complete long term requirements. It was moved by Councilman Parish, seconded by Leahy, that the Mayor be authorized to sign the application, as amended, to reflect land acquisition for the full amount needed, approximating 80 acres. Roll call as follows: Ayes, 5; No, none; carried.

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

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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