

AUGUST 20, 1964

The City Council of the City of Idaho Falls, County of Bonneville, met in Regular Session, Thursday, August 20, 1964 at 7:30 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmen Parish, Freeman, Keller, Leahy. Absent: Councilmen Nelson, Page. Also present: LaWayne Chapman, Acting City Clerk; Donald Lloyd, Public Works Director; L. I. Jenkins, Controller; Bob Pollock, Police Chief; Carl Poulter, Fire Chief; Ray Browning, Building Official; Brent Davis, Asst. Electrical Engineer; Arthur Smith, City Attorney; Mrs. Decker, League of Women Voters.

Minutes of the last Regular Meeting held August 6, 1964, were read and approved.

D. Mont Clark received SEWAGE WORKS OPERATOR certificate as a Class IV operator as presented by the Mayor.

License applications for VENDOR, fresh produce, for Samuel D. Phillips; RESTAURANT, (previously approved by the City Sanitarian), Robert Wilkinson for Bob's Arctic Circle; CLASS D APPRENTICE GAS FITTER, (previously approved by the Heating Inspector), for Arlo Coleman; CLASS D WET HEAT CONTRACTOR, (previously approved by the Heating Inspector), Ernest Terry for Terry Plumbing; CLASS D WET HEAT JOURNEYMAN, (previously approved by the Heating Inspector), for Ernest Terry were presented. It was moved by Councilman Parish, seconded by Leahy, that these licenses be approved. Roll call as follows: Ayes, 4; No, none; carried.

License applications for BARTENDER for Leo R. Pelly; PHOTOGRAPHER, J. Alden Camp for Zion's Color, Inc. were presented. It was moved by Councilman Leahy, seconded by Freeman, that these licenses be approved subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, none; carried.

This damage claim was presented and read:

Holden, Holden & Kidwell
Id. 1st National Bank Bldg.
Idaho Falls, Idaho
August 10, 1964

City of Idaho Falls
City Building
Idaho Falls, Idaho

Gentlemen:

Pursuant to the provisions of Section 50-162 Idaho Code, you are advised of an injury received by Mrs. Spencer Sunblade. The injury occurred July 23, 1964 at approximately 9:30 A.M., at the intersection of Twelfth Street and Lee Avenue in Idaho Falls, Idaho, at which time Mrs. Sunblade fell due to defective paving.

Mrs. Sunblade sustained a fractured left hip. The period of time of hospitalization and convalescence cannot be determined at this time.

You are advised this is formal notice of claim for damage under the above cited statutory provision.

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Very truly yours,
s/ David Ball
Rt. 1, Box 278
Idaho Falls, Idaho

It was moved by Councilman Leahy, seconded by Freeman, that this be referred to the City insurance carrier for investigation and recommendation. Roll call as follows: Ayes, 4; No, none; carried.

The following claim denial was then presented and read:

Safeco, Lifeco, General Ins.
258 Broadway
Idaho Falls, Idaho
August 11, 1964

City of Idaho Falls
Idaho Falls, Idaho

Attention: Mr. Roy C. Barnes, City Clerk
RE: YOUR POLICY NUMBER: BLP 232171
CLAIMANT: DUANE HARRISON - ACCIDENT OF: 8-4-64

Dear Mr. Barnes:

The claimant, Mr. Duane Harrison, is making claim against the City for damage to his automobile as a result of his driving his car over an open manhole on August 4. The accident occurred on Gallup Street approximately ½ block west of its intersection with Nixon Street.

We have conducted a full investigation of this accident. The results are as follows: The police Report indicates that a 10 year old boy, residing at 1009 Stokes Avenue, noticed the cover part way off of the manhole about 7:00 P.M. on the date of the accident. The boy thought there might be men working in the manhole so he did not put it back in place, nor did he call the City to report the fact that it was open. I have checked with the City Street Department and the Water Department. Neither of them had any way of knowing the manhole cover was off. There had been no phone call to the City prior to the accident reporting the fact that the manhole cover was not in its proper place. The City street sweeper had been down Gallup Street on Thursday prior to the accident. The manhole cover was in its proper place at that time.

In talking with the City Water Department I find that none of their men had been working in or around this manhole for several days at least prior to the accident. The Water Department checks all manhole covers and flushes out the sewer lines twice a year to make sure they are all in good condition, are not broken or removed.

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There have been cases in the past where children, or other persons, have removed the manhole covers. This is not, however, the type of action for which the City will have to bear the responsibility.

Therefore, as a result of our investigation, we must recommend that all claims made against the City by Mr. Harrison for property damage or personal injury be denied.

If I can be of any further help to you on this accident, please feel free to call on me.

Very truly yours,
Safeco, Lifeco, General Insurance
s/ Dale H. Novasky
Claims Adjustor - I. F. Field Office

It was moved by Councilman Freeman, seconded by Leahy, that this claim be denied for reasons as stated by insurance carrier. Roll call as follows: Ayes, 4; No, none; carried.

ORDINANCE NO. 1113

AN ORDINANCE PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF CREATING LOCAL IMPROVEMENT DISTRICT NO. 32 IN THE CITY OF IDAHO FALLS, IDAHO, AND OF MAKING LOCAL IMPROVEMENTS THEREIN BY INSTALLMENTS PAYABLE IN TEN EQUAL ANNUAL PAYMENTS AS NEARLY AS MAY BE, AND AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT BONDS OF SAID DISTRICT IN THE NAME OF SAID MUNICIPALITY FOR SAID INSTALLMENTS, AND FIXING THE RATE OF INTEREST THEY SHALL BEAR AND MAKING THE SAME PAYABLE ANNUALLY.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Keller, 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, 4; 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, 4; No, none; carried.

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ORDINANCE NO. 1114

AN ORDINANCE PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF CREATING LOCAL IMPROVEMENT DISTRICT NO. 33 IN THE CITY OF IDAHO FALLS, IDAHO, AND OF MAKING LOCAL IMPROVEMENTS THEREIN BY INSTALLMENTS PAYABLE IN TEN EQUAL ANNUAL PAYMENTS AS NEARLY AS MAY BE, AND AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT BONDS OF SAID DISTRICT IN THE NAME OF SAID MUNICIPALITY FOR SAID INSTALLMENTS, AND FIXING THE RATE OF INTEREST THEY SHALL BEAR AND MAKING THE SAME PAYABLE ANNUALLY.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Keller, 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, 4; 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.

Four City redemption tax deeds in the name of Mary Blair were presented, accompanied by appropriate resolutions as follows:

RESOLUTION (Resolution No. 1964-33)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 21st day of February, 1958, recorded in Book 112 of Deeds at Page 283, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 38 and 39, Block 23, Capitol Hill Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof,

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

NOW THEREFORE, BE IT RESOLVED:

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

PASSED BY THE COUNCIL this 20th day of August, 1964.

APPROVED BY THE MAYOR this 20th day of August, 1964.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

RESOLUTION (Resolution No. 1964-34)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 9th day of November, 1960, recorded in Book 131 of Deeds at Page 305, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 38 and 39, Block 23, Capitol Hill Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof.

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

NOW THEREFORE, BE IT RESOLVED:

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

PASSED BY THE COUNCIL this 20th day of August, 1964.

APPROVED BY THE MAYOR this 20th day of August, 1964.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

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RESOLUTION (Resolution No. 1964-35)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 14th day of September, 1956, recorded in Book 123 of Deeds at Page 349, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 38 and 39, Block 23, Capitol Hill Addition to the City of Idaho Falls, Idaho, as per the recorded plat thereof;

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

NOW THEREFORE, BE IT RESOLVED:

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

PASSED BY THE COUNCIL this 20th day of August, 1964.

APPROVED BY THE MAYOR this 20th day of August, 1964.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Leahy, seconded by Parish, that these resolutions be adopted and the Mayor and City Clerk be authorized to sign the deeds. Roll call as follows: Ayes, 4; No, none; carried.

Next to be presented was a petition by Calvin Johnson, 387 East 16th Street, with 15 signers, all near by residents requesting rezoning from R-1 to R-2 of property described as the east 12 feet of Lots 45, 46, 47 and 48, Block 58, Crows Addition to permit construction of four 4 unit apartments. It was moved by Councilman Leahy, seconded by Parish, that this be referred to the Board of Adjustments for investigation and recommendation. Roll call as follows: Ayes, 4; No, none; carried.

The following memorandum from the City Clerk was then read:

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Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Results of the City Auction held August 15, 1964 at Tautphaus Park of unclaimed or impounded vehicles, unclaimed or impounded bicycles or tricycles and City owned Pak-Mor Garbage Truck brought a total of \$535.75 less \$10.00 gratuity to the Auctioneer for a net of \$525.75.

Yours very truly,
Roy C. Barnes
City Clerk

No action by the Council was necessary.

The following memorandum from the Public Works Director was then presented and read:

8-12-64

TO: Mayor and City Council
FROM: Don Lloyd
SUBJECT: VACATION OF CITY STREET

The attached sketch shows W. Morningside Drive, and shaded in red is the south stub of this same street. We have been requested by Mr. & Mrs. Kussy of 2865 Westmoreland Drive and Keith Blackburn to vacate this stub. We have investigated the need for this street, and find no objection to this request. It would be advantageous to eliminate the unsightly condition of this stub.

s/ Donald F. Lloyd

It was moved by Councilman Keller, seconded by Leahy, that this be referred to the City Attorney for preparation of Quit Claim Deed, after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, none; carried.

Next to be presented from the Public Works Department was a memorandum concerning bids on the Garfield Street Waterline as follows:

August 20, 1964
Acct. No. 12A-54

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

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Gentlemen:

On August 18, 1964, bids were received for the construction of the Garfield Street Waterline. Bids were received as follows:

Hartwell Excavating Co.	\$10,906.00
Bateman Brothers	12,953.00

We have reviewed these bids and have found them to be good and proper. It is recommended that the City award this contract to Hartwell Excavating Company for the amount of \$10,906.00 and the Mayor and City Clerk be authorized to sign the contract documents.

Respectfully submitted,
Donald F. Lloyd, P.E.
City Engineer and Director
of Public Works
s/ Dale L. Barrett
Design Engineer

It was moved by Councilman Freeman, seconded by Keller, that the Engineer's recommendation be accepted and the low bid of Hartwell Excavating Co. in the amount of \$10,906.00 be approved. Roll call as follows: Ayes, 4; No, none; carried.

Another memorandum from the Public Works Director was presented as follows:

August 20, 1964
Acct. No. 9B-94

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

Gentlemen:

On August 18, 1964 bids were received for the construction of the Tautphaus Park Sanitary Sewer. Bids received were as follows:

Hartwell Excavating	\$3,031.25
Bateman Brothers	3,688.50
Geo. E. Grover & Sons	3,730.25
Gary Hone Excavating Co.	3,905.00

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We have reviewed these bids and have found them to be good and proper. It is recommended that the City award this contract to Hartwell Excavating Company for the amount of \$3,031.25 and the Mayor and City Clerk be authorized to sign the contract documents.

Respectfully submitted,
Donald F. Lloyd, P.E.
City Engineer and Director
of Public Works
s/ Dale L. Berrett
Design Engineer

It was moved by Councilman Keller, seconded by Leahy, that the low bid of Hartwell Excavating be accepted as recommended. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor appointed Mrs. Herbert Ferguson as a member of the Library Board to fill the vacancy created by the passing of Mr. Lynn Crandall. It was moved by Councilman Leahy, seconded by Keller, that this appointment be confirmed. Roll call as follows: Ayes, 4; No, none; carried.

Councilman Freeman then presented a plan for a proposed bond issue for a Westside Fire Station. Freeman suggested that the matter be tabled until a scheduled meeting Monday, August 31, 1964, when more complete cost figures would be available.

The proposed zoning ordinance, having been passed on its first two readings, was again presented by Councilman Parish. He drew attention to the heading of paragraph 426-K, Page 53, which in his opinion, was ambiguous. It was moved by Councilman Parish, seconded by Leahy, that said heading be changed to read "Public Utilities and Facilities". Roll call as follows: Ayes, 4; No, none; carried.

The aforementioned ordinance was again presented as follows:

ORDINANCE NO. 1115

AN ORDINANCE ZONING THE CITY OF IDAHO FALLS, IDAHO; DIVIDING SAID CITY INTO DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, AND THE SIZE OF BUILDINGS AND OTHER STRUCTURES, EH PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; PROVIDING FOR ITS ENFORCEMENT, AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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It was moved by Councilman Parish, seconded by Freeman, that this Ordinance be passed on its third reading, to be effective and in full force upon publication as required by law. Roll call as follows: Ayes, 4; No, none; carried.

Next to be presented by Councilman Parish was a report on a planning proposal from the firm of Clark, Coleman and Rupeiks covering an area of approximately 35 square miles and including area under the direction of Bonneville County, City of Idaho Falls, City of Ammon, School District #91 and School District #93. It was moved by Councilman Parish, seconded by Leahy, that the Mayor be authorized to give the firm of Clark, Coleman and Rupeiks the approval to process the application for "701" Planning Funds. Roll call as follows: Ayes, 4; No, none; carried.

Finally, from Councilman Parish, an option was presented in favor of Jossie Hughes, covering a west side well site. It was moved by Councilman Parish, seconded by Keller, that the Mayor and City Clerk be authorized to sign and the Controller be authorized to issue a warrant in the amount of \$300.00, the amount required to exercise the option. Roll call as follows: Ayes, 4; No, none; carried.

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

ATTEST: s/ LaWayne Chapman
ACTING CITY CLERK

s/ S. Eddie Pedersen
MAYOR
