

DECEMBER 9, 1963

The City Council of the City of Idaho Falls met in Recessed Regular Session, Monday, December 9, 1963, at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Page, Creek, Foote and Leahy. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Don Lloyd, Public Works Director; Don Ellsworth, City Engineer; Ray Browning, Acting Building Official; William Cole, City Sanitarian.

Minutes of the last Regular Meeting, held November 21st, 1963 and Special Meetings held November 27th, and December 3rd, 1963 were read and approved.

The Mayor announced that this was the time and the place for a public zoning hearing, as advertised, covering various areas in need of zoning or rezoning. First to be considered was the William Hatch property, legally described in metes and bounds as follows:

Beginning at the Northwest corner of Section 13, T2N R 37 E.B.M., running thence S 0° 03' 41" E 2537.78 feet; thence S 89° 17' 06" W 1240.0 feet; thence N 45° 31' 09" E 42.28 feet; thence N 0° 19' 24" E 370.0 feet; thence N 50° 19' 24" E 265.0 feet; thence N 36° 24' 08" E 191.71 feet; thence N 9° 00' 14" E 205.46 feet; thence N 4° 13' 46" W 973.0 feet; thence N 5° 59' 46" W 659.49 feet; thence N 89° 58' 54" E 1578.11 feet to the point of beginning.

It was noted that the Planning Commission had recommended zoning portions of this area H-C, other portions C-2, and still other portions R-3. Seven nearby residents appeared for purposes of protesting this on the grounds that, any lower grade of zoning than R-3 would be detrimental to their property. They were: Dan Arnold, 1531 Clair View Lane; Lloyd Feltman, 1525 Clair View Lane; A. H. Spano, 1535 Clair View Lane; Robert Drexler, 885 Clair View Lane; Elvin Connell, 891 Saturn; J. B. Larsen, 1541 Clair View Lane, and Merritt Johns, 890 Skyline Drive. In view of said protests and after some discussion, it was moved by Councilman Leahy, seconded by Foote, that this recommendation be referred back to the Planning Commission for further study and consideration. Roll call as follows: Ayes, 4; No, None; carried.

Next to be considered was the following property legally described in metes and bounds, recently annexed and known as the Johns Hole area, as follows:

Beginning at a point that is 89° 31' 30" E 1380 ft. more or less along the Section line from the Northwest corner of Section 13, T2N R 37 E.B.M. said point being on the Westerly right-of-way line of the Interstate Highway; thence S along said Westerly right-of-way line 1320 feet more or less; thence East 380 feet more or less to the Westerly right-of-way line of the Union Pacific Railroad; thence S along said right-of-way 1320 feet more or less to the West-East center line of said Section 13; thence East along said centerline 2300 ft. more or less to the East bank of the Snake River; thence Northwesterly along said East bank 3000 ft. more or less to the North Section line of said Section 13; thence West along said Section line 1900 ft. more or less to the point of beginning, containing 116 acres; more or less.

DECEMBER 9, 1963

There were no protests. It was moved by Councilman Foote, seconded by Creek, that the portion between the Porter Canal and the Interstate Highway and between Anderson Street and Elva Street be zoned C-2, East of the Porter Canal and West of the East bank of the Snake River between Anderson Street and Elva Street be zoned R-1 except that portion of the area occupied by the Porter Rest Home to be zoned R-3. Roll call as follows: Ayes, 4; No, None; carried.

Lots 1 through 17 inclusive, Block 1 and Lots 1 through 10 inclusive, Block 2, Poitevin Park Addition, was then made the subject of zoning. There were no protests. It was moved by Foote, seconded by Creek, that these Lots be zoned C-2. Roll call as follows: Ayes, 4; No, None; carried.

Next to be reviewed was all of Skyline Terrace Addition, Division #4. There were no protests. It was moved by Councilman Leahy, seconded by Foote, that this area be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Finally, Lot 5, Block 17, Crow Addition was made the subject of possible rezoning. It was noted that no petition was as yet signed by nearby residents. Therefore, it was moved by Councilman Leahy, seconded by Page, that rezoning of the Lot be temporarily tabled. Roll call as follows: Ayes, 4; No, None; carried.

The acting Building Official was instructed and directed by the Mayor to incorporate the foregoing zoning on the official zoning map, located in his office.

The Mayor announced that this was the time and the place, as advertised, for hearing those who wished to appear to show cause why the City should not lease the following legally described property:

Beginning at a point that is N. 60° 45' W. 120.0 feet along the North property line of "E" Street extended and N. 29° 15' E. 155.56 feet along the West property line of Memorial Drive from the Southwest Corner of Lot 7, Block 5, Railroad Addition to the City of Idaho Falls running thence N. 60° 45' W. 398.64 feet to the East property line of Riverside Drive, thence S. 10° 48' 12" E. 87.63 feet along the East property line of Riverside Drive, thence to the left along 302.27 foot radius curve 236.18 feet, thence S. 60° 45' E. 138.28 feet, thence N. 29° 15' E. 140.56 feet to the point of beginning, containing 45,440 square feet.

There were none who so appeared.

Therefore a lease was presented between the City of Idaho Falls and the L. D. S. Hospital, covering terms and conditions for the leasing of the foregoing area for a five year period starting January 1st, 1964 for \$40.00 per month. It was moved by Councilman Page, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

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

DECEMBER 9, 1963

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$90,348.24	\$85,224.75	\$175,572.99
Recreation Fund	262.40	56.85	319.25
Fire Fund	19,983.45	15,191.42	35,174.87
Electric Light Fund	22,315.73	99,781.05	122,096.78
Water & Sewer	9,444.67	49,865.86	59,310.53
Police Retirement	<u>1,661.46</u>	<u>.00</u>	<u>1,661.46</u>
TOTAL	\$144,015.95	\$250,119.93	\$394,135.88

It was moved by Councilman Leahy, seconded by Creek, 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 November and, there being no objections, were ordered placed on file in the office of the City Clerk.

License applications for BARTENDER in the name of Keith A. Wadsworth, operating at the Stockman's Bar; SECOND HAND STORE in the name of Altha Ruppert, operating at 281 Elm Street; GROCERY in the name of Oscar Matson operating at Matson Service, (previously approved by the City Sanitarian); in the name of William J. McKinley, operating as Okay Food Center (previously approved by City Sanitarian); in the name of John R. Christensen, operating as Murphy's Market (previously approved by City Sanitarian); in the name E. J. Guderjohn, operating as Corner Grocery (previously approved by City Sanitarian); in the name of Walter J. Coyne, operating as Baldwin's Idaho Food King #5 (previously approved by City Sanitarian); in the name of Walter J. Coyne, operating as Baldwin's Idaho Food King #2 (previously approved by the City Sanitarian); in the name of Walter J. Coyne, operating as Baldwin's Idaho Food King #1 (previously approved by City Sanitarian); in the name of Louis J. Herrbach, operating as Albertson Grocery (previously approved by City Sanitarian); RESTAURANT in the name of Alvin P. Gemar, operating as Broadway Bowl (previously approved by City Sanitarian); in the name of Millard M. Devine, operating as Broadway Café and Lounge (previously approved by City Sanitarian); in the name of Robert Newman and Lynn Pierce, operating as Russet Bar (previously approved by City Sanitarian); TAXI, in the name of Norris W. Hendrickson, operating at Falls Cab Co. Inc.; JOURNEYMAN GAS FITTER in the name of Ralph Shipley (previously approved by Gas Inspector) were presented. It was moved by Councilman Foote, seconded by Leahy, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License applications for ROOMING HOUSE in the name of Velma Matz, operating as Rex Rooms; BEER in the name of Ralph Cowham, operating as Safeway Store #365; in the name of Lewis Pearce Jr., operating as Safeway Store #323; in the name of William McKinley, operating as Okay Food Center; in the name of John R. Christensen, operating as Murphy's Market; in the name of Willard Wood, operating as Westbank Coffee Shop Lounge; in the name of Kermit Purcell and Julie Russell, operating as Jack's Club; in the name of Alvin P. Gemar, operating as Broadway Bowl; in

DECEMBER 9, 1963

the name of Flamingo Services Inc. by Jeannette Harrington, operating as Flamingo; in the name of Fred Huth, operating as Fred and Kelly's Broiler; in the name of Manie Baird, operating as 191 Club; in the name of H. W. Reeve, operating as Dustys; in the name of Alvin L. Hart, operating as Lobby Bar; in the name of Lynn Pierce and Robert Newman, operating as the Russet; in the name of Oscar Matson, operating as Matson Service; in the name of Clara Eames; operating as the Mint Bar; in the name of E. J. Guderjohn, operating as Corner Grocery; in the name of Walter J. Coyne, operating as Baldwin's Idaho Food King #1; in the name of Walter J. Coyne, operating as Baldwin's Idaho Food King #5; in the name of Walter J. Coyne, operating as Baldwin's Idaho Food King #2; in the name of Clara B. McAtee, operating as Samoa Club; in the name of Ross L. Simmons and Fontella Simmons, operating as Ford's Bar; in the name of Gene L. Mauro, operating as Geno's; were presented. It was moved by Councilman Creek, seconded by Foote, that these licenses be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 4; No, None; carried.

These damage claims were read:

Harold Taylor
180 E. 24th Street
Idaho Falls, Idaho

December 3, 1963

Honorable Mayor and City Council
City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

Gentlemen:

Please find enclosed a copy of a statement from the First Street Plumbing and Heating Co. for expense to clear a sewer line at the above address. Damage to this line was caused by the City Electric Light Department by installing an electric light pole directly over the sewer line which damaged said line.

We are hereby claiming damages in the amount of \$61.25 against the City for cost incurred in correcting this situation.

Your consideration in this matter would be appreciated.

Very truly yours,
s/ Harold P. Taylor
180 E. 24th Street

December 9, 1963

DECEMBER 9, 1963

Idaho Falls City Council
Idaho Falls, Idaho

Dear Sirs:

Recently the City Light Department replaced an old electric pole with a new one in the alley directly behind our rented home at 180 E. 24th Street in Idaho Falls. The new pole was placed directly on our sewer line and consequently the sewer backed up into our basement.

We incurred the loss of a 12 x 18 Philippine fiber rug which was stained and contaminated from soaking in the sewer residue. The rug was purchased for \$89.85 in Seattle, Washington, and used approximately 6 months.

Since the sewer backup was the direct result of an error by the City Light Department, we feel we should be reimbursed for the \$89.85. We are at this time filing a claim against the City of Idaho Falls for the replacement cost of this rug of \$89.85.

Sincerely,
s/ Ron Robins
180 E. 24th Street
Idaho Falls, Idaho

P.S. We are moving to Boise, Idaho, on December 13th. If there is any need of contact, our address in Boise will be 6000 Poplar Dr.

850 Royal Avenue
Idaho Falls, Idaho
Saturday, December 7, 1963

Office of the City Clerk
308 C. Street
Idaho Falls, Idaho

Dear Sir:

On Wednesday night, November 13, 1963, Police Officer Robert Nielsen came to our house in reply to a complaint that our dog had nipped our paper boy. The boy and his father (I think their name was Welker) wanted to make sure the dog didn't have rabies. I had just taken the dog to the vet 4 days before that to have his booster distemper shot and he was fine then. The officer informed us he must take "Sam" for a test and that we could pick him up in 10 days at the dog pound.

DECEMBER 9, 1963

We asked why he couldn't just wait the 10 days at home but were refused. I would like to state that the paper boy was teasing and jumping at the dog...on our property... at the time of the accident. He unwraps his newspapers on the sidewalk in front of our house.

I had promised "Sam" to a person living on a farm and was going to take him there the next Saturday. I had to postpone this trip, and we waited the 10 days, hoping that Sam was being fed and cared for. You know how children (and mothers) are about pets. The day came to go pick "Sam" up and we couldn't find him at the dog pound. Mr. Arave said he had never even seen such a dog as we described "Sam" to be! (He is sandy colored, with a long tail that curls up over his back, pretty markings and about 7 ½ mos. old).

A day or two later I saw Officer Nielsen and told him we would like our dog back now... where had he taken him? He said he had taken him to the pound that night...tied him up and left a note for the dog catcher to take a rabies test next day. That was all he knew. Well, I said we'd like either the dog so I could keep my bargain with a friend, or the \$25.00 I had invested in him. Nielsen said he didn't intend to go out looking for "Sam" or feel obligated to do any more about it.

Now what I cannot understand is how an officer of the law can come to a person's house, demand and take away property of value, and then promptly loose it (or allow it to be stolen?) and not have to do something about it? Does this happen all the time? Why isn't there an attendant at the dog pound? Or why wasn't "Sam" allowed to stay at home in familiar surroundings so this would not have happened? We only hope he is not starving somewhere because of this affair. And just what good came from taking him, since the test was never made after all?

I would appreciate hearing from you on this matter. Is there some way to get our dog back...or the money lost on him? Thank you very much.

Sincerely,
s/ Darlene Byington

It was moved by Councilman Page, seconded by Foote, that they be referred to the City Insurance Carrier for investigation. Roll call as follows: Ayes, 4; No, None; carried.

A lease release was presented, No. NOY (R)-54428 covering the west wing of the Tautphaus Park Armory, previously rented to the U.S. Navy. It was moved by Councilman Creek, seconded by Page, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

Two City redemption tax deeds were presented in the name of Howard P. Price accompanied by the following resolutions:

DECEMBER 9, 1963

RESOLUTION (Resolution No. 1963-21)

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, record in Book 112 of Deeds at Page 295, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 20 and 21 in Block 52 of Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho.

WHEREAS, Howard P. Price 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 Howard P. Price a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 9th day of December, 1963.

APPROVED BY THE MAYOR this 9th day of December, 1963.

s/ W. J. O'Bryant
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

RESOLUTION (Resolution No. 1963-22)

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, record in Book 112 of Deeds at Page 295, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 20 and 21 in Block 52 of Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho.

DECEMBER 9, 1963

WHEREAS, Howard P. Price 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 Howard P. Price a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 9th day of December, 1963.

APPROVED BY THE MAYOR this 9th day of December, 1963.

s/ W. J. O'Bryant
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Foote, seconded by Page, that the Mayor and City Clerk be authorized to sign the resolutions and the deeds. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk presented a legal notice covering a City sponsored auction sale on December 14th, 1963, said notice of which, in the interests of time was published without formal Council approval. It was moved by Councilman Leahy, seconded by Creek, that the Clerks action in this regard be duly ratified. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer, through the City Clerk, presented a final plat of Gustafson Park Addition, Division #3 and a second amended plat of a portion of Gustafson Park, Division #2. It was moved by Councilman Leahy, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. ---

AN ORDINANCE REPEALING SECTIONS 8-3-1 THROUGH 8-3-14 INCLUSIVE OF THE MUNICIPAL CODE OF IDAHO FALLS 1962; ADOPTING NEW IDAHO FALLS MUNICIPAL CODE SECTIONS 8-3-1 THROUGH 8-3-8 INCLUSIVE; PROVIDING FOR PERMIT TO OPERATE ALL GROCERY STORES, BAKERIES, CANDY FACTORIES OR KITCHENS, CONFECTIONARY STORES, VEGETABLE AND FRUIT MARKETS AND STANDS, OR OTHER PLACES WHERE FOOD PRODUCTS ARE MADE, SOLD OR HANDLED; PROVIDING FOR A CERTIFICATE OF INSPECTION TO SUCH ESTABLISHMENTS,

DECEMBER 9, 1963

PROVIDING FOR REGULATIONS FOR REFRIGERATION AND PROTECTION OF FOOD, FOOD PRODUCTS OR BEVERAGES OFFERED OR INTENDED FOR SALE FOR HUMAN CONSUMPTION; PROVIDING FOR LICENSE FEES; PROVIDING FOR EXPIRATION OF LICENSES; PROVIDING FOR PENALTIES FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

It was moved by Councilman Leahy, seconded by Creek, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 1076

AN ORDINANCE AMENDING ORDINANCE NO. 1073 OF THE CITY OF IDAHO FALLS, IDAHO; REDEFINING THE PROVISIONS OF SECTION 4-4-5 (12) OF SAID ORDINANCE; AMENDING SECTION 4-4-10 (B) OF SAID ORDINANCE; DEFINING THE DISTANCE FROM THE CITY'S AVAILABLE DISTRIBUTION POLE TO A CUSTOMER'S ELECTRICAL ENTRANCE; ESTABLISHING DIFFERENT RATES UNDER SINGLE METER INDUSTRIAL CUSTOMERS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Foote, 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.

ORDINANCE NO. 1077

AN ORDINANCE REPEALING SECTIONS 10-13-1 THROUGH 10-13-11 INCLUSIVE OF THE MUNICIPAL CODE OF IDAHO FALLS 1962; ADOPTING NEW IDAHO FALLS MUNICIPAL CODE SECTIONS 10-13-1 THROUGH 10-13-20 INCLUSIVE; PROVIDING FOR REGULATIONS FOR BICYCLES; PROVIDING FOR LICENSES OF BICYCLES; PROVIDING FOR INSPECTION; PROVIDING FOR APPLICATION OF TRAFFIC LAWS TO PERSONS RIDING MOTOR VEHICLES;

DECEMBER 9, 1963

REQUIRING BICYCLE OPERATORS TO CONFORM TO TRAFFIC CONTROL DEVICES; PROVIDING FOR AREAS WITHIN THE CITY TO BE USED BY BICYCLES; PROVIDING FOR LAMPS AND EQUIPMENT ON BICYCLES; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

The foregoing Ordinance was presented in title. It was moved by Councilman Page, seconded by Leahy, 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.

ORDINANCE NO. 1078

AN ORDINANCE AMENDING SECTION 8-1-2 OF THE MUNICIPAL CODE OF IDAHO FALLS 1962 TO PROVIDE FOR PERMITS TO OPERATE A RESTAURANT, SODA FOUNTAIN OR ITINERANT RESTAURANT; AMENDING SECTION 8-1-3 OF THE MUNICIPAL CODE OF IDAHO FALLS 1962 TO PROVIDE FOR A LICENSE FEE OF \$10.00; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING AN EFFECTIVE DATE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Creek, 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.

ORDINANCE NO. 1079

AN ORDINANCE AMENDING SECTION 8-2-3 OF THE MUNICIPAL CODE OF IDAHO FALLS 1962; PROVIDING FOR COSTS FOR PERMITS;

DECEMBER 9, 1963

REPEALING ALL ORDINANCES IN CONFLICT THEREWITH;
PROVIDING AN EFFECTIVE DATE.

The foregoing Ordinance was presented in title. It was moved by Councilman Creek, seconded by Leahy, 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.

This joint memo from the City Attorney and the City Engineer was presented:

December 9, 1963

Honorable W. J. O'Bryant, Mayor
City Council
City of Idaho Falls, Idaho

Gentlemen:

Re: Final Estimate-Wells 9 and 10
Account No. 11a-29

Pursuant to Council request we have forwarded the prior letter of Arrington Construction Company to the consulting engineers for their comments. A copy of their comments is attached.

At the Council action taken November 7, 1963, the Council authorized the payment of \$24,446.75, representing the undisputed portion of the contract and withheld a total amount of \$3,800.00 composed of \$500.00 for reduction in contract amount due to a rough finish being furnished rather than the specified finish; \$2,100.00 to be held by the City and placed in a commercial savings account for a period of five (5) years, during which five year period the City has the right to see any amount necessary for tank wall repairs; twelve (12) days penalty for delay in completion aggregating \$1,200.00.

The consulting engineers as shown by the attached letter still recommend that their prior recommendation that the \$3,800.00 be withheld according to the terms hereof and that the contract be treated as complete.

DECEMBER 9, 1963

Very truly yours,
s/ R. Vern Kidwell
City Attorney

s/ Don Ellsworth
City Engineer

Encl.

It was moved by Councilman Leahy, seconded by Page, that payment of the \$3,800 be withheld from the Arrington Construction Company contract for the reasons as recommended and that, from that amount, \$2,100 be held by the City and placed in savings and that the City Treasurer select the depository of her choice. Roll call as follows: Ayes, 4; No, None; carried.

This letter was read by the Mayor:

**THE AMERICAN LEGION
BONNEVILLE POST #56
December 8, 1963**

W. J. O'Bryant, Mayor
City of Idaho Falls
Idaho Falls, Idaho

Honorable Mayor O'Bryant:

It has been brought forth at the last Regular Meeting of Bonneville Post that plans may be afoot to do away with the crosses denoting the Veteran's graves in Rosehill Cemetery.

The American Legion is opposed to such a move. By a mandate passed down to us by the GAR, we are subject to see that all Veteran's graves are properly marked with the white crosses. The American Legion has continued to carry on with this tradition as it is done in most cemeteries throughout the land.

We have furnished the sexton with the crosses at our expense and to be placed on all deceased Veteran's graves whether they be a member of our organization or not. The sextant has, in the past, kept a few spare crosses on hand and has notified us when the supply got low in order that we could have more made.

Each Memorial Day, we are notified by families of their Veteran's graves not having a cross on it. From this, we feel that the families approve of the crosses and many fine remarks are continually made as to their distinction.

DECEMBER 9, 1963

During the course of time, these crosses need to be replaced as wood deteriorates. The replacing of these has been a little work on anyone's part. We have gone to the cemeteries and put in many hours repainting the crosses and determining the ones needing replaced and others that may be needed.

We feel that this old tradition will not be another that goes down as a has been. We know that you will give this matter your full attention. We will be proud to set up a committee to work with yours on this matter.

Yours for service,
s/Gwyn Call
Commander

cc: S. E. Pedersen, Mayor Elect

The Mayor was authorized to answer Mr. Call to the effect that the City has no intention of changing its practice, relative to the crosses in question at Rosehill Cemetery.

This memo from the Public Works Director was read:

2-9-63

TO: Mayor O'Bryant
FROM: Don Lloyd
SUBJECT: EXCUSED LEAVE

On Friday, December 6th, Ethan Axtman of our Engineering Department, traveled to Boise to write the State Engineer's Exam for an engineering license. In accordance with our policy, Mr. Axtman is absent without pay for that day.

Since the City encourages registration and personal improvement and since there is considerable personal expense involved, I feel there is sufficient justification to excuse this day's absence so that he may receive his normal pay.

s/ Don Lloyd

It was moved by Councilman Leahy, seconded by Page, that approval be granted as requested. Roll call as follows: Ayes, 4; No, None; carried. It was understood that Mr. Axtman would not normally be the recipient of overtime pay.

Public Works Director Lloyd presented a sketch, depicting a proposed seeding arrangement of Crown Vetch and other areas planted to trees and Kentucky Blue Grass, all to be planted at State expense along the Interstate highway between the two interchanges located within the City limits but to be maintained at City expense. This was approved by the Council for purposes of forwarding said proposition to the State of Idaho, Department of Highways, for their study and consideration.

DECEMBER 9, 1963

Lloyd then reminded the Council that in the past, the Boy Scouts have collected used Christmas trees, hauled by the City and used for providing flood prevention in the foothills. The Council agreed that this practice should continue.

Lloyd drew attention to an existing program of snow removal whereby snow is first bladed from the middle of the streets toward the sidewalks and removed on arterials as time permits. This met with Council concurrence for continued application.

Finally, from Lloyd, it was learned that under the existing garbage and refuse collection program, the removal of old tire carcasses poses a problem. He proposed that a letter be drafted to all affected business houses to the effect that the City would continue to remove same on Thursdays on a fee basis. It was generally agreed that this matter be temporarily tabled and, in the interim period, a more exhaustive cost study be made to include all indirect as well as direct costs.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
