

NOVEMBER 7, 1963

The City Council of the City of Idaho Falls met in Regular Session, Thursday, November 7, 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 Leahy, Page, Creek, and Foote. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Don Ellsworth, City Engineer; Don Lloyd, Public Works Director; Harold Davis, Electrical Engineer; Alva Harris, Building Official.

Minutes of the last recessed Regular Meeting held October 24th and a Special Meeting held October 30th, 1963 were read and approved.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the zoning of certain areas.

First to be considered was the following:

Beginning at a point that is N 89° 58' 34" W 1260 feet from the East ¼ corner of Section 25, T. 2N, R 37, E.B.M.; thence N 89° 58' 34" W 742 feet more or less to a point of intersection with the West right-of-way line of U.S. Highway 91-191; thence N 29° 15' E along said right-of-way line 52.96 feet; thence N 60° 45' W 225.00 feet; thence S 29° 15' W 140.00 feet; thence S 60° 45' E 358.00 feet to the center line of the Oregon Short Line Railroad right-of-way; thence S 29° 15' W along said center line 1345.85 feet; thence S 89° 58' 34" E 343.87 feet; thence N 29° 15' E 1488.53 feet; thence S 89° 59' 34" E 261.53 feet; thence N 0° 01' 43" E 27,000 feet to the point of beginning, containing 12 acres, more or less.

There were no protests. It was moved by Councilman Page, seconded by Foote, that the portion east of the Oregon Short Line Railroad be zoned C-1 and the portion west of Highway 91-191 and the part known as the Haven Motel property be zoned H-C. Roll call as follows: Ayes, 4; No, None; carried.

Next to be considered was the following:

Beginning at the Northwest corner of Lot 17, Block 5, John Adams Heights, Division #4, to the City of Idaho Falls, Idaho and running thence S 0° 16' W 933.85 feet; more or less, to the North line of 4th Street extended thence N 89° 17' 10" W 171.00 feet; thence N 0° 16' E 931.73 feet to the South line of First Street; thence East 170.00 feet to the point of beginning, containing 3,640 acres.

It was noted that the proposed zoning was C-1 and that the Board of Adjustments had so recommended.

Mr. Cliff Kirkendall of the Bowl-Ero Bowling Alley as appeared before the Council and explained, by sketch, his company's construction plans, including the abandonment of Olive Avenue and the extension of a parking lot to a fence on the back property line of certain Ronglyn Avenue residences with access across the parking lot to compensate for said abandonment and that this plot plan had been approved by the Planning Commission. He explained further that a purchase of certain land from Mr. Jack Adams was contingent upon this requested zoning. Several Ronglyn Avenue residents appeared, either for purposes of protesting or gaining a clearer understanding of the Bowling Alleys' plans.

Mr. Leonard Wright appeared and explained he was representing his son-in-law and daughter, Mr.

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and Mrs. Andrew Little, 380 Ronglyn Avenue. He protested on the grounds that such zoning would be detrimental to residential property value. Others, protesting on the same grounds were Earl Neyman, 280 Ronglyn; Adolph Toepfer, 420 Ronglyn; and Reed Moss, 425 Ronglyn. Mr. Moss said he would consider withdrawing his protest if some satisfactory comprehensive agreement could be worked out to include a buffer zone and thus, protect property values. Mr. Emmett Gallup, 130 Ronglyn, registered a qualified protest but indicated that some use, even for a parking lot, was better than no use resulting in overgrown weeds and said he felt something mutually agreeable could be worked out.

Mr. Kirkendall presented a copy of a protective covenant agreement and said he hoped said instrument would have been satisfactory to protect property values. The residents felt it should be rewritten and made more comprehensive. The City Attorney and the Mayor explained to the residents that the City would not and could not enter in, relative to policing and enforcing the provisions of a protective covenant agreement and that this would be strictly between the residents and the Bowl-Ero. It was mutually agreed, with Council concurrence, that zoning action be tabled and that, in the interim period, the affected residents meet together with the Bowl-Ero people as a means of resolving the problem with a comprehensive agreement, prior to any change of zoning.

These lots were then considered for initial zoning:

Lots 12, 13, 14, Block 15, Packer Addition, Division #3.

No protests were registered. It was moved by Councilman Leahy, seconded by Page, that this area be zoned R-3. Roll call as follows: Ayes, 4; No, None; carried.

Various lots in Fairmont Park Addition, Division #1 were made the subject of initial zoning, as follows:

Lots 1 to 6, inclusive, Block 5
Lots 1, 2, 3 inclusive, Block 6
Lots 20 to 30 inclusive, Block 4

There were no protests. It was moved by Councilman Leahy, seconded by Page, that these lots be zoned R-3. Roll call as follows: Ayes, 4; No, None; carried.

Notation was made that certain lots in Fairmont Park Addition, Division #2 had been advertised for a zoning hearing on October 9th, 1963 and zoning action tabled with the lots in question having been referred back to the Planning Commission for further study. These were reviewed by the Council with certain changes in recommendation by the Commission. There were no protests. It was moved by Councilman Leahy, seconded by Page, that zoning be effected as follows:

Lots 31 to 39 inclusive, Block 4	R-3
Lots 7 to 12 inclusive, Block 5	R-3
Lot 1, Block 7	R-3
Lots 2 to 9 inclusive, Block 7	R-2
Lots 13 to 16 inclusive, Block 5	R-2

Roll call as follows: Ayes, 4; No, None; carried.

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Bills for the month of October, having been properly audited by the Finance Committee, were presented as follows:, to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$89,651.88	\$104,029.41	\$193,681.29
Recreation Fund	262.40	17,838.30	18,100.70
Fire Fund	19,242.60	24,875.59	44,118.19
Electric Light Fund	23,553.26	59,440.61	82,993.87
Water & Sewer	8,884.30	29,518.64	38,402.94
Police Retirement	<u>1,661.45</u>	<u>.00</u>	<u>1,661.45</u>
TOTAL	\$143,255.89	\$235,702.55	\$378,958.44

It was moved by Councilman Foote, seconded by Page, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 4; No, None; carried.

Reports from Division and Department Heads were presented for the month of October, 1963, and, there being no objections, were ordered placed on file in the office of the City Clerk.

License applications for AUCTIONEER, Ray Stroh and Ruben Stroh at Stoddard Ford; BEER LICENSE (name change only to Clara McAtee from Von McAtee) for Samoa Club. (This license had previous approval of Police Chief) were presented. It was moved by Councilman Leahy, seconded by Foote, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License application for JOURNEYMAN ELECTRICIAN in the name of Glen A. Legler, Blackfoot, Idaho, was presented. It was moved by Councilman Page, seconded by Leahy, that this license be granted, subject to the approval of the Electric Inspector. Roll call as follows: Ayes, 4; No, None; carried.

These damage claims were read by the City Clerk:

SHARP, ANDERSON AND BUSH
Memorial and B. Streets
October 25, 1963

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

Dear Mayor O'Bryant:

This letter is written to you in behalf of Mr. and Mrs. O.V. Handley, and concerns an injury sustained by Mrs. Handley on October 16, 1963. As I understand the circumstances, Mrs. Handley

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stepped from the automobile of a friend on Garfield Avenue, opposite the Bel Aire School, and in the darkness fell into a storm drain, which had been left uncovered.

Mrs. Handley sustained an injury to her left foot and hip, and yesterday was hospitalized for a continuance of the treatments. We do not know the exact extent of her injuries at this time.

It is my further understanding that this matter was reported to the Police Department and that Officer Neilson conducted an investigation of the incident the same evening. We are further informed that the insurance adjustor for the liability carrier of the City has made his investigation and has been in contact with Mr. and Mrs. Handley.

We do not know the extent of the injuries sustained by Mrs. Handley, and accordingly we are not now in a position to make claim against the City for a specific amount. However, the purpose for this letter is to inform you of the accident and place the City on notice within the thirty-day statutory period.

Very truly yours,
Sharp, Anderson & Bush
s/ John M. Sharp

NOTICE OF CLAIM FOR DAMAGE

To the City Clerk of the City of Idaho Falls, a Municipal Corporation , Idaho Falls, Idaho

MERVIN J. GARDNER, who resides at 525 Lincoln Drive in Idaho Falls, Idaho, on or about October 16, 1963, at about 8:00 o'clock P.M. on said day, while working on the sidewalk along the south side of John Adams Parkway, approximately midway between Lincoln Drive and Holbrook Drive, in the City of Idaho Falls, Idaho, collided with a metal sign post which was protruding from said sidewalk and was approximately nine and one-half feet in height. The area in the immediate vicinity of the sign post was unlighted.

As a result of having collided with said sign post, Mervin J. Gardner suffered personal injuries, including injuries to his forehead, back and knee. The undersigned claimant, Mervin J. Gardner, hereby claims damages for said injuries.

This notice is given in accordance with Section 50-162, Idaho Code.

Dated this 31st day of October, 1963.

STATE OF IDAHO)
) ss.
County of Bonneville)

s/ Mervin Gardner

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Subscribed and sworn to before me this 31st day of October, 1963.

s/ LaWayne Chapman
Notary Public for Idaho
Residing at Idaho Falls, Idaho

Receipt of the original of the within and foregoing Notice of Claim is hereby acknowledged this 31st day of October, 1963.

s/ Roy C. Barnes
City Clerk
City of Idaho Falls, Idaho

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

The City Clerk presented three notices of Completion of Public Works as follows: Pickett & Nelson 67,500 square yards of seal coating; Gem State Roofing, painting and repair of the elevated water tank; Pickett and Nelson, tennis courts at Tautphaus Park. It was noted that, in the interests of time, these were published without formal Council approval. It was moved by Councilman Page, seconded Foote, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 4; No, None; carried.

This memo from the Building Official was read:

November 6, 1963

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

I would like your permission and approval for three of our inspectors and one of the fire prevention bureau to attend the quarterly meeting of the Southern Idaho, Eastern Oregon Chapter of the International Conference of Building Officials at Mountain Home, Idaho, Friday, November 22, 1963.

We feel that this meeting will be of interest and value to our inspectors.

The meeting will be an annual report of the Code Changes Committee at the National Business Meeting, held at Cedar Rapids, Iowa, and discussion of interests connected to each of their particular Departments.

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The men can make the trip in one day and I request permission for the use of one City vehicle for the transportation to Mountain Home. Fifty Dollars (\$50) should cover tuition and two meals for each of the inspectors, plus gasoline for transportation.

I would appreciate your consideration, as no one in our Department has been permitted to attend the quarterly meetings held so far this year.

Respectfully submitted,
s/ Alva C. Harris
Building Official

It was moved by Councilman Leahy, seconded by Page, that the four men, as indicated and recommended, be permitted to attend the meeting. Roll call as follows: Ayes, 4; No, None; carried.

This letter was read by the City Clerk:

November 5, 1963

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

Dear Mayor Bryant:

We would appreciate very much having the following request presented at your City Council Meeting of Thursday, November 7, 1963.

We wish to place a small camp trailer in the downtown area of Idaho Falls to serve as a Christmas Gift Wrap Center. This will be a ways and means project for our Sorority, the proceeds used to support our philanthropic projects.

The facts concerning Epsilon Sigma Alpha Sorority and use of trailer are outlined as follows for your convenience.

A. Philanthropic Projects:

1. Idaho Society for Crippled Children and Adults (State Project)
2. Charter Members for Harbor House (Beta Epsilon Chapter)
3. Some recent projects:
 - a. St. Leon School
 - b. State Hospital South
 - c. Elder Folks of L.D.S. Hospital

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B. Concerning Trailer

1. We would prefer to place the trailer on one of the corners of the Park Avenue and A Street intersection.
2. The trailer house is seventeen (17) feet long - would require one parking space.
3. Adequate insurance and safety measures will be provided.
4. The trailer has a self-contained power supply.
5. We wish to occupy this space starting December 14, a Saturday, continuing through to Saturday, December 21.

Thank you very much for your time and consideration in this matter.

Mostly sincerely,
s/ Mrs. Jerry Ferguson
196 N. Higbee

s/ Mrs. Barbara Shearer
Ways and Means Chairman,
Beta Epsilon and Beta Mu
Chapters, Epsilon Sigma Alpha
Sorority

cc: Milton C. Jones, Chief of Police
R. C. Barnes, City Clerk

The Council agreed that, in the interests of all concerned, the sorority should make an effort to seek a vacant downtown location for their project as described, and the Mayor agreed to discuss the matter with them accordingly.

This letter was presented to the Council by the Clerk:

Idaho Falls, Idaho
October 29, 1963

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

Dear Mr. Barnes:

This is to advise you of the expectation of the First Christian Church to vacate the premises at Birch and Boulevard by November 30, 1963. It now appears that the new construction will be completed

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by November 15. Should construction delays prevent moving before the end of November, your office will be contacted regarding continued rental.

Sincerely,
s/ Robert M. Abernathy
Trustee, First Christian Church

No Council action was considered necessary.

This letter from the Mayor of the City of Ammon was presented:

2620 Ammon Road
Ammon, Idaho

Mayor O'Bryant
City Hall
Idaho Falls, Idaho

Dear Mayor O'Bryant:

The City of Ammon respectfully requests to establish an agreement with Idaho Falls pertaining to street sweeping in those section of Ammon having paved streets and curbs. We have been unable to find any satisfactory commercial operator for this work closer than Boise or Salt Lake City. Since we estimate only four hours is necessary to accomplish this work, it is not feasible to obtain equipment from such a distance.

For a basis of negotiation, we consider that this service would not be requested more than once per calendar quarter. Most likely we would request this service only two or three times a year.

This matter has been discussed informally with Mr. Don Lloyd of your staff but should there be any additional information required, please do not hesitate to contact me.

The City of Ammon has also indicated to Mr. Lloyd that we might be interested in purchasing the garbage truck Idaho Falls is retiring from service. In this regard, we request a sale price be established and a trial demonstration arranged. Any additional advice or information on how we should proceed on such a transaction will be greatly appreciated.

Your prompt consideration, especially on the street sweeping proposal, would be appreciated as we would like to have this work done once before winter.

Very truly yours,
s/ Reed Molen
City of Ammon
2620 Ammon Road
Ammon, Idaho

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It was agreed that the street sweeper proposal be denied after the City Attorney posed the problem of insurance and workman's compensation coverage. The City Attorney agreed to check the legality of selling the used garbage truck unit without resorting to auction. Meanwhile, it was further agreed that the City of Ammon would be welcome to demonstrate with the garbage truck, providing it was conducted in Idaho Falls. The City Clerk was instructed to advise Mayor Molen accordingly on these decisions.

ORDINANCE NO. 1072

AN ORDINANCE ESTABLISHING A DIVISION OF PUBLIC WORKS; PROVIDING FOR THE DUTIES OF THE DIVISION; DESIGNATING THE DEPARTMENTS ENCOMPASSED WITHIN THE DIVISION; PROVIDING FOR THE COMPOSITION OF THE DIVISION OF PUBLIC WORKS; PROVIDING FOR A PUBLIC WORKS DIRECTOR; DESIGNATING THE RESPONSIBILITIES AND DUTIES OF THE PUBLIC WORKS DIRECTOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING WHEN THE ORDINANCE MAY BECOME EFFECTIVE.

It was moved by Councilman Leahy, seconded by Foote, that this ordinance be passed on its second and third readings. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 1073

AN ORDINANCE REPEALING SECTION 4-4-1 THROUGH 4-4-10 OF THE MUNICIPAL CODE OF IDAHO FALLS 1962; ADOPTING A NEW IDAHO FALLS MUNICIPAL CODE FOR 1962, SECTIONS 4-4-1 THROUGH 4-4-13 INCLUSIVE; PROVIDING FOR OPERATION OF THE CITY OF IDAHO FALLS ELECTRIC LIGHT DIVISION; PROVIDING RULES AND REGULATIONS FOR CUSTOMERS OF SAID ELECTRIC LIGHT DIVISION; PROVIDING FOR METER DEPOSITS AND FORFEITURES; PROVIDING FOR PAYMENTS OF BILLS; PROVIDING FOR SUSPENSION OF SERVICE UNDER CERTAIN CONDITIONS; PRESCRIBING UNLAWFUL ACTS PROVIDING FOR EXTENSIONS TO THE SYSTEM ESTABLISHING RULES FOR UNDERGROUND DISTRIBUTION SYSTEM; ADOPTING A SCHEDULE OF RATES; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

It was moved by Councilman Foote, seconded by Leahy, that this Ordinance, known as the Chapter 4 rewrite to the Idaho Falls City Code, be passed on its first, second and third reading as amended. Roll call as follows: Ayes, 4; No, None; carried.

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ORDINANCE NO. -

AN ORDINANCE TO PROMOTE THE SAFETY AND WELFARE OF THE PEOPLE OF IDAHO FALLS, IDAHO, BY REGULATING THE DESIGN, INSTALLATION, MAINTENANCE, IMPROVEMENT AND INSPECTION FACILITIES TO INCLUDE THOSE USED FOR THE PURPOSE OF HEATING, HEATING WATER OR COOLING OF PREMISES; REGULATING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF FACILITIES FOR TRANSMISSION AND DISTRIBUTION, SPECIFYING OF THE POWERS AND DUTIES OF THE BUILDING AND ZONING DIVISION, PROVIDING FOR WORK PERMITS, FIXING THE COSTS OF SUCH PERMITS; PROVIDING FOR CERTIFICATE OF INSPECTION, PROHIBITING TURNING ON FUEL UNTIL ALL INSPECTIONS ARE COMPLETED; PROVIDING TIMES OF INSPECTION; PROVIDING FOR LICENSING REQUIREMENTS; PROVIDING FOR CERTIFICATES OF INSURANCE, PROVIDING FOR LICENSES, PROVIDING FOR CLASSIFICATIONS OF AGENCIES AND ESTABLISHING DUTIES OF CLASSES; PROVIDING FOR AN EXAMINATION BOARD, EXAMINATIONS; PROVIDING THE TERMS OF SUCH EXAMINATIONS; PROVIDING FOR REVOCATIONS OF CERTIFICATES; ESTABLISHING STANDARDS FOR GAS INSTALLATION; PROVIDING FOR PENALTIES FOR VIOLATIONS; SETTING FORTH A CONSTITUTIONAL DECLARATION; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

It was noted that this Ordinance had been passed on its first reading but that certain tradesmen were critical of its features. Therefore, the Council tabled any further consideration or action towards its passage.

Attention was drawn to the Edna Jones appeal as described in this Book of Minutes dated October 24th. It was noted that this had been referred to the Board of Adjustments who had recommended its denial. It was moved by Councilman Foote, seconded by Page, that the Board's recommendation be honored and the request be denied. Roll call as follows: Ayes, 4; No, None; carried.

This letter was read for purpose of being made a matter of record. No Council action was considered necessary.

THE IDAHO IRRIGATION DISTRICT

Idaho Falls, Idaho

November 5, 1963

To the City of Idaho Falls
Idaho Falls, Idaho

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Gentlemen:

Mayor O'Bryant and Engineer Don Lloyd representing the City of Idaho Falls, on this 5th day of November, 1963, made a proposal to the Board of Directors of the Idaho Irrigation District, to have a 21 inch pipe installed for the purpose of draining storm water from the Hughes Imperial Estates and the Gustafson property.

After considering the matter, the Board of Directors found no objection to this proposal and hereby give their consent.

Yours truly,
Idaho Irrigation District,
By, s/J. C. Arave
President

By, s/ Russell Holm
Director

By, s/ Merton J. Gray
Director

Electrical Engineer Davis appeared and requested that Eugene Clayton be permitted to attend a course in electronic engineering in Los Angeles from the middle of November to the end of the year. He requested further that, in order to accomplish this, the Council approve advancing his four week 1964 vacation to this period and also grant a two week leave of absence without pay. It was moved by Councilman Leahy, seconded by Page, that these requests be granted and the trip be approved, providing the employee in question guarantee at least one day of employment in 1964. Roll call as follows: Ayes, 4; No, None; carried.

Public Works Director Lloyd appeared and reintroduced a problem which had been given previous Council attention with regard to needed right of way from Mr. Ernie Ellswood for the extension of South Capital. It was noted that a previous proposal to offer cash had been denied by the Council. Lloyd presented a new proposal not involving cash but, instead, an exchange of properties with four conditions, as outlined by Lloyd. This proposition met with general Council agreement. It was noted that the involved property, owned by the City, lies adjacent to other property owned by Mr. Ellswood. This was referred to City Attorney to determine the most appropriate method of proceeding, legally.

The City Attorney requested permission for Electrical Engineer Davis and himself to go to Salt Lake City November 8th to confer with Utah Power and Light officials, relative to the exchange of customers agreement. It was moved by Councilman Leahy, seconded by Page, that the request be approved. Roll call as follows: Ayes, 4; No, None; carried.

This memo from the City Attorney was presented:

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

Gentlemen:

We attach to this letter Release from Safeco Insurance Company dealing with an incident occurring in November, 1962. The letter and Release indicates blasting damage occurred at 1365 North Yellowstone, Idaho Falls, Idaho.

We have checked the matter with City Engineering. Apparently curb and gutter damage occurred in November, 1962, due to blasting by Arrington Construction Company. Arrington Construction Company had the damage repaired by Reinhart Construction Company. The \$256.50 involved is the amount of payment from Arrington's insurance carrier to Reinhart. Arrington's carrier desires the City to participate in the Release.

We recommend to the City Council and have received the concurrence of the claim's adjustor that a draft be issued payable to Reinhart and the City and suggest Council authorization to have the draft endorsed by the City to Reinhart. This, in our opinion, will alleviate the necessity for further releases and is acceptable to the claim's adjustor.

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

Encl.

It was moved by Councilman Leahy, seconded by Page, that an authorized representative of the City be permitted to endorse the draft, as described, and for the City to approve and participate in the release as prepared by the City Attorney. Roll call as follows: Ayes, 4; No, None; carried.

This letter from Arrington Construction and memo from the City Attorney was reviewed by Mr. Kidwell:

November 4, 1963

Don Ellsworth
City Engineer
City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

Subject: Time Extension & Penalties
Contract: Wells Nos. 9 & 10

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Gentlemen:

We are informed that time extension on the above subject contract has been extended to August 28, 1963 instead of to the actual completion date as requested in our letter of September 27, 1963.

At the time we were directed to supply items 5, 6, and 7 of Change Order Number 1, we were advised that delivery would be made by Minneapolis-Honeywell on August 28, however, delivery of these items from the factory was made to Salt Lake City on September 5, shipped to Idaho Falls September 6 and installed on September 9, with testing of Wells completed on September 11th. Minor discrepancies found at the time of testing were completed as soon thereafter as the parts were received.

In view of the above we still feel penalty should not be invoked against us for delay caused by delivery of extras called for in Change Order Number 1, and renew our request that time extension be extended to the actual completion date of contract.

With regard to Cornell, Howland, Hayes & Merryfield opinion of the financial considerations, we cannot accept their terms. To begin with the concrete in the tank walls was placed under the direct supervision of Mr. Ed Westcott. The writer, W. E. Arrington, and Keith Jenkins, decided to use one crane for placing of concrete so same could be properly placed, however, we were over ruled by Mr. Westcott and used two cranes for placing as per his directive.

As a result of this we have spent approximately \$5,000.00 additional money to make the tank acceptable and still Cornell, Howland, Hayes and Merryfield feel another \$500.00 should be deducted from the contract price, because of finish. This we will not accept.

Neither can we agree to deduction of \$2,100.00 for a period of five years to take care of the surface spalling. However, we will agree to take care of these repairs to tank surface for a period of five years.

Would appreciate your expediting of final payment for this contract.

Very truly yours,
Arrington Construction Co., Inc.
By _____
Robert D. Taylor, Office Engineer

cc: Vern Kidwell

November 7, 1963
Acct. No. 11A-29

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

FINAL ESTIMATE WELLS NOS. 9 & 10

Pursuant to your request, we have reviewed the contract documents pertaining to the above contract. We have reviewed the October 22, 1963 recommendations of Cornell, Howland, Hayes & Merryfield and have discussed the matter with representatives from Arrington Co. Our recommendations of the review may be summarized as follows:

1. Based upon the recommendations of CH2M as set forth in their letter of May 20, 1963 that the rubbed finish is actually less expensive than the specified finish and they recommend that an amount of \$500.00 would reflect the difference in costs. We recommend a deduction of \$500.00 from the contract price for the substitution.

2. CH2M has recommended that \$2,100.00 be deducted from the contract price and be placed in a commercial savings account for a period of five years and that during the five year period, the City be permitted to use the amount necessary for tank wall repairs. CH2M has recommended as an alternate some type of insurance or guarantee in a written form from Arrington Construction Co. In a letter of November 4, 1963 copy of which is attached, Arrington Const. Co. agrees to take care of repairs to the tank surface for a period of five years. From the City's point of view, it would be more desirable for a bond or deduction of \$2,100 as suggested in the October 22nd letter of CH2M unless the Council desires it to be in written form as proposed by Arrington Const. Co.

3. Item #4 in CH2M's letter of October 22nd has suggested a guarantee of material and workmanship, for five years regarding the installation of cable installed not in conformance to the specifications. We have discussed this problem with the sub-contractor and he has agreed to furnish us a written guarantee. In our opinion this will be satisfactory.

4. CH2M has suggested a 12 day penalty for delays in completion. The November 4th letter of Arrington Construction Co. states the delay of completion was due to delivery to items to supply a portion of Change Order #1. We have discussed this matter in full with CH2M representatives and they advise the delay subsequent to August 28, 1963 was due to a replacement of switches originally installed by the contractor that would not meet contract specifications. We recommend the 12 day penalty feature.

In way of summary, the balance due on the contract is \$28,246.75, less \$500 for Paragraph #1, \$2,100 for Paragraph #2, \$1,200 for Paragraph #4, bringing the total deductions to \$3,800 and the amount remaining to be paid of \$24,446.75.

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We are forwarding a copy of the November 4th letter of Arrington Const. Co. to CH2M for their recommendations. Beyond any change in their stand of recommendations, we recommend payment of \$24,466.75 now and consider the contract as complete.

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

s/ Don Ellsworth
City Engineer

It was moved by Councilman Page, seconded by Leahy, that the Council approve payment of the undisputed portion of the contract in the amount of \$24,446.75, recognizing that the total balance of the contract was \$28,246.75 and that the difference is represented by three disputed items as indicated and that Cornell, Howland, Hayes, and Merryfield be contracted to get the benefit of their views and opinion on the Arrington letter. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor announced that this was the time and the place for the official canvas by the City Council of the ballots cast at the First General Municipal Election on November 5th, 1963. The City Clerk proceeded to open the ballot boxes and presented the ballots and the tally sheets as computed by the workers at the polls. After close scrutiny of all fourteen precincts the Council arrived at the following as the official tally:

CITY VOTE BY PRECINCTS

MAYOR----- COUNCILMEN ----- COUNCIL

PRECINCT	PIEPER	HYDE	PETERSEN	MCNURLEN	NELSON	FREEMAN	CREEK	TOBIN	AMES	HAMILTON	YES	NO
1- WARD 1	44	57	212	9	110	227	68	130	29	64	161	159
2- WARD 2	123	124	390	9	253	459	122	270	60	102	298	348
3- WARD 1	60	137	325	9	228	351	102	219	53	88	231	287
1- WARD 2	58	73	167	3	102	195	67	148	24	49	131	166
2- WARD 2	189	179	324	50	316	508	241	208	73	108	505	237
1- WARD 3	101	297	273	13	339	472	174	244	35	66	354	323
2- WARD 3	146	213	332	16	305	481	166	275	38	94	353	346
3- WARD 3	184	285	368	15	455	567	272	247	41	81	406	438
4- WARD 3	272	239	313	29	387	596	310	224	58	106	472	364
5- WARD 3	239	243	403	29	415	639	260	261	65	109	512	388
1- WARD 4	131	84	273	35	188	377	134	179	57	83	270	258
2- WARD 4	176	153	389	23	322	508	183	242	52	125	423	316
3- WARD 4	133	200	423	18	371	524	230	232	48	107	406	354
4- WARD 4	162	248	329	13	397	471	264	242	31	55	386	349
TOTALS:	2018	2532	4521	271	4188	6375	2593	3121	664	1231	4908	4333

It was moved by Councilman Page, seconded by Foote, that the foregoing be accepted and approved as the official canvas of said election. Roll call as follows: Ayes, 4; No, None; carried.

This legal notice was presented:

NOVEMBER 7, 1963

NOTICE OF SECOND MUNICIPAL ELECTION

Pursuant to the laws of the State of Idaho, Notice is hereby given that a Second Municipal Election shall be held in the City of Idaho Falls, Bonneville County, Idaho, at the voting places hereinafter designated, on Tuesday, the 26th day of November, 1963, beginning at 12:00 o'clock Noon, and closing at the hour of 8:00 o'clock P.M. of said date, for the purpose of electing a Mayor for the term of twp years, and one Councilman for the term of four years, or for such other term as may hereinafter be provided by law.

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

MAYOR:

Alden Hyde
S. Eddie Pedersen

COUNCILMAN:

Gordon L. Nelson
Quentin J. Tobin

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

Precinct No. 1	First Ward-Whittier School Registrar, Hazel Kyle, 130 E. Anderson
Precinct No. 2	First Ward-Log Hut- Highland Park Registrar, Mrs. W. L. Adams, 190 Alpine
Precinct No. 3	First Ward-Riverside School Registrar, Mrs. S. L. Van Orden, 425 J. Street
Precinct No. 1	Second Ward-Veterans Memorial Bldg. Registrar, Mrs. George Thomas, 302 Hill Street
Precinct No. 2	Second Ward- Templeview School Registrar, Mrs. Lois Molen, 1533 Westland Avenue
Precinct No. 1	Third Ward- O. E. Bell Junior High Registrar, Mrs. Faye Petersen, 369 11 th Street
Precinct No. 2	Third Ward- Hawthorne School Registrar, Mrs. Norma Lewis, 160 E. 17 th Street
Precinct No. 3	Third Ward-Longfellow School Registrar, Ardeth Lee, 154 E. 19 th Street
Precinct No. 4	Third Ward-Linden Park School Registrar, Mrs. Keith Park, 1160 Cathryn Avenue

NOVEMBER 7, 1963

Precinct No. 5	Third Ward-Edgemont School Registrar, Jane Heffner, 530 E. 16 th Street
Precinct No. 1	Fourth Ward-Golf Course Club House Registrar, Janice McClain, 1255 Garfield
Precinct No. 2	Fourth Ward-Bel Aire School Registrar, Jann Jensen, 2183 Logan Drive
Precinct No. 3	Fourth Ward-Emerson School Registrar, Erma Boyce, 375 3 rd Street
Precinct No. 4	Fourth Ward-Central Immediate School Registrar, Virgie Prestgard, 216 7 th Street

Municipal Electors may register from and after the date of this Notice during the office hours of the said City Clerk and continuing until and including Saturday next preceding the Second Election date. Electros may register between the hours of 9:00 o'clock A.M. and 5:00 o'clock P.M. and between the hours of 7:00 o'clock P.M. and 9:00 o'clock P.M. on Thursday, Friday, Saturday next preceding the above noticed Election, at which time the registration books are closed and no person shall be permitted to register thereafter. Any Electro who is not registered as required shall not be permitted to vote at said Second Election.

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

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

By order of the City Council.

Dated this 7th day of November, 1963.

Publish: November 10 and 17, 1963.

s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Leahy, seconded by Page, that the City Clerk be authorized to publish, as required by law. Roll call as follows: Ayes, 4; No, None; carried.

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