

SEPTEMBER 5, 1963

The City Council of the City of Idaho Falls met in Recessed Regular Session Thursday, September 5, 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 Creek, Foote, Leahy and Page. Also present: LaWayne Chapman, Assistant City Clerk; Don Ellsworth, City Engineer; Lon Davis from the City Attorney firm of Holden, Holden and Kidwell; Luther Jenkins, Controller; Harold Davis, Electrical Engineer; Alva Harris, Building Official; Don Lloyd, Public Works Director.

Minutes of the last Recessed Regular Meeting, held August 22nd, 1963 were read and approved as amended.

Mr. Clifford Kerkendall, manager of the Bowl-Ero Bowling Lanes, appeared before the Council and presented a petition for the relocation of Olive Avenue. After considerable discussion it was agreed that there should be more preliminary negotiations in the form of agreements between the bowling establishment, the First Baptist Church and Jack Adams before the City would be in a position to take action. Mr. Kerkendall agreed to work toward this end by September 10th for Council consideration at that time.

Bills for the month of August, having been properly audited by the Finance Committee, were presented as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$100,445.48	\$45,812.381	\$146,257.86
Recreation Fund	8,819.66	1,191.06	10,010.72
Fire Fund	20,005.81	17,858.96	37,864.77
Electric Light Fund	24,552.37	35,884.54	60,436.91
Water & Sewer	9,271.39	37,359.79	46,631.148
Police Retirement	<u>1,710.83</u>	<u>.00</u>	<u>1,710.83</u>
TOTAL	\$164,805.54	\$138,106.73	\$302,912.27

It was moved by Councilman Foote, 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, 4; No, None; carried.

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

License applications for APPRENTICE GAS FITTER (previously approved by the Gas Inspector) Howard Campbell of Northwest Propane Gas, and VENDOR, Home Grown Farm Produce for Ray Parkinson were presented. It was moved by Councilman Leahy, seconded by Page, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License application for RESTAURANT, Betties Snack Shop was presented. It was moved by Councilman Page, seconded by Foote, that this license be granted, subject to approval of the City Sanitarian. Roll call as follows: Ayes, 4; No, None; carried.

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License application for CAB DRIVER, Ralph DeWayne Moffat of Falls Cab Company was presented. It was moved by Councilman Leahy, seconded by Foote, that this license be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

These damage claims were presented:

DRIFTWOOD MOTEL
845 RIVER PARKWAY
IDAHO FALLS, IDAHO

To- City of Idaho Falls

Damage caused by power fluctuation and failure on night of August 15, 1963.

Hutch Neon Sign Company	8-20-63	
Repair and replace transformer burned out on motel sign		\$ 45.00
Jewel Electric	8-27-63	
Replace air conditioner transformers		59.40
Lamont Wold TV Service	8-17-63	
Replaced TV aerial booster transformers and TV set transformer		54.10
4	100 watt flood bulbs	2.50
6	100 watt lamp bulbs	1.80
2	Air conditioner unit fan motors @12.50	25.00
	Labor replacing	4.50
1	Electric alarm clock	<u>6.75</u>
		\$195.00

September 4, 1963
s/ W. J. Mc Clanahan
Manager

August 28, 1963

To the Honorable Mayor and City Council
City of Idaho Falls
City Hall
Idaho Falls, Idaho

Gentlemen:

This is to advise you that on August 2, 1963 at approximately 1:15 P.M. I was driving my 1956 Ford automobile north toward town when passed by a City Water Truck (I believe the #17 was on the side of the truck) going south. The City truck threw a rock up that hit my windshield

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shattering it severely. This incident happened on the South Highway in front of Ray's In & Out Drive In. I estimate the damage to be approximately \$100.00 to replace the tinted glass windshield.

It is intended that this letter serve as a claim against the City for said damages. Your consideration will be appreciated.

Very truly yours,
s/ Bessy Freeman
South Highway
Rt. #4, Box #96
Idaho Falls, Idaho

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

Reference is made to Page 428 in this Book of Minutes at which time Mr. Dennis Olsen, local attorney, requested and received permission from the Council to submit, at a later date, his formal objections, in writing to the zoning of certain properties in the Roy H. Bennett Shopping Center, in the interest of his client, Ben Lomond Inc. Following, then, appears said written objections as presented and read by the Assistant City Clerk:

**OBJECTIONS OF BEN LOMOND, INC. TO THE
ZONING OF PROPERTY OWNED BY IT AS A PART
OF THE ROY H. BENNETT SHOPPING CENTER**

Comes now Ben Lomond, Inc. a Utah Corporation, and in objecting to the zoning of the hereinafter described real property as a residential shopping center as a part of the Roy H. Bennett Residential Shopping Center asserts and alleges as follows:

I.

It is the owner of the following described property which is included as a portion of the property to be zoned as a residential shopping center as a part of the center known as the Roy H. Bennett Shopping Center, to-wit:

Roy H. Bennett Shopping Center, Division No. 1, in Bonneville County, Idaho, Block 1; all that portion of Lot 1, described as follows:

Beginning at a point that is South 0° 4' 40" West along the Section line 26.20 feet and South 89° 16' 30" East 591.07 feet and South 0° 8' 40" West 13.80 feet from the Northwest corner of Section 29, Township 2 North, Range 38 East Boise Meridian; thence South 89° 16' 30" East 110 feet;

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thence South 0° 8' 40" West 125 feet; thence North 89° 16' 30" West 110 feet; thence North 0° 8' 40" East 125 feet to the point of beginning.

II.

The inclusion of this property as part of the Roy H. Bennett Shopping Center to be zoned as a residential shopping center with its development to be governed by the current plans approved by the City of Idaho Falls is an arbitrary, unlawful, discriminatory and capricious act, and such act would not bear a substantial relation to the public health, safety, morals or general welfare.

III.

The inclusion of this property as a part of the Roy H. Bennett Shopping Center to be zoned as a residential shopping center with its development to be governed by the current plan approved by the City of Idaho Falls would result in a denial of Ben Lomond, Inc., of its property and the use thereof without due process.

IV.

The inclusion of this property as a part of the Roy H. Bennett Shopping Center to be zoned as a residential shopping center would not be in accordance with the intent of the zoning ordinance under which the property is to be zoned as residential shopping center for the ordinance clearly indicates that such zoning of property presupposes the submission of a development plan to the City which meets the approval of all the owners of the property in question. Such a comprehensive plan including the above described property has never been submitted or approved in accordance with the intent of the zoning ordinance in question.

V.

The inclusion of this property as part of the Roy H. Bennett Shopping Center to be zoned as a residential shopping center with its development to be governed by the current comprehensive plan approved by the City would be in violation of Section 50-401-409 of the Idaho Code Annotated.

The foregoing constitutes the basic objections of Ben Lomond, Inc., to the zoning of its property as part of the Roy H. Bennett Shopping Center to be zoned as a residential shopping center under the ordinances of the City of Idaho Falls with its development to be governed in accordance with the comprehensive plan now approved by the City. These objections were also presented to the City Council at its meeting on August 22, 1963, and this document is being submitted pursuant to permission granted therefore at said Meeting. The detailed arguments in support of the above objections will be submitted upon request.

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29 August 1963

Respectfully submitted,
BEN LOMOND, INC.
By: PETERSEN, MOSS & OLSEN
ATTORNEYS
By: s/ Dennis M. Olsen

It was moved by Councilman Foote, seconded by Page, that this be referred to the City Attorney for study with the understanding that a report be made to the Council, recommending the action that should be taken. Roll call as follows: Ayes, 4; No, None; carried.

The following memo from the Assistant City Clerk was read:

September 5, 1963

To the Honorable Mayor
and City Council
Idaho Falls, Idaho

Gentlemen:

This afternoon I received a call from Mr. Jerry Jacobson, principal of the Bel Aire School, who was registering a complaint against "Mr. Softie" the ice cream mobile vendor.

Mr. Jacobson said that both he and Mr. Bigelow, principal of Clair E. Gale Jr. High School, were concerned about the operation of Mr. Softie. He claims that it is creating a traffic hazard and a nuisance by considerable litter around the school yards. He said that they planned to register a formal complaint by letter but since there was to be a Council Meeting this night, he asked that this be brought to the attention of the Council at this time.

He alleged that Mr. Softie was parking his mobile unit on a dead end street at the end of Royal Avenue and Garfield Street from 11:30 A.M. to 1:00 P.M. each day thus creating a traffic hazard at that location.

Sincerely,
s/ LaWayne Chapman

This was referred to Chief Jones with instructions to investigate and determine to what extent a traffic hazard was being created.

This letter was read by the Mayor:

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IDAHO SURVEYING AND RATING BUREAU
BOISE, IDAHO

August 29, 1963

Mr. D.A. Davis
Phillips Petroleum Company
P.O. Box 2067
Idaho Falls, Idaho

Dear Dean:

I appreciated very much receiving the recommendations which your committee has made to the City for the improvement of their fire defense facilities.

I note that your estimate of the time necessary to complete these contemplated improvements is some 2 to 3 years. My thought in this matter is that the time interval is not at all out of line, but by that time, as rapidly as Idaho Falls is expanding, I wonder if it may not be graded by the National Board of Fire Underwriters.

Probably it would be to the advantage of all concerned if, at this time the National Board were asked to send an engineer to review the situation as exists and also the contemplated improvements.

If you and your City feel that this should be done I will be glad to contact the National Board and I am sure we can arrange for a meeting at a mutually satisfactory date.

Yours very truly,
s/ Karl K. Goble
Chief Engineer

cc: Mr. Carl Weers,
Assistant Chief Engineer
National Board of Fire Underwriters
45 California Street
San Francisco 4, CA.

It was moved by Councilman Leahy, seconded by Foote, that the Mayor be authorized to write Mr. Goble, suggesting and urging him to request that the National Board of Fire Underwriters send an engineer to assist Mr. Davis's Committee in this regard. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor then noted that he had in his possession a letter from the National Safety Council asking that, as a member of the National Safety Council, the City send a proxy vote to uphold the Board of Directors' recommendations in changing some of their by-laws. Davis recommended that this proxy vote be sent. It was moved by Councilman Page, seconded by Leahy, that the Mayor be

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authorized to send proxy vote for their recommendations. Roll call as follows: Ayes, 4; No, None; carried.

Next to be presented was a request for a neon sign, requested by Mr. Hugh Robinson to be constructed at 770 N. Holmes. Allegedly, this request had been made to the Building Official's office and had been referred to the City Council. Mr. Harris said his office had no knowledge of such a request. The Mayor then instructed him to look into the matter before the Council took any action.

The following memo from the Assistant City Clerk was then read by the Mayor:

September 3, 1963

Honorable Mayor and City Council
City of Idaho Falls, Idaho

It has been requested by Mr. Luther Jenkins, Controller, that provisions be made that LaWayne Chapman, assistant City Clerk be temporarily appointed as acting City Clerk with all powers and authority of said City Clerk for purposes of signing City Warrants during the period of September 3-9, 1963. The reason being that the Mr. Roy C. Barnes, City Clerk, is out of the City and not available for signing. It is noted that there will be some travel expense and other emergencies that will have to be taken care of this period.

Respectfully submitted,
s/ LaWayne Chapman
Assistant City Clerk

It was moved by Councilman Leahy, seconded by Creek, that this request be granted and that Chapman be duly appointed acting City Clerk during the period as stated. Roll call as follows: Ayes, 4; No, None; carried.

The following report from the Idaho Surveying and Rating Bureau, Inc., on the result of the tests of the newly acquired Fire Department Snorkel was then read by the Mayor. He then instructed acting City Clerk to include this report in this Book of Minutes s a matter of record.

IDAHO SURVEYING AND RATING BUREAU INC.
BOISE, IDAHO

August 29, 1963

Chief Parley Gillen
Idaho Falls Fire Department
Idaho Falls, Idaho

Dear Chief:

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Below are the results of the tests on the Pitman Model 85-SFF delivered to Idaho Falls and tested by the Idaho Surveying and Rating Bureau, Inc., August 20, 1963. Snorkel is powered by an 817 cu. in. Waukesha which develops 287 H.P. at 2600 R.P.M. and 710 ft. lbs. of torque at 1400 R.P.M.

Test as follows:

1. Truck went from standing start through gears to 35 mph in 25 seconds.
2. Truck developed top speed at 57 mph in two miles.
3. Truck went from 20 mph to complete stop in 13 feet.
4. Snorkel boom from minimum to maximum elevation in 60 seconds.
5. Snorkel basket rotated through 360 degrees in 45 seconds.
6. Snorkel boom from maximum to minimum elevation.
7. Test load of 1100 pounds, with lower section of boom to maximum extension, was rotated through all positions.

1015 gpm of water was discharged through a 2-inch nozzle on the 4-inch water passage of the Snorkel boom with the basket at maximum elevation. A 1000 gpm and 500 gpm pumper was discharging through the 3, 2 ½ -inch inlets at the base of the snorkel water line. A pump pressure of 240 pounds was developed at the pumpers with a pressure of 200 pounds at the base of the Snorkel water tower.

All tests conducted were satisfactory to this bureau.

Very truly yours,
s/ Karl K. Goble
Chief Engineer

cc: Crown Firecoach Corporation
2500 East Twelfth Street
Los Angeles 21, California

This memo was then presented by the Mayor:

HWD-121-63
August 29, 1963

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

Gentlemen:

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In the August 2nd City Council Meeting, a letter from Lieutenant G.D. Detwiler was referred to this Division for clarification and recommendation. On contracting Mr. James P. Brooks of the United States Navy at Tautphaus Park Building, we find the following items are suggested by them in the event of a catastrophe or other emergency conditions.

1. A portable generating unit.
2. Two radio men for dispatching functions.
3. Certain walkie-talkie and other radio equipment which, though not able to work on our assigned frequency, could be used as a back up to correspond quickly with area outside the City of Idaho Falls.

Therefore, I am recommending that the Mayor and Council accept their offer and that we be authorized to work out the details with the Navy for such items as procedures, materials necessary to operate the equipment, etc.

Very truly yours,
s/ Harold W. Davis
Director, Electric Light Division

Att.
cc: City Councilmen

It was moved by Councilman Foote, seconded by Page, that the offer be accepted as recommended. Roll call as follows: Ayes, 4; No, None; carried.

Lloyd observed that the Navy was to vacate their quarters in the Tautphaus Building October 15th and asked for Council consideration to permit this office and staff to occupy same. This was denied by the Council.

Public Works Director, Lloyd then made request through the Mayor for authorization to attend the Public Works Library Workshop and I.S.P.E. meeting in Pocatello to be held September 6th and 7th 1963. It was moved by Councilman Leahy, seconded by Foote, that authorization be given for Lloyd to attend and for the use of a City vehicle as transportation. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor then presented the following memo from Public Works Director, Don Lloyd:

August 26, 1963

Honorable Mayor and City Council
Idaho Falls, Idaho

Subject: Fire Equipment on Civic Auditorium

Gentlemen:

SEPTEMBER 5, 1963

This letter is written in response to your request to investigate the fire escape in connection with a complaint received from John Orr, dated July 17th.

Please be advised that Mr. Parley Gillen and Mr. Grover Bennett investigated and concluded a swing gate could correct the situation outlined in the letter. Subsequently, a design was prepared to meet the Fire Chief's specifications, and quotations have been obtained as follows:

Idaho Falls Steel Products	\$225.00
Reliance Metal Works	225.00
Johnson Welding and Iron Works	157.00
McClasky Iron Works	287.00

The above prices include the cost of fabricating and installing the gate in accordance with the attached drawing.

If this installation is a City responsibility, kindly advise; and we will have Johnson Welding and Iron Works proceed immediately with the work.

Respectfully submitted,
Public Works Division
s/ Donald F. Lloyd, P.E.
Public Works Director

Attach:

cc: Lu Jenkins

It was moved by Councilman Page, seconded by Leahy, that the proposal of the Johnson Welding and Iron Works be approved. Roll call as follows: Ayes, 4; No, None; carried.

Upon recommendation of Mr. Lynn Crandall, President of the Idaho Falls Public Library Board of Trustees, the Mayor re-appointed Mrs. John Huffman as a member of said Board. It was moved by Councilman Leahy, seconded by Page, that the appointment be confirmed. Roll call as follows: Ayes, 4; No, None; carried.

Building Official Harris then presented a sketch of a non-flashing sign for the National Mortgage Company to be erected at 552 3rd Street. It was moved by Councilman Page, seconded by Leahy, that the permit for this sign be approved. Roll call as follows: Ayes, 4; No, None; carried.

Building Official Harris drew attention to the fact that there were certain properties in need of zoning or rezoning. The Mayor declared October 9th, 1963 as the time for a public zoning hearing.

A complete rewrite of Chapter 4 for the Idaho Falls Code, covering the Electric Light Division was presented in ordinance form as follows:

SEPTEMBER 5, 1963

ORDINANCE NO. ----

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, SECTION 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 UNDER GROUND 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 Creek, seconded by Page, that this ordinance be passed on its first reading. 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/ LaWayne Chapman
ACTING CITY CLERK

s/ W. J. O'Bryant
MAYOR
