

AUGUST 8, 1963

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The City Council of the City of Idaho Falls met in Recessed Regular session, Thursday, August 8, 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, Absent: Councilman Leahy. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Don Lloyd, Public Works Director; Luther Jenkins, Controller; Alva Harris, Building Official.

Minutes of the last Recessed Regular Meeting, held July 25, 1963, were read and approved.

Mr. Grant Wallace, 325 H Street, appeared before the Council, asking that he be granted, by the Council, a license to sell food on the street, such as hot tamales, from a mobile cart. This was referred to the City Attorney for study to determine if there was anything in the Code which would provide for, or prevent, the granting of such a license.

Mr. Ben Brothers, 210 Colorado Avenue, appeared before the Council, asking that eleven homes in the area generally known as Happyville be connected to the City sewer. He explained that these are now served by a private line and a dry well but that this arrangement has ceased to be satisfactory. He referred to an easement, allegedly in existence, which would permit the sewer crossing private property and providing for certain connection privileges. This was referred to the Public Works Director and the City Attorney who were directed to determine whether or not the existing system meets City specifications and, if not, the recommended course of action to serve the area.

Mr. Cliff Kirkendall, manager of the Bowl-Ero Bowling Alley, appeared before the Council and presented a proposal for the moving of Olive Avenue east so that it would adjoin the back property line of the first row of residences in that area. He referred to two alternative plans, prepared by the City Engineering Department. In this connection, the following was read by the City Clerk:

**FIRST BAPTIST CHURCH**

**Idaho Falls, Idaho**

**P.O. Box 2091**

August 6, 1963

Mr. Roy Barnes, City Clerk  
City Administration Offices  
Idaho Falls, Idaho

Dear Mr. Barnes:

Will you please convey to the Honorable Mayor, Mr. W. J. O'Bryant and to the members of the City Council the following resolutions from the First Baptist Church of Idaho Falls?

The Advisory Board and the Board of Trustees of the First Baptist Church, located on John Adams Parkway and Olive Street have studied the suggested plans for alterations effecting the location of Olive Street and the modifications effecting John Adams Parkway.

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The resolutions adopted this meeting were as follows:

The First Baptist Church on John Adams Parkway and Olive Street, which now abuts the church property and which extends from Fourth Street to John Adams Parkway.

The above Church further opposes such modifications of John Adams Parkway which abuts the Church frontage as would dispose of its present frontage parking privileges on John Adams Parkway, and which also would hinder present pedestrian access to the church frontage at the crosswalk location.

We respectfully request that this communication be placed in the City files.

We are sincerely yours,

s/ A. G. McGuire, Jr.  
Moderator of the Church and  
Advisory Board

s/ A. R. Molyneux  
Chairman, Board of Trustees

s/ Dr. Cecil Johnson  
Minister of the Church

It was noted that, under either plan, a change of zoning would be requested for a strip of land immediately east of the existing Olive Avenue.

Therefore, it was moved by Councilman Page, seconded by Creek, that this proposition be referred to the Board of Adjustments, together with all supporting papers including a petition from nearby property owners, for their study and recommendation. Roll call as follows: Ayes, 3; No, None; carried.

Mr. Dennis Olsen, local attorney, appeared before the Council, representing the Ben Loman Investment group who had an interest in constructing a Phillips service station at the 17<sup>th</sup> Street Shopping Center. Mr. Olsen noted that this area is not presently zoned and therefore, he requested that the City Council authorize and direct the Building Official to issue a building permit for construction of the station. He asked that this Book of Records reveal the fact that application had been made for the building permit which had not been honored, and that the applicant was prepared to pay the usual application fee. It was moved by Councilman Page, seconded by Foote, that this matter be referred to the City Attorney for study and recommendation. Roll call as follows: Ayes, 3; No, None; carried.

Building Official Harris appeared with a sketch of a soft water sign to be installed on a building at Capital and Broadway, lacking three feet, seven inches of complying with Code if placed directly on the roof. Harris explained that if the sign were installed in accordance with these

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regulations it would obstruct the view of certain apartment house tenants across the street. He said he knew of no problems, other than Code compliance, by installing the sign at the lower level. It was moved by Councilman Page, seconded by Creek, that permission be granted to install the sign three feet seven inches lower than that required by Code. Roll call as follows: Councilman Karl Page, Aye; Councilman Alex Creek, Aye; Councilman Donald Foote, No; carried.

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

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$100,396.50	\$59,618.93	\$160,015.43
Recreation Fund	8,488.40	2,275.33	10,763.73
Fire Fund	20,022.91	2,091.39	22,114.30
Electric Light Fund	25,497.16	75,717.02	101,214.18
Water & Sewer	10,056.44	79,997.49	90,053.93
Police Retirement	<u>1,710.83</u>	<u>.00</u>	<u>1,710.83</u>
<b>TOTAL</b>	<b>\$166,172.24</b>	<b>\$219,700.16</b>	<b>\$385,872.40</b>

It was moved by Councilman Creek, seconded by Foote, that the bills be allowed and the Controller be authorized to draw warrants on the respective funds for their payments. Roll call as follows: Ayes, 3; No, None; carried.

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

License applications for VENDOR, Mrs. James Glass, Idaho Food King on 17<sup>th</sup> Street were presented. It was moved by Councilman Foote, seconded by Page, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License applications for RESTAURANT AND FOUNTAIN, Victoria A. Karastas were presented. It was moved by Councilman Page, seconded by Foote, that these licenses be granted, subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 3; No, None; carried.

A damage claim was presented and read as follows:

August 5, 1963

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

Dear Sir:

On July 29, 1963 at about 11:45 a.m., the City Electrical Department was doing some repair work on the transformer in the alley behind the last block of Charlene Drive, during the

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process of repairing this transformer excessive amounts of electricity entered my house, and in doing so caused damage to the furnace controls and doorbell transformer.

A survey of this damage by a qualified electrician employed by Babbitt Electric Co. showed damage as listed below:

Furnace transformer & stack control switch	\$32.00
Doorbell transformer	3.00
Labor cost of installing above	14.05
Cost of initial damage inspection	<u>7.00</u>
Total cost of repair	\$56.05

Your prompt attention to this matter will be greatly appreciated.

Thank you,  
s/ Ralph S. Housley  
1873 Charlene Drive  
Idaho Falls, Idaho

It was moved by Councilman Foote, seconded by Page, that this be referred to the City insurance carrier for investigation. Roll call as follows: Ayes, 3; No, None; carried.

This memo from the City Clerk was read:

August 8, 1963

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

Mr. Jack Gobble, 450 10<sup>th</sup> Street, called this morning and explained that, at his request, the City chipper unit was recently called to the above address for purposes of removing a tree which had been previously cut down by Mr. Gobble.

He said the work had been accomplished promptly and efficiently; moreover, the clean up work by City crews was done to perfection.

He was so impressed that he requested this be brought up to the attention of the responsible Division Head and, also the Mayor and City Council.

Respectfully submitted,  
s/ Roy Barnes  
City Clerk

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No Council action was considered.

The City Clerk drew attention to certain legal notices, published by him in the interests of time, without formal Council approval; namely, advertisement for bids for the painting and repair of the elevated water tank, notice of completion of various improvements to the water system, a notice of completion of construction of the lower hydro station supervision and station central systems and advertisement for bids for four tennis courts. It was moved by Councilman Foote, seconded by Creek, that the Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

**ORDINANCE NO. 1062**

AN ORDINANCE AMENDING SECTION 9-9-3 OF THE MUNICIPAL CODE OF IDAHO FALLS, 1962, PROVIDING A PERMIT SHALL BE REQUIRED FOR EXCAVATION IN ANY STREET OR ALLEY OF THE CITY; PROVIDING FOR SECURING OF PERMIT PROVIDING FOR THE RESPONSIBILITY OF THE APPLICANT FOR REPAIR AND BACKFILLING OF THE PERMIT; PROVIDING THE CITY MAY COMPLETE REPAIR BY FAILURE OF APPLICANT SO TO DO, AND PROVIDING FOR REPAYMENT TO THE CITY FOR ANY EXPENSES SO INCURRED: PROVIDING FOR REPEAL; OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PENALTY FOR VIOLATION; PROVIDING FOR AN EFFECTIVE DATE.

It was moved by Councilman Foote, seconded by Page, that this Ordinance be passed on its second and third reading. Roll call as follows: Ayes, 3; No, None; carried.

The house on the George Day farm in the vicinity of the sand dunes was discussed. It was learned that there is at least one interested purchaser. It was moved by Councilman Page, seconded by Creek, that the house be sold at auction with the understanding that it be removed by the purchaser and the City Clerk was authorized to publish legal notice accordingly. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor appointed Ethan Axtmann as a replacement for City Engineer Ellsworth on the Traffic Safety Committee. It was moved by Councilman Foote, seconded by Page, that the appointment be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

Attention was drawn to a letter dated June 25, 1963 to the Mayor from the Pacific Northwest Division of the Federal Public Health Service explaining the study being made of the Ririe Project which would cause to be constructed a dam and reservoir on Willow Creek for flood control and irrigation water but which pointed out that, in the opinion of that agency, said project would offer no advantage to the City of Idaho Falls.

In view of the opinion as set forth in said letter, this letter was presented by the Mayor:

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U. S. Army Engineer District  
Corps of Engineers  
Building 602, City-County Airport  
Walla Walla, Washington

Gentlemen:

The City of Idaho has been making an investigation as to benefits that the City would receive from the construction of Willow Creek. We have recently been faced with budgetary problems and are advised by our Legal Department the City cannot enter into a forty year payment contract for the purchase of space in Willow Creek.

In addition, we have been advised that the project is not feasible from a municipal or industrial water supply.

In view of the budgetary problems and the legal opinion furnished to us by our City Counsel, we regret that the City cannot purchase Willow Creek storage space.

The tentative cost figures of the reservoir are considerably in excess of the amount that the City could budget and pay.

Very truly yours,  
City of Idaho Falls  
s/ W. J. O'Bryant  
MAYOR

It was moved by Councilman Foote, seconded by Page, that the Mayor be authorized to mail this letter to the U.S. Army Engineers. Roll call as follows: Ayes, 3; No, None; carried.

This memo from Mr. Harold Davis was read, acting in the capacity of Chairman of the Vehicle Accident Review Committee:

July 23, 1963

TO: Honorable Mayor and City Council  
FROM: Vehicle Accident Review Committee  
SUBJECT: RECOMMENDATIONS MADE BY THE ACCIDENT REVIEW COMMITTEE

It is respectfully recommended by the Vehicle Accident Review Committee that certain practices be incorporated by all Division Heads as part of qualifying vehicle operators.

Basically, there are two recommendations and they are as follows:

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1. All existing personnel who are required to operate City equipment be required to take the DRIVER IMPROVEMENT COURSE by October 15, 1963 and all future employees be required to take the course prior to the actual operation of City equipment.
2. All personnel covered under the Complete Motor Transportation Service of the National Safety Council be required to obtain a chauffeur's license at the employees cost and that they be obtained by October 1, 1963.

Respectfully submitted,  
s/ Harold W. Davis, Chairman  
Vehicle Accident Review Comm.

cc: Mayor O'Bryant  
Councilman Creek  
Councilman Leahy  
Councilman Foote  
Councilman Page  
Harold W. Davis

It was moved by Councilman Page, seconded by Creek, that the recommendation as listed be approved. Roll call as follows: Ayes, 3; No, None; carried.

There was some discussion on the advisability of reassigning a 1952 Jeep from the Police Department to the Parks Department. It was generally agreed that the vehicle would be put to better use by said transfer and Council approval was granted accordingly.

Attention was drawn to the fact that bids had been opened July 30<sup>th</sup> on the radio communications system for the Civil Defense Control Center and that only one bid had been received from Motorola in the amount of \$17,525.00. It was moved by Councilman Foote, seconded by Page, that this be rejected on the grounds that it was too high and that advertising for re-bids be taken under advisement. Roll call as follows: Ayes, 3; No, None; carried.

A lease and concession agreement was presented from Kelly's Intermountain Rentals covering automobile rental services at the Airport, to expire December 31, 1964, providing for a minimum rental of \$250.00 per month. It was moved by Councilman Foote, seconded by Page, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

A petition was presented with thirty-four signers which read as follows:

August 2, 1963

TO: The Honorable Mayor  
W. J. O'Bryant  
And City Council

Gentlemen:

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We, the undersigned business men and taxpayers of First Street and vicinity, respectfully request that First Street remain as at present, a two-way street, because:

1. The traffic problem was largely solved by the installation of traffic lights at Lomax Street and Yellowstone Highway.
2. First Street is sufficiently wide to accommodate two-way traffic.
3. Making any part of it one-way would seem to us discriminatory, unfair and unnecessary.
4. No good purpose would be served by making any part of it one-way.

Therefore, we feel that such a move is not well advised.

This was referred to the Traffic Safety Committee for their consideration. A contract was presented between the City and the Riv-Eon Electric Sign Company covering renewal of a neon sign rental on West Broadway for a five year period. It was moved by Councilman Foote, seconded by Page, that the contract be approved and the Mayor be authorized to sign, subject to final checking by the City Controller to determine whether or not the rental might be lowered from the original rate of \$20.00 per month. Roll call as follows: Ayes, 3; No, None; carried.

A request was read from Fire Chief Gillen, through the Mayor, that four Firemen be authorized to attend the Idaho State Fire School at Twin Falls in a City car, August 22<sup>nd</sup>, 23<sup>rd</sup>, and 24<sup>th</sup>. Council approval was granted accordingly.

An agreement was presented from Edward L. Burton and Company, listing the services they were prepared to render in a fiscal capacity in connection with the proposed issuance of \$750,000.00 more or less, in General Obligation Fire Improvement Bonds. It was moved by Creek, seconded by Page, that the Mayor and City Clerk be authorized to sign, subject to final checking by the City Attorney as to legal form. Roll call as follows: Ayes, 3; No, None; carried.

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

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ W. J. O'Bryant  
MAYOR

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