

JUNE 27, 1963

The City Council of the City of Idaho Falls met in Recessed Regular Session, Thursday, June 27, 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, Creek, Foote. Absent, Councilman Page. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Don Lloyd, Public Works Director; Harold Davis, Electrical Engineer; Luther Jenkins, Controller.

Minutes of a Special Meeting held June 4th, a Regular Meeting held June 6th, and Special Meetings held June 11th and June 25, 1963 were read and approved.

Having previously assured all interested parties that a Council decision would be forthcoming this night on whether of not to proceed with Local Improvement District #31, it was moved by Councilman Creek, seconded by Foote, that the creation of Local Improvement District #31 be abandoned. Roll call as follows: Ayes, 3; No, None; carried.

Councilman Foote urged and went on record as favoring that the City proceed with its general City wide study of the storm sewer problem.

Councilman Creek explained that LID #31 was initiated and requested by the people, by petition, in August of 1962. He said the administration was sympathetic with the problem at that time and recognized that it did exist. He said no one, however, should be unduly critical of past administrations who might be considered responsible for said problem. Sewers that were originally installed were undoubtedly adequate and area growth contributed to the problem which now exists. The above mentioned petition, continued Creek, prompted the Administration to declare the notice of intention to create the district, after an engineering study revealed the necessary data such as natural boundaries of the area and costs. Notices were sent out accordingly to determine the people's attitude. Creek concluded by saying that multitudinous petitions and protests were received against the formation of the district, including almost one half of those who had originally signed the petition requesting same, thus prompting the foregoing Council action.

Councilman Leahy explained that the Council is continuing to study the possibility of an alternate district which would correct the storm drainage problem in the most critically affected areas.

Natalie Conley appeared before the Council, saying that she and her husband were two of the original proponents of the District. In view of the many protests, she said she understood the City's position in abandoning the District and was glad to hear that the study was continuing. She suggested that the City advise the public, through the press, that theirs is not just an isolated problem area but that it does exist in other sections of the City.

Mrs. Ed Reno appeared briefly and reported that, since the protest meeting, her basement has again been flooded. The debris was tested and it was proven that it contained raw sewage.

There was some discussion about gate valves. Mr. Lloyd Stalker appeared and said these were at one time considered illegal. He explained that they must be installed correctly especially in existing construction, or all plumbing becomes inoperative when shut off.

The Mayor drew attention to two bills now up for consideration in Washington D. C. These, if passed, would provide Federal Aid to the extent of 30% for projects of a storm sewage nature. He said that certain areas within the City would undoubtedly qualify for said aid.

Mr. Orville Hansen, local attorney, appeared before the Council in the interests of certain residents, some of which were present, living in Block 5, Bird Addition. It was noted that, passing

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through this block was a dedicated unimproved alley and that on April 9th the residents urged the Council, by petition, to vacate the alley in their behalf and that in exchange, the residents would tender easements to the City covering the same area. It was noted further that the Council had given them until June 27th, this night to obtain signed easements from all property owners and that this had, in the interim period, been accomplished except for one property owner. Messrs. Dee Oliverson, 1593 Cassiopeia, D. E. Richards, 1585 Cassiopeia, and Ronald Abbott, 1586 Ray, appeared to protest, further, the alley development on the grounds that the easement would accomplish the same purpose, the alley would be conducive to more weeds, litter and traffic and that all residents, save one, were in agreement that the easement was a sound solution. However, in view of the fact that 100% of the property owners had not agreed to the easement proposition, it was moved by Councilman Leahy, seconded by Creek, that the Public Works Director be authorized and directed to open and improve the alley. Roll call as follows: Ayes, 3; No, None; carried. In view of this Council action, Mr. Hansen requested and obtained permission from the Council that this development not proceed immediately but, instead, that it await completion until October 15, 1963.

Mr. Jess Criddle, 745 Garfield, appeared before the Council and asked that consideration be given for the opening of the alley in the rear of his residential property. It was noted that the developer has indicated his intention to accomplish this. The City Attorney was asked to render an opinion as to the City's right and power to force the developer to proceed.

Mr. Dee Vissing, 1204 Jackson Drive, appeared before the Council and registered two complaints; namely, that his above numbered residence, when constructed, was based upon a grade for the fronting street as provided by the Engineering Department which has never materialized, resulting in a situation whereby he does not have egress into his own garage; also, that the sewer line passing by his house is at such a level that it is impossible for him to hook on without a pumping operation which, in his opinion, is both costly and inefficient. He said the State has given him ninety days to get his raw sewage out of the river, and asked for advice and guidance from the Council on both of these problems, which were referred to the Engineering Department for study and recommendation.

Mr. Henry Isenhardt, 675 8th Street, appeared before the Council with reference to the City owned tennis courts behind his residential property. He drew attention to the fact that play is being permitted as early as 5:00 A.M. which interferes with near-by neighbors and, also, that juveniles enter the courts at night with their bicycles. This matter was tabled, as the Councilmen felt they should discuss this problem with Ernie Craner, Parks and Recreation Director.

Building Official Harris drew attention to the fact that there were several parcels in need of zoning or rezoning. The Mayor declared July 25th as the date for a public zoning hearing and the City Clerk was authorized to publish notice accordingly.

License application for JUNK DEALER, Joe Kushminder; BARTENDER, Harry W. Parker, Marilyn Nipper; RESTAURANT (previously approved by the City Sanitarian) Dairyland Kitchen; NON-COMMERCIAL KENNEL, J.G. McCue; COMMERCIAL KENNEL, E. H. Haynie of Tex-San Kennel; BOTTLED BEER, CONSUMED ON THE PREMISES, Ben J. Cohne (Idaho Falls Sports Round Table, which had previously been approved by the Chief of Police); ELECTRICAL CONTRACTOR (previously approved by the Electrical Inspector) Joe Baldree, Jr., of Baldree Electric and Oakey Electric; JOURNEYMAN ELECTRICIAN, Lionel Wold of Babbitt Electric (which has

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previously been approved by the Electrical Inspector) were presented. It was moved by Councilman Leahy, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License application for RESTAURANT, Weldon Lloyd of City Parks Little League & Pony League was presented. It was moved by Councilman Leahy, seconded by Foote, that this license be granted subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 3; No, None; carried.

Four damage claims were presented as follows:

Idaho Falls, Idaho
June 11th, 1963

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

Dear Sirs:

On the last of May, 1963, exact day, not known, the City of Idaho Falls Light Department installed new wiring from the transformer to my house at 245 12th Street. During the work of installing my aluminum screen door was split. It is only about a 4 inch split in the screen, but it will necessitate installing a new wire screen. Attached is an estimate from the Aluminum Sales Co. covering the cost and call - \$11.50.

Will you please place this claim before the Council and your insurance company.

Very truly yours,
s/ Vera Charlesworth
245 12th Street
Idaho Falls, Idaho

City of Idaho Falls

I wish to submit a claim for water and mud damage to the basement of City Cleaners, 540 Park Avenue. Damage was caused by rainwater draining through a hole made for a telephone and power pole. Your adjustor has been called in and checked the damage.

Repair 20 sq. ft of asphalt tile in basement and replace broken windows.	
Repair tile	140.00
Repair windows	<u>8.00</u>
	148.00
	Total

s/ Garth Petersen

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June 25, 1963

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

Gentlemen:

On or about June 7, 1963, we noticed our sewer in the body shop and furnace room would not drain. This caused the water to back up and flood the floor in the furnace room.

At this time we employed a local plumbing shop to clean out the sewer. They had no success with either a rod or roto roter. We then had a contractor come in and dig up the garage floor to locate sewer line. After locating sewer line we discovered that the sewer was open at this point. We then put water pressure on the sewer line and discovered the water coming up around a light pole that the City had installed at the side of our building. We then removed concrete and black top in order to dig down around the light pole. After digging hole we found that the sewer line had been cut into when the pole was installed. This was the cause of our sewer trouble.

We are submitting a bill in the amount of \$370.62 to the City of Idaho Falls for the cost of the repairs to our sewer line and garage floor.

Very truly yours,
Roy J. Keller, Inc.
s/ E. W. Oliverson, V.P.

Caroline McDonough
497 Gladstone
Idaho Falls, Idaho

June 27, 1963

Honorable Mayor and City Council
City of Idaho Falls
308 C Street
Idaho Falls, Idaho

Gentlemen:

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This is to notify you that on June 17th while going from the upstairs City Library to the children's floor I caught the heel of my shoe in the metal ridge on the tread of the stairway causing me to fall down six steps. As a result of the fall I injured my right ankle.

I now find it necessary to consult my doctor, Dr. Joseph Kidwell, who advised me to make a formal claim to the City for this injury.

Your consideration in this matter will be appreciated.

Very truly yours,
s/ Caroline McDonough

It was moved by Councilman Leahy, seconded by Creek, that these be referred to the City Insurance Carrier for investigation and recommendation. Roll call as follows: Ayes, 3; No, None; carried.

Two agreements from the Union Pacific Railroad were presented. They were #LD19166 covering a storm sewer pipe line encroachment. It was moved by Councilman Creek, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk noted that a notice of completion of Public Works, covering a reinforced concrete culvert over the Meppen Canal, had been published, in the interests of time, without official Council authorization. It was moved by Councilman Leahy, seconded by Creek, that the Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

A notice of completion of Public Works was presented, covering conversion of the Ninth Street service area from 2400 to a 4160 volt system. It was moved by Councilman Leahy, seconded by Foote, that the City Clerk be authorized to publish, as required by law. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk drew attention to the utility account of Ed Ellsworth, deceased, in the amount of \$23.35, recently returned to the City by a professional collector on the grounds that the estate was without assets. It was moved by Councilman Creek, seconded by Leahy, that this account be charged off as uncollectible. Roll call as follows: Ayes, 3; No, None; carried.

Two City redemption tax deeds were presented, in the names of Earl Parks and J.O. Rino, accompanied by the following resolutions:

RESOLUTION (Resolution No. 1963-13)

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 10th day of November, 1960, recorded in Book 131 of Deeds at Page 335, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 43 and 44 in Block 62 of Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof.

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

NOW THEREFORE, BE IT RESOLVED:

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

PASSED BY THE COUNCIL this _____ day of _____, 19 __.

APPROVED BY THE MAYOR this _____ day of _____, 19 __.

MAYOR

ATTEST: _____
CITY CLERK

RESOLUTION (Resolution No. 1963-14)

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 6th day of February, 1961, recorded in Book 132 of Deeds at Page 499, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots Five (5) and Six (6) in Block Eight (8) of Crow's Addition to the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof.

WHEREAS, J. O. Rino 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 J. O. Rino a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

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PASSED BY THE COUNCIL this _____ day of _____, 19 __.
APPROVED BY THE MAYOR this _____ day of _____, 19 __.

MAYOR

ATTEST: _____
CITY CLERK

It was moved by Councilman Leahy, seconded by Creek, that the Mayor and City Clerk be authorized to sign the resolutions and the deeds. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 1057

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO

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, 3; 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, 3; No, None; carried.

The Mayor drew attention to the need for a City sponsored auction sale as a means of disposing of certain impounded, unclaimed or surplus and unused equipment and merchandise. It was moved by Councilman Creek, seconded by Leahy, that approval be granted accordingly, that the date be set for 2:00 P.M. Saturday, July 13, 1963 and that the City Clerk be authorized to publish notice as required by law. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor re-appointed Mrs. H. J. Compton as a member of the Civic Auditorium Board. It was moved by Councilman Foote, seconded by Creek, that this reappointment be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

A contract was presented between the City and the International Brotherhood of Electrical Workers, covering the period from May 13th, 1963 to May 12th, 1964. It was moved by Councilman Foote, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor appointed Willard Smith and Lionel Wold as replacements to serve on the City Electrical Review Board. It was moved by Councilman Leahy, seconded by Creek, that these appointments be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

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There was Council discussion pertaining to the Shipley property on South Capital Avenue for which the City has found a need to acquire. It was moved by Councilman Leahy, seconded by Foote, that authorization be granted to purchase the property and arrangements made to vacate the street right of way. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that the Fire Chief has been tentatively authorized by the Council to burn certain buildings on Lot 3 and 4, Block 9, Capitol Hill Addition and also on Lot 4, Block 24, of the Original Town of Eagle Rock, commonly known as the Sayer property, and that he has now obtained permission from the County Commissioner in view of the County's tax interest, to proceed. It was moved by Councilman Leahy, seconded by Foote, that authorization be granted accordingly. Roll call as follows: Ayes, 3; No, None; carried.

In view of the fact that the City is negotiating with the Bonneville Power Administration as a supplier of the City's electric needs, after which a lower electric rate may be in order, it was moved by Councilman Leahy, seconded by Creek, that the City Attorney be directed to prepare a utility rate ordinance accordingly. Roll call as follows: Ayes, 3; No, None; carried.

Also, it was moved by Councilman Leahy, seconded by Creek, that the City Attorney be authorized and directed to prepare amending ordinances to Sections 10-6-1 and 10-11-2 of the City Code to provide more applicable interpretation to the provisions covering reckless driving, negligent driving and the basic rule of prudent speed. Roll call as follows: Ayes, 3; No, None; carried.

The Torneton property at 482 Cliff Street was the subject of some discussion. It was noted that this is needed to provide an area for expansion of the present and the building of a new substation. It was moved by Councilman Foote, seconded by Leahy, that condemnation proceedings be authorized, subject to possible successful negotiations which were being attempted this night by Attorney W.W. Black. Roll call as follows: Ayes, 3; No, None; carried.

Attention was drawn to certain damage sustained to a City owned primary underground electric cable at 25th and Lee on July 31st, 1962 when it was dug up by equipment owned by Ed Ellingford. In view of the fact that there was some question as to whether or not it was on public right of way, it was moved by Councilman Foote, seconded by Leahy, that the City assume one half of the cost of the damage. Roll call as follows: Ayes, 3; No, None; carried.

An agreement was presented from the Snake River Mutual Insurance Company, revising the original existing agreement to provide and include the same insurance protection on the fire truck owned by that company as is provided on all City owned fire fighting equipment. It was moved by Councilman Leahy, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

Final plats were presented on the following subdivisions:

Jennie Lee Addition, Division #7 & #8
Fairmont Park Addition, Division #2 & #3
Golden Clark Addition, Division #1
Kugler Addition, Division #1

It was moved by Councilman Foote, seconded by Leahy, that all these subdivisions be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
