

MAY 23, 1963

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The City Council of the City of Idaho Falls met in Recessed Regular Session, Thursday, May 23, 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 Ellsworth, City Engineer; Don Lloyd, Public Works Director; Luther Jenkins, Controller; Alva Harris, Building Official.

Minutes of the last recessed Regular Meeting held May 9<sup>th</sup>, 1963, and Special Meetings held May 14<sup>th</sup> and May 21<sup>st</sup>, 1963 were read and approved.

Mr. Leslie Anderson, Riv-eon sign designer, appeared before the Council and presented a sketch of a proposed sign and a 13 foot gas lamp for premises to be known as the Hawaiian Club, formerly the White Elephant Supper Club. Building Official Harris said there was nothing in the Code, specifically, with reference to such an installation. Gas Inspector Eisenhart said that he could see nothing dangerous or harmful in the installation as described. It was moved by Councilman Creek, seconded by Leahy, that installation of the sign and gas lamp be approved. Roll call as follows: Ayes, 3; No, None; carried.

License applications for RESTAURANT (previously approved by the City Sanitarian) Willard R. Wood of the Westbank Coffee Shop; ICE CREAM VENDOR, David E. Benton; SECOND HAND STORE, Monty's Swap and Sell; JOURNEYMAN PLUMBER, Dow C. Frisby of Wally's Plumbing and Heating (which had been previously approved by the Plumbing Inspector); LIQUOR, Willard R. Wood of the Westbank Coffee Shop & Lounge were presented. It was moved by Councilman Foote, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License application for ELECTRICAL CONTRACTOR, Webb Electric was presented. It was moved by Councilman Leahy, seconded by Creek, that this license be granted subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 3; No, None; carried.

License application for CAB DRIVER, Alvin E. Clark 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, 3; No, None; carried.

License application for DANCE HALL, Willard R. Wood of the Westbank Coffee Shop was presented. It was moved by Councilman Foote, seconded by Creek, that this license be granted subject to the approval of the Chief of Police and the Police Committee. Roll call as follows: Ayes, 3; No, None; carried.

At the request of the Building Official the Mayor selected the night of June 27<sup>th</sup> for a public zoning hearing and Council authorization was granted for the City Clerk to advertise accordingly.

A contract was presented covering electric service to the U. S. Army Reserve Center. It was moved by Councilman Leahy, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

An agreement from the Union Pacific Railroad #LD 19130 covering a water pipe line crossing was presented. 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.

A City redemption tax deed in the name of Waldo Vest, accompanied by an appropriate resolution, was presented as follows: (See Below) It was moved by Councilman Foote, seconded by Leahy, that the Mayor and City Clerk be authorized to sign the deed and the resolution. Roll call as follows: Ayes, 3; No, None; carried.

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**RESOLUTION (Resolution No. 1963-12)**

WHEREAS, the City of Idaho Falls, did, under an pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer, dated the 15<sup>th</sup> day of November, 1961, recorded in Book 138 of Deeds at Page 193, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 39 and 40 in Block 61 of Highland Park Addition to the City of Idaho Falls, Idaho, according to the recorded plat thereof.

WHEREAS, Waldo Vest 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 Waldo Vest a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 1963.

APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 1963.

s/ \_\_\_\_\_  
MAYOR

ATTEST: s/ \_\_\_\_\_  
CITY CLERK

**ORDINANCE NO. 1055**

AN ORDINANCE AMENDING SECTIONS 3-1-1, 3-1-2 AND 3-1-4 OF THE CITY CODE OF IDAHO FALLS, IDAHO, 1962, PROVIDING FOR A RECREATION COMMITTEE, DESCRIBING THE NUMBERS THEREOF, PRESCRIBING THE MANNER OF APPOINTMENT OF MEMBERS OF SAID COMMITTEE, THE EFFECTIVE TERMS OF MEMBERS OF SUCH COMMITTEE AND THE ORGANIZATION OF SUCH COMMITTEE, AND PROVIDING WHEN THE AMENDMENT SHALL BECOME EFFECTIVE.

It was moved by Councilman Leahy, seconded by Creek, that this Ordinance be passed on its 2<sup>nd</sup> and 3<sup>rd</sup> readings. Roll call as follows: Ayes, 3; No, None; carried.

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The foregoing Ordinance having been passed, the Mayor made the following appointments as members of the Parks and Recreation Commission: Wes Deist, Ruth Kuntz, William McFarland, Andy Anderson, Richard Boyle, and Marshall Keyes. It was moved by Councilman Leahy, seconded by Foote, that these appointments be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. ----

AN ORDINANCE ADOPTING WITHIN THE CITY OF IDAHO FALLS, THE IDAHO BOILER SAFETY CODE 1961 DESIGNATED SAFETY CODE NO. 6, DESIGNATING LOCATION OF SUCH CODE, PROVIDING FOR ITS ENFORCEMENT, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Leahy, seconded by Creek, that this Ordinance be passed on its first reading as amended. Roll call as follows: Ayes, 3; No, None; carried.

This memorandum was read:

May 23, 1963  
Acct. No. 9A-21

Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

On May 9, 1963, bids were called for the Renovation of the Mound Avenue Sewage Lift Station. Three proposed bids were received on this date. In accordance with Chapter 16 - House Bill No. 21 of the 1963 session laws of the Legislature, it is required that every bidder shall indicate his electrical and plumbing sub-contractors and that these contractors must possess an appropriate license and certificate of competency issued by the State. Although the contract proposal called for the subcontractors to be shown, none of the proposed bidders met this requirement of House Bill No. 21, therefore, the bids are classified a unresponsive and void as if no bid was received.

I have discussed this situation with the City Attorney and it is our recommendation, since we received no qualified bids, that the Mayor and Council authorize the Engineering Department to attempt to negotiate a contract for the renovation of this lift station and, if such a contract is possible, to bring said information and proposed contract to the Council for their concurrence, from June 1, 1963 (52 days).

Respectfully submitted,  
s/ Donald Ellsworth, P.E.  
City Engineer

Concurred by: s/ Donald F. Lloyd

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It was moved by Councilman Leahy, seconded by Creek, that inasmuch as the bids in question were not responsive and did not comply with Chapter XVI of the 1963 session laws, they be treated as if no bid had been received. Roll call as follows: Ayes, 3; No, None; carried.

Still pertaining to the foregoing, it was moved by Councilman Leahy, seconded by Creek, that the City Engineer attempt to negotiate the most favorable contract for the renovation of the Mound Avenue Sewage Lift Station. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor relayed a request from Mr. George Griffing for the use of the Westside Swimming Pool for handicapped children, starting June 10<sup>th</sup> or June 17<sup>th</sup>. It was agreed instead, to permit the use of the public pool from 12:00 Noon to 1:00 P. M. five days a week with no charge.

A municipal audit contract from Burnett and Humphreys was presented, covering the auditing of the City books from January 1<sup>st</sup>, 1962 to December 31, 1962. It was moved by Councilman Creek, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor noted a request by the Pioneer League Baseball Club and the Junior Chamber of Commerce that they, jointly, be permitted the use of the Highland Ball Park the evening of July 3<sup>rd</sup> for a fireworks display. This was referred to the City Attorney for purposes of checking the liability feature of the City insurance coverage in this regard.

This memo was read:

May 22, 1963  
Acct. No. 11A-29

Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

In regard to the construction of the Well House and Detention Storage Tank under contract to Arrington Construction Company, the contractor has requested an extension of time due to various delays. The principal delay is concerning the time that was required by the consulting Engineers before they could give a firm approval on some valves for the well.

The Consulting Engineers have evaluated this time and are recommending that the completion date be extended to July 22, 1963. We have reviewed this with the Consultants and concur that this delay was beyond the control of the contractor and we would recommend that this completion date be extended to July 2, 1963.

Respectfully submitted,  
s/ Donald Ellsworth, P.E.  
City Engineer

Concurred by: s/Donald F. Lloyd

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A general discussion followed and Councilman Leahy expressed displeasure at this and other requests on the part of contractors for time extensions. Mr. Roy Taylor, Engineer for Cornell, Howland, Hayes and Merryfield appeared briefly and explained the reasons for this particular delay, 30 days of which was due to an unavoidable situation on the part of the Contractor in the selection of certain special valves. It was moved by Councilman Leahy, seconded by Creek, that a thirty day extension be granted and that any additional time be subject to receipt of more facts and data as provided by the Contractor.

An ordinance was presented amending Ordinance #1043, commonly referred to as the Garbage and Refuse Ordinance, deleting the words "paper and other dry trash" under Section 9. It was moved by Councilman Leahy, seconded by Creek, that this amending ordinance be passed on its first reading. Roll call as follows: Ayes, 3; No, None; carried.

Reference was made to a protest registered by Mr. Alvin Denman relative to the City permitting over night parking of transient trailer houses in certain City owned parks, said written protest of which can be found on Page 363 in the Book of Minutes. It was moved by Councilman Creek, seconded by Leahy, that any consideration of the Denman request, as stated, be denied. Roll call as follows: Ayes, 3; No, None; carried.

The Public Works Director presented the following:

**RELEASE OF CLAIM**

For and in consideration of the payment of C. Reinhart & Son, Inc., Idaho Falls, Idaho, of Nine Hundred Fifty-seven & 90/100 Dollars (\$957.90), which the undersigned is advised has been paid to C. Reinhart & Son, Inc., the City of Idaho Falls does release Arrington Construction Company from any claims for damages that arose from an accident occurring November 2, 1962, on the Lewisville Highway.

It is specifically understood and agreed that this release is intended to release only the claim for blast damage and does not in any way affect any modification, compromise or alteration of the contract entered into between Arrington Construction Company, as contractor, and the City of Idaho Falls, Idaho.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1963.

WITNESS:

By \_\_\_\_\_

City of Idaho Falls

By \_\_\_\_\_

It was noted that this instrument had been reviewed and approved as to form by the City Attorney. 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.

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