

APRIL 18, 1963

The City Council of the City of Idaho Falls met in Regular Session, Thursday, April 18, 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. Absent, Councilman Page. Also present: Roy C. Barnes, City Clerk; Robert Holden, representing the City Attorney Firm of Holden, Holden and Kidwell; Alva Harris, Building Official; Donald Lloyd, Public Works Director; Donald Ellsworth, City Engineer, Luther Jenkins, Controller.

Minutes of the last recessed Regular Meeting held April 9th, 1963 were read and approved.

The Mayor announced that this was the time and the place for a public zoning hearing, as advertised, relative to several petitioned requests for rezoning. It was noted that four of the five petitions pertained to an area in the vicinity of 9th and Holmes, described as follows:

- Lots 1 and 2, Block 33, Crows Addition
- Lots 42, 43, and 44 and the east five feet of Lot 41, Block 32, Crows Addition
- Lots 1, 2, and 3, Block 25, Crows Addition
- Lots 7, 8 and 9, Block 1, Blackburn Addition, Division #1

It was assumed, then that all four of these areas were the object of those who appeared for purposes of protest. There were several who so appeared, the basis for their protests being that any lower zoning would downgrade their near-by residential property, or that any rezoning to permit professional buildings would add to the parking congestion, R-3 zoning would serve as a detriment to the High School pedestrian traffic. Those protesting the rezoning of the areas in question were:

- | | |
|------------------|-----------------------------|
| Dale Plezner | 572 9 th Street |
| G. V. Luke | 482 9 th Street |
| Donald Loosli | 441 9 th Street |
| Ed Fanning | 530 9 th Street |
| Martell Orme | 440 9 th Street |
| Dr. Harvey Hatch | 830 Flora Circle |
| Herman Knoll | 575 9 th Street |
| Harold Hurley | 860 Cranmer |
| Jay Marler | 540 9 th Street |
| Charles Doe | 865 Cranmer |
| Bill Robson | 330 12 th Street |
| Grant Ovard | 482 8 th Street |
| Robert Geisler | 840 Cranmer |
| Richard Hurley | 483 7 th Street |

Mr. Hurley also presented a counter petition to the one which originally requested or endorsed the rezoning of the Orson Arnold petition, signers of which were requesting their names to be withdrawn from the original petition on the grounds that they could receive no guarantee from the developer as to the type of new construction that could be expected.

Building Official Harris explained and described the type of professional building permitted in an R-3 zone. Mr. Fanning said that, in his estimation, a clearer definition of the term professional would be desirable. Mr. George Clark, one of the petitioners, spoke in favor of the rezoning on the

grounds that the corner lots on 9th and Holmes should be just as appropriate for professional buildings as corner lots on other Holmes Avenue intersections.

Mr. Russell Fogg, one of the petitioners, noted that many who had protested this proposed rezoning, by petition or perusal appearance, lived beyond the 200 foot radius of the affected properties. Dr. Harvey Hatch reappeared and said that, in his opinion, the Council had an obligation to consider all protests and not just those within the 200 foot range. The Mayor then announced, that, belatedly during this meeting, he and the Council had learned that the Board of Adjustments had not yet acted on these petitions and that, in view of the circumstances, Council action this night would be extremely doubtful. Dr. Harvey Hatch asked why this should prevent the Council from acting. Dr. John Hatch then appeared and said that, from his experience as Chairman of the County Zoning Board, it has been proven that it is both wise and expedient for the Governing Board to await a decision from the Recommending Board before taking action.

There was some general discussion about the new proposed Zoning Ordinance and how these properties might be affected. Mr. George Hansen, 444 7th, appeared and asked how the public would be made aware of its contents and scope, prior to its passage. Councilman Creek explained that there would be a legal notice press publicity and a public hearing. He also explained how a rezoning matter would be administered under the new ordinance. Mrs. Martel Orme expressed concern that so few petition signers could affect so many nearby residents. In view of the fact that the Board of Adjustments had tabled any recommended action on these four areas, it was moved by Councilman Creek, seconded by Leahy, that rezoning action by the Council also be tabled. Roll call as follows: Ayes, 3; No, None; carried.

The next area on which rezoning had been requested was described as follows: Lots 19, 20, 21, 22, 23 and 24, Block 13, South Park Addition, Division #1. There were no protests. It was moved by Councilman Leahy, seconded by Creek, that these Lots be rezoned from R-2 to R-3. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor instructed the Building Official to incorporate this latter zoning change on the official zoning map, located in his office.

ORDINANCE NO. 1053

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 Leahy, seconded by Foote, 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.

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Mr. Bill Robson reappeared and protested the City's proposed plans for removing the race track and facilities at Tautphaus Park. He reminded the Council of a previous petition, signed by many horse owners and lovers, which favored retention of the track and the barns. It was explained to Mr. Robson that this most recently proposed action was taken after a comprehensive study, revealing very little use or interest in the track and that, on areas of this nature, the Council is obliged to consider uses which would benefit the majority of citizens, rather than a minority. It was explained, further, that a bridal path at the park planned to provide a facility for the riding and exercising of horses.

License applications for PHOTOGRAPHER, Rulon B. Perkins; JOURNEYMAN ELECTRICIAN (previously approved by the Electrical Inspector) Ray S. Griffith; GROCERY (previously approved by the City Sanitarian) for Melgard Grocery; SECOND HAND STORE, Bill's Cycle Shop; LIQUOR (change of ownership only) for Helen Hart of Jack's Club were presented. It was moved by Councilman Leahy, seconded by Foote, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License applications for BOTTLED BEER CONSUMED ON THE PREMISES (change of ownership only) for Helen Hart was presented. It was moved by Councilman Creek, seconded by Foote, that this license be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 3; No, None; carried.

This memo from the City Clerk was presented:

4/18/63

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

On May 25th, 1962, a utility account with an unpaid balance of \$59.45 in the name of Clarence Harvey was turned to a professional collector.

Today we received word that, for several months, he has been a victim of a brain injury, believed permanent, caused by an auto accident which also killed his wife. He has no estate, no assets, no funds and, obviously enough, his future earning power is highly questionable.

It has been recommended to us by the collector that this account be charged off as uncollectible and we concur. We pass this on to you as our recommendation.

Respectfully submitted,
s/ Roy C. Barnes
CITY CLERK

It was moved by Councilman Creek, seconded by Foote, that the utility account be charged off for the reason as stated. Roll call as follows: Ayes, 3; No, None; carried.

This damage claim was read:

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April 15, 1963

Mr. Roy C. Barnes
City Clerk
P.O. Box 220
Idaho Falls, Idaho

Dear Sir:

On April 10, 1963 my Buick sedan was struck by a piece of heavy road equipment owned by the City. The resulting damage was one large dent in the right rear door of my car. The car was located on West Sunnyside Road about one hundred feet west of U. S. Highway 91 at the time of the incident.

My estimate of the damage is thirty dollars. This letter is my request for reimbursement of the above damage. Thank you.

Respectfully yours,
s/ Arthur J. Robinson
Valley Trailer Court
Idaho Falls, Idaho

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

The City Clerk advised that there are several properties on which zoning is needed or rezoning has been requested. It was moved by Councilman Leahy, seconded by Creek, that a zoning hearing be scheduled for May 9th, 1963 and the Clerk be authorized to publish notice accordingly. Roll call as follows: Ayes, 3; No, None; carried.

Three City redemption tax deeds, accompanied by appropriate resolutions, were presented in the names of John D. and Ruth Jane Walker, as follows:

RESOLUTION (Resolution No. 1963-05)

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 21st day of February, 1958, recorded in Book 112 of Deeds at Page 259, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lot 7 and 8 in Block 51 of Highland Park Addition to the City
of Idaho Falls, Bonneville County, Idaho, according to the
recorded plat thereof.

WHEREAS, John D. Walker and Ruth Jane Walker 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

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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 John D. Walker and Ruth Jane Walker 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 _____.

s/ _____

MAYOR

ATTEST: s/ _____

CITY CLERK

RESOLUTION (Resolution No. 1963-06)

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 16th day of January, 1956, recorded in Book 101 of Deeds at Page 89, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lot 7 and 8 in Block 51 of Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof.

WHEREAS, John D. Walker and Ruth Jane Walker 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 John D. Walker and Ruth Jane Walker a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

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

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

s/ _____
MAYOR

ATTEST: s/ _____
CITY CLERK

RESOLUTION (Resolution No. 1963-07)

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 9th day of November, 1960, recorded in Book 131 of Deeds at Page 327, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lot 7 and 8 in Block 51 of Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof.

WHEREAS, John D. Walker and Ruth Jane Walker 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 John D. Walker and Ruth Jane Walker 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 _____.

s/ _____
MAYOR

ATTEST: s/ _____
CITY CLERK

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

This memorandum from the Public Works Director was read:

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Honorable Mayor and Council Members
Idaho Falls, Idaho

Subject: Purchase of Street Sweeper and Compact Cars

Gentlemen:

Please find attached hereto specifications prepared for a street sweeper and three compact cars. These specifications have been reviewed by the Council Public Works Committee and we are requesting authorization for the Controller to advertise for bids.

There has been budget approval in the amount of \$12,000.00 in the Street Department for the Sweeper and \$5,478.00 for acquisition of the three sedan cars in the Building Officials Division.

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

cc: L. Jenkins, P. Leahy, A. Creek

It was moved by Councilman Leahy, seconded by Foote, that the Controller be authorized to advertise for bids on the street sweeper and compact cars, as recommended. Roll call as follows: Ayes, 3; No, None; carried.

The City Engineer asked that the City Clerk be authorized to publish the following:

ADVERTISEMENT FOR BID

Sealed proposals for the renovation of the Mound Avenue sewage lift station, addressed to the Honorable Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the City Engineer, City of Idaho Falls, Idaho, until 2:00 P.M. Mountain Standard Time on the 9th day of May, 1963, and then will be publicly opened and read.

The work contemplated consists of the renovation of an existing sewage lift station. Major items of work include removing and salvaging existing pumps, piping, controls, and appurtenances and furnishing and installing two new 4-inch non-clog sewage pumps, complete, with piping, controls, and appurtenances.

The plans and specifications may be examined at the office of the City Engineer, Idaho Falls, Idaho, or at the office of Cornell, Howland, Hayes & Merryfield, Consulting Engineers, 414 North First Street, Boise, Idaho. A copy of said documents may be obtained at the office of Cornell, Howland, Hayes, & Merryfield, Box 829, Boise, Idaho or at the office of the City Engineer, Idaho Falls, Idaho upon a deposit of fifteen dollars (\$15.00) for each document. The

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full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the award of the contract.

Each proposal must be submitted on the prescribed form and accompanied by a certified check or bid bond payable to the City of Idaho Falls, Idaho, in an amount not less than five percent (5%) of the amount bid.

The successful bidder will be required to furnish a bond for faithful performance of the contract in the full amount of the contract price.

The right is reserved to reject any or all proposals, to postpone the award of the contract for a period not to exceed thirty (30) days and to accept the proposal which is to the best interests of the City of Idaho Falls, Idaho

Dated this 22nd day of April, 1963.

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

Pub: 4/23, 4/30, 5/7/63

It was moved by Councilman Leahy, seconded by Creek, that authorization be granted accordingly. Roll call as follows: Ayes, 3; No, None; carried.

Next, from the Public Works Director the following was presented:

April 18, 1963

Honorable Mayor and Council Members
Idaho Falls, Idaho

Subject: Mobile Radios

Gentlemen:

Attached hereto is a purchase request for three mobile radios and a remote control transmitter.

The remote control transmitter was intended for use in the City garage for transmitting to Public Works vehicles. Three hundred and fifty dollars was approved in the budget for this expenditure.

Two of the three radios requested are for the Parks and Recreation Division, and have subsequently been approved for purchase. The remaining unit is intended for use as an inspectors vehicle and unfortunately was not requested in the budget. It is felt that two inspectors will satisfy the City's needs providing adequate communications are available.

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Although this item was inadvertently omitted from the budget a revised budget request can provide for this item without any increase in the approved Public Works budget.

Your consideration on this request would be appreciated.

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

cc: L. Jenkins, A. Creek, P. Leahy

It was moved by Councilman Leahy, seconded by Foote, that acquisition of the radios and the remote control transmitter be authorized for the reasons as described. Roll call as follows: Ayes, 3; No, None; carried.

Two contracts were presented, covering water and sewer service for the Army-Navy Reserve Center. These had been studied by the City Engineer who recommended their approval. 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.

These memos, one from the City Engineer and one from the Public Works Director, were then presented:

April 18, 1963
Acc't No. 9B-86
12A-36

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

The Engineering Department has completed plans and have the specifications nearly ready for the construction of the eight inch water line along the South Highway and along 25th Street to Rollandet Avenue, and the construction of the sewer line from the river interceptor to the new railroad depot area. The estimated construction cost for the sewer line is approximately \$23,000.00 and the estimated cost of construction for the water line is approximately \$50,000.00.

We plan to have the specifications completed next week and are requesting permission for the City Clerk to advertise this project on April 28th, May 5th, May 12th, and open bids on May 15th, at 2:00 P.M.

Respectfully submitted,
Engineering Department
s/ Don Ellsworth, P.E.
City Engineer

Concurred by: s/ Donald F. Lloyd

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Honorable Mayor and Council Members
Idaho Falls, Idaho

Subject: Gravel

Gentlemen:

The Street Department is in need of maintenance and oil gravel, specifically three quarter inch minus material. This material is used in maintaining untreated streets, alleys, and shoulders, and surfacing park roads, also streets to be treated with calcium chloride and salt.

For example, it is hoped we could improve the following with an asphalt road mix surfacing, using estimated quantities of gravel;

- | | | |
|----|---|----------------|
| 1. | Cemetery Road 17 th and 19 th Streets | 200 cu. yards. |
| 2. | Portion of Jackson Drive | 400 cu. yards. |
| 3. | Jefferson Avenue | 500 cu. yards. |
| 4. | Airport east access road | 700 cu. yards. |

Currently our only source of this material is on the west side, where we have an estimated 5,000 cu. yards of $\frac{3}{4}$ inch maintenance material. We anticipate this supply will carry us through the summer season only, and there will be no gravel for maintenance during the fall and winter.

We have located a source of crushed gravel, at the price of \$1.25 per cu. yard at the bin. We would intend to stockpile this material on City owned property on Rollandet Avenue. We are submitting that this is a reasonable price and the City will be in real need for this material before the year is over. We request your early attention to this matter.

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

cc: L. Jenkins, P. Leahy, A. Creek

It was moved by Councilman Leahy, seconded by Creek, that Council action on both propositions be deferred and that the City Controller determine, first, from whence funds for these projects might be forthcoming. Roll call as follows: Ayes, 3; No, None; carried.

Final subdivision plats on the following were presented:

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Sunnyside Park, Division #1
Jennie Lee, Divisions #6, #7 and #8

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

These final plats were then reviewed:

Golden Clark Addition
Fairmont Park Addition, Division #2 and 3

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

The Mayor appointed Dr. Stanley Sell to the Mayor's Committee for employment for the physically handicapped. It was moved by Councilman Creek, seconded by Leahy, that this appointment be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor relayed a recommendation from Mr. Norman Crossley, State Highway Engineer, that the City Engineer and a representative from the Planning Commission be authorized to attend the Urban Transportation Planning Meeting in Spokane, Washington, April 29, 1963. It was so moved by Councilman Creek, seconded by Foote. Roll call as follows: Ayes, 3; No, None; carried.

It was moved by Councilman Leahy, seconded by Foote, that the City Attorney be instructed to prepare a notice of intention to create a storm sewer district, covering certain areas within the following additions; Broadbeck, Hughes, Gustafson Park, Rose Park, Keefer, Bremer Homes, Martin and Home Ranch, and that the date of said hearing be determined and set at the Council Meeting, May 9th, 1963. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor announced an 8¢ per hour wage increase to be given to the majority of City employees, effective May 12th, 1963. He said each Division Head should notify his respective employees in his Division, who are qualified for the increase before the effective date. He explained that the Mayor and Council had given careful consideration to the matter and felt this was all that could be done at the present time.

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
