

FEBRUARY 7, 1963

The City Council of the City of Idaho Falls met in Regular Session, Thursday, February 7, 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, Page. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Luther Jenkins, Controller; Alva Harris, Building Official; Don Lloyd, Public Works Director; Harold Davis, Electrical Engineer.

Minutes of the Last Regular Meeting, held January 17th and a Special Meeting held February 5th, 1963 were read and approved.

The Mayor read a letter of resignation as Police Court Attorney from Mr. Tom Whyte. It was moved by Councilman Creek, seconded by Leahy, that this resignation be accepted. Roll call as follows: Ayes, 4; No, None; carried.

A letter of resignation was then read from Mr. George Barnard, as City Attorney. It was moved by Councilman Creek, seconded by Leahy, that the resignation be accepted with regret. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor appointed the legal firm of Holden, Holden, and Kidwell as attorneys for the City, effective February 18th, 1963. It was moved by Councilman Page, seconded by Creek, that the appointment be confirmed. Roll call as follows: Ayes, 4; No, None; carried.

A letter of resignation from Mr. Kelvin Nelson as Director of Parks and Recreation was read by the Mayor. It was moved by Councilman Page, seconded by Foote, that this resignation be regretfully accepted. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor appointed Mr. Ernie Craner as a replacement for Mr. Nelson, effective February 15th, 1963. It was moved by Councilman Page, seconded by Leahy, that the appointment be confirmed. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor appointed Gordon Willis, Mary K. Merrill and Bernard Herschied to the Mayor's Committee for the employment of the physically handicapped. It was moved by Councilman Leahy, seconded by Creek, that these appointments be confirmed.

The Mayor announced that this was the time and the place for a public hearing, as advertised, relative to the proposed 21 mill levy for general revenue purposes for the 1963 calendar year, as well as the overall estimated appropriation of revenues and expenditures for said budget period.

The Mayor invited Controller Jenkins to explain and discuss the principal items of the budget which was accomplished and portrayed to the audience by means of a projector and a screen. It was noted that the proposed mill levy was to remain at 29 mills, that the total proposed expenditures in the general fund were as follows: personal services, \$1,049,662.00, current, \$456,917.00, capital outlay, \$620,555.00; that the totals for all funds were as follows: personal services, \$1,795,897.00, current expenses, \$1,708,075.00, capital outlay, \$1,176,028.00 for a grand total of \$4,677,000.00.

Mr. Arthur Smith, local attorney, appeared before the Council, questioning a non-departmental capital outlay item in the amount of \$375,260.00. Jenkins explained that, inasmuch as there are certain property acquisition in litigation and inasmuch as there is a possibility, in the event of an adverse decision by the Supreme Court, that monies now held in escrow which were disbursed by the City for said acquisitions may conceivably be returned to the City, the purchase price of these properties were therefore listed as revenue and were also included in the above questioned capital outlay item. Mr. Smith then asked if it was the City's intention to negotiate new contracts in 1963, if necessary, for the purchase of such properties and was answered in the affirmative. Mr. Smith asked if the park property acquisition, commonly referred to as the Sand Hills, was included in this item and was answered in the affirmative. Mr. Smith said that he, as a citizen, wished to register a protest

against this expenditure as a budget item in 1963. Mr. Smith also registered a protest on this as a proposed expenditure in the 1963 budget. Mr. Smith asked if the Erickson property was included and was answered in the affirmative. Councilman Leahy explained the urgent need for the property; to be used for a central warehousing area. Mr. Smith did not register a protest.

Mr. Bob Steiling of the Chamber of Commerce asked if there was any budget consideration for improving the Memorial Park Way and was answered in the affirmative by Councilman Page, particularly, he said, west and south the "I" Street well with shrubs and sprinkling system. Mr. Steiling then asked about Zoo rehabilitation and was told that there were not sufficient funds for same except normal upkeep such as painting, shrub trimming, etc.

Mrs. Grace Garrett asked why there has been no improvement in the Rinehart property, designated as a park area, and also, why more City offices were being planned in the Smith Building when there wasn't sufficient parking facilities around the existing City Building. Councilman Creek explained that improvement of the Rinehart property was included in the 1963 budget. With reference to the parking problem, he pointed out that most City vehicles would now be parked in the Smith parking area, leaving the parking spaces in front of the City Building free for public parking.

Mr. Roland Beazer noted that contractors were dumping debris along the east bank of the river and creating a precipitous bank. Councilman Leahy explained that this was only a temporary situation; that the dirt was not costing the City any money and was of value as a fill, particularly behind the I Street well to provide a base for eventually building a roadway; that the bank would be seeded with a grass which would never require mowing, and also shrubs.

With reference to long range park planning, Councilman Creek spoke briefly, justifying his position as one of the principal advocates for acquiring the sand hills as a park site. He emphasized that the fact that the City's growth would suggest that this area, although seemingly isolated away from the City at present, would, within the predictable future, be considered relatively close at hand for park activities.

Messrs. John Homer, Ray Johnson and Joe Marker spoke briefly, commending the Mayor and Council for sound budgeting and verifying Councilman Creek's remarks, using as illustrations, Tautphaus Park, the LDS Temple grounds and the golf course which at one time seemed too distant from the City to be beneficial for the uses to which they are presently so well suited and located.

Mrs. Eugene Smith appeared before the Council representing the League of Women Voters, several members of which were also present, and read a paper prepared by Mrs. S. S. Tucker, League President, as follows:

LEAGUE OF WOMEN VOTERS
Idaho Falls, Idaho

I am Mrs. S. S. Tucker, President of the League of Women Voters of Idaho Falls, a non-partisan organization which works only in the field of Government. The League, after its 1960-1961 year long appraisal of the City's park and recreation requirements, concluded that one of the most important among these was the need for long-range planning, particularly in the area of park development.

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The League has urged the purchase of additional lands for parks, with the use of a special levy if necessary, and has further recommended that a policy of planning only for the present needs with the use of stop-gap measures not be continued.

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In the absence of further protests or comments, the Mayor thanked the League of Women Voters and all others for their interest and then declared a five minute recess so that those who wished to be excused from the meeting might do so.

The Building Official drew attention to a certain area in need of zoning. It was agreed that March 7th, 1963, be advertised as a public zoning hearing and the City Clerk was authorized to publish notice accordingly.

Bills for the month of January, 1963, having been properly audited by the Finance Committee, were presented as follows, to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$89,533.82	\$48,233.58	\$137,767.40
Recreation Fund	1,574.02	405.50	1,979.52
Fire Fund	19,529.83	2,984.34	22,514.17
Electric Light Fund	24,979.98	81,813.46	106,793.44
Water & Sewer	9,484.72	6,161.72	15,646.44
Police Retirement	<u>1,710.83</u>	<u>.00</u>	<u>1,710.83</u>
TOTAL	\$146,813.20	\$139,598.60	\$286,411.80

It was moved by Councilman Leahy, seconded by Foote, that the bills be allowed and the Controller be authorized to issue 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 January, 1963, were presented and, there being no objection, were ordered placed on file in the office of the City Clerk.

License applications for BARTENDER, Tom Kelley of the White Elephant, D. Brent Robson of the Elks Club; SECOND HAND STORE, Odds and Ends Store; PHOTOGRAPHER, Quincey M. Jensen; LIQUOR, Joseph Krysty of the White Horse Bar, Alvin L. Hart of the Lobby Bar, Kermit Purcell of Jack's Club; RESTAURANT, Pizza Prince, Karmelkorn Shop, Find Foods, Inc., Bowlero Café, T-Bird-Drive-Inn, Ma & Pa's White House Café (all of which had previously been approved by the City Sanitarian); GAS CONTRACTOR (previously approved by the Gas Inspector) Roberts Brothers Company, Jacobsen Fuel & Heating, Idaho Heating, Bingham Mechanical & Metal Products, Inc., Ahrco; JOURNEYMAN GAS FITTER (previously approved by the Gas Inspector) Claude Smith of Rogers Brothers Co., Cal D. Schultz of Idaho Heating, Cal Smith, D. L. Davis of 1st Street Plumbing, Lovell Harrop of Ahrco; ELECTRICAL CONTRACTOR (previously approved by the Electrical

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Inspector) Riv-eon Electric Sign Co., Inc., Alva Lewis Electric, Electric Enterprise, Inc.; JOURNEYMAN ELECTRICIAN (previously approved by the Electrical Inspector) C. L. Lewis, Heber Hadlock of Riv-eon Electric Sign Co., Inc., Leonard Bateman of Babbitt Electric, Alva Lewis of Alva Lewis Electric, Jay D. Beasley of Alva Lewis Electric, Larry Jensen of Alva Lewis Electric, Robert E. Oyler of Electric Enterprise, Inc., Norman Reno of Idaho Falls Electric, Stephen L. Brunson of H & L Electric, Walter L. Whipple of Fonesbeck Electric, Alfred Holyoak of Interstate Electric, Virgil Price of Alva Lewis Electric, Ronald Nugent of Alva Lewis Electric, Carl Caudle; MASTER PLUMBER (previously approved by the Plumbing Inspector) Bingham Mechanical & Metal Products, Inc., Reed Plumbing & Heating, Vern Saxton Plumbing; JOURNEYMAN PLUMBER (previously approved by the Plumbing Inspector) David Leroy Davis of 1st Street Plumbing were presented. It was moved by Councilman Leahy, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License applications for CAB DRIVER, Lloyd R. Kelly of Yellow Cab, Frank C. Gibbons of Falls Cab Co.; ROOMING HOUSE, New Oxford Hotel, Eagle Rock Rooms were presented. It was moved by Councilman Page, seconded by Leahy, that these licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

A license application for JOURNEYMAN GAS FITTER, Vaughn G. Johnson of Ahrco was presented. It was moved by Councilman Foote, seconded by Creek, that this license be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 4; No, None; carried.

These damage claims were read by the City Clerk:

January 21, 1963

Mr. Roy Barnes, City Clerk
City Building
308 C Street
Idaho Falls, Idaho

Dear Mr. Barnes:

Following our recent conversations, this is our formal request to the City of Idaho Falls for reimbursement of repairs at 365 Tabor due to what we feel was negligence on the part of the Electrical Department of our City.

On approximately December 12th, the Electric Light Department was requested to read the meter at the above address, since our renter, Mr. Vincent Cariveau, was moving. Following this request, an employee of the Light Department placed a seal on the meter which, of course, made the gas furnace inoperative and resulted in extensive damage to the plumbing of this property. It was necessary for us to call Kerr Plumbing and Heating to repair the damage and we, herewith, file a claim for bills in the amount of \$85.73 due to negligence on the part of the City.

We will very much appreciate your prompt attention to this claim.

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Very truly yours,
A. L. Staker Agency
s/ Courtland B. Smith

CLAIM FOR DAMAGES

TO: MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS:

Pursuant to Section 50-162 Idaho Code, Claimant, SKAGGS DRUG CENTERS, INC., a corporation, hereby presents and files its claim for damages against the City of Idaho Falls, as follows:

On or about January 26th or 27th, 1963, a water main of the City of Idaho Falls, ruptured at 460 Park Avenue, Idaho Falls, Idaho, adjacent to those certain business premises known as Skaggs Payless Drug Center, which said business was and is operated by Claimant, and the waters from said ruptured water main flowed into the basement of the said business premises causing damages as hereinafter set forth:

The time, place, character and cause of the damages are as follows:

At approximately 6:30 P.M., January 27, 1963, an agent and employee of claimant entered the premises at 460 Park Avenue, Idaho Falls, Idaho, and the basement thereof, and discovered approximately seven (7) inches of water covering the entire basement floor; that the basement of said premises was used by claimant for the purpose of storing its inventory of merchandise to be sold through its retail store outlet on said premises, and a number of items of said inventory were stored on the floor of said basement; that as a result of said basement floor being inundated by the water from the ruptured water main numerous items of merchandise contained in said inventory were water soaked, damaged, and made unfit for use or sale; that the water from the said ruptured water main flowed from the street and under the sidewalk and seeped through the west basement wall of the said premises at 460 Park Avenue, Idaho Falls, Idaho.

That immediate notice of the water leak and seepage into the said basement was given by the agent and employee of claimant to the City of Idaho Falls, Idaho.

As a result of said flooding it was necessary for claimant to remove water from and clean the said flooded basement, to save the said inventory of merchandise from further water damage, and to inventory segregate, and restore the said damaged merchandise, all at further and additional expense and damage to claimant.

That the extent of the said damages are as follows:

Loss of stock of inventory consisting of goods, merchandise, sundries and supplies, SEVEN THOUSAND, FIVE HUNDRED NINETY TWO AND NO/100 (\$7,592.00) DOLLARS;

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Labor and personnel expense for clean up of flooded basement and handling of damaged merchandise ONE THOUSAND, ONE HUNDRED SIXTY-ONE AND 08/100 (\$1,161.08) DOLLARS; total damages: EIGHT THOUSAND SEVEN HUNDRED FIFTY-THREE AND 08/100 (\$8,753.08) DOLLARS.

That the rupturing of said water main was caused by the negligence of the City of Idaho Falls, and the flooding of said basement was the proximate result thereof.

WHEREFORE, claimant makes its claim herein against the City of Idaho Falls in the amount of EIGHT THOUSAND SEVEN HUNDRED FIFTY THREE AND 08/100 (\$8,753.08) DOLLARS.

s/ E. W. Pike
of Albaugh, Bloem, Smith & Pike
Attorneys for Claimant
Address: Idaho Falls, Idaho

RECEIVED AND FILED this 7th day of February, 1963.

ROY C. BARNES
CITY CLERK

CLAIM FOR DAMAGES

TO: MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS:

Pursuant to Section 50-162 Idaho Code, Claimant, BRYCE WARD, of Idaho Falls, Idaho, hereby presents and files his claim for damages against the City of Idaho Falls, as follows:

On or about January 8, 1963, the City of Idaho Falls acting through its employee, agent and police officer, Leroy Hinckley, falsely arrested and falsely imprisoned claimant, as a result of which false arrest and false imprisonment claimant suffered damages as hereinafter set forth.

The time, place, character and cause of the damages are as follows:

At approximately 2:00 A.M. of said day, Claimant was lawfully sitting in his automobile on North Water Avenue in Idaho Falls, the automobile being lawfully parked on the west side of the Street a short distance north of Birch Street; that at said time and place the said officer, Leroy Hinckley, approached the automobile, forced claimant to get out, abused and insulted claimant; then arrested claimant stating he was "taking him in for vagrancy", and forced claimant to accompany the officer to the Police Station; at the Police Station the officer "booked" claimant for vagrancy, in writing, required him to be fingerprinted and photographed, and refused to permit claimant to leave the station until claimant had posted a

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\$25.00 bail bond; that claimant did then post the \$25.00 bail bond, which was held by the City of Idaho Falls, Idaho.

That claimant had not committed or attempted any public offense of any kind, and there was no reasonable or probable cause or grounds to believe claimant has committed any public offense whatever; that the said Leroy Hinckley made the arrest at night time and without any warrant of arrest.

That said officer was, at all times aforesaid, wearing a uniform and badge of the Idaho Falls Police Force, and accomplished said false arrest and false imprisonment under "color of authority" as an agent and police officer of said City.

That said charge of "vagrancy" was later dismissed by the police magistrate upon motion therefore of the City Attorney; and that claimant was fully discharged from any criminal charges whatever.

That claimant was an industrious resident of said City, enjoying a good reputation as a "law abiding" citizen when such false arrest and false imprisonment were perpetrated upon him, and said arrest and imprisonment were deeply humiliating and degrading to claimant, subjected him to ridicule, unlawfully deprived him of his freedom, defamed and depreciated his good name and reputation, all to claimant's general damage in the amount of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS.

That claimant necessarily had to obtain legal services from his attorneys at law, Albaugh, Bloem, Smith & Pike, of Idaho Falls, Idaho, in defending himself against the false charges aforesaid, and that claimant has incurred expenses of TWO HUNDRED FIFTY AND NO/100 (\$250.00) DOLLARS therefore; that claimant lost time from his work in making preparation to defend himself against the charges, and lost thereby SIXTY AND NO/100 (\$60.00) DOLLARS, all to claimant's special damage in the amount of THREE HUNDRED TEN AND NO/100 (\$310.00) DOLLARS.

That at all times herein mentioned the City of Idaho Falls was the holder of a Public Liability Policy of Insurance No. CGA-932493, issued to it by the Western Casualty and Surety Company insuring the City against loss, not exceeding \$100,000.00, arising from any false arrest, false imprisonment of malicious prosecution perpetrated by any of its sixty-four (64) police officers, including Leroy Hinckley; and that said City has waived its sovereign immunity as to such claims, including this one, not exceeding the amount of said policy, all pursuant to the provisions of Sections 41-3504 and 41-3505 Idaho Code.

WHEREFORE, claimant makes his claim herein against the City of Idaho Falls in the amount of FIVE THOUSAND, THREE HUNDRED TEN AND NO/100 (\$5,310.00) DOLLARS.

s/ A. L. Smith
of Albaugh, Bloem, Smith & Pike
Attorneys for Claimant - I. F., ID.

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RECEIVED AND FILED this 5th day of February, 1963.

s/ Roy C. Barnes
CITY CLERK

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, 4; No, None; carried.

An extension rider to Lease # L&T 11983 between the City and the Union Pacific Railroad was presented. It was moved by Councilman Creek, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

A City tax redemption deed in the name of Klar Jorgensen 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, 4; No, None; carried.

The Mayor drew attention to a request by Reverend Willis Clark, Jr., for the use of the new park area for the Scout Camporee, May 19 and May 20, 1963. It was moved by Councilman Creek, seconded by Page, that this be approved with the understanding that the area so used be limited to the portion of the tract not under farm lease. Roll call as follows: Ayes, 4; No, None; carried.

Mr. Bob Steiling reappeared and explained the plans of the Chamber of Commerce for the observation of the State Centennial, beginning on July 24th and extending through the last day of the War Bonnet Round-up, subject to these dates being confirmed by the Bonneville County Centennial Committee. It is their hope and desire, he said, to display the Centennial Emblem on the River Parkway at the approximate site of the Christmas nativity scene and that the City would provide the electric service for night lighting. Also, Mr. Steiling asked permission to use the star frames which were installed along Broadway at Christmas, the Christmas interior décor portion of which would be removed and a Lucite panel inserted which would also display the Centennial emblem and which would also require City electricity. It was moved by Councilman Leahy, seconded by Creek, that permission be granted as requested. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk presented the following legal notice:

LEGAL NOTICE
BUDGET ESTIMATE FOR THE
CALENDAR YEAR 1963
CITY OF IDAHO FALLS IDAHO

The following is an estimate of the amount of money necessary for all purposes to be raised by taxation or otherwise in the City of Idaho Falls, Idaho, during the calendar year 1963, for which an appropriation is to be made as provided by law; and money to be apportioned for the purpose of paying indebtedness now existing and to accrue against the various funds of the City of Idaho Falls, Idaho as follows, to-wit:

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DEPARTMENT AND/OR FUND

General and Administrative	584,749.00
Finance	58,250.00
City Clerk	87,651.00
Police	432,586.00
Inspection	66,264.00
Other Protection	21,590.00
Public Works - Administration	25,015.00
Engineering	85,420.00
Streets and Highway	286,975.00
Sanitation	159,034.00
Building Maintenance	3,030.00
Airport	78,968.00
City Garage	32,785.00
City Parks	<u>204,817.00</u>
Total General Fund	2,127,134.00
Municipal Fire Fund	302,488.00
Municipal Water & Sewer Fund	672,371.00
Municipal Electric Light Fund	1,371,908.00
Municipal Recreation Fund	60,638.00
Municipal Library Fund	82,461.00
Municipal Auditorium Bond Redemption and Interest Fund	35,000.00
Municipal Police Retirement Fund	25,000.00
	<u>2,549,866.00</u>
Total All Funds	<u>4,677,000.00</u>

The entire revenue of the City of Idaho Falls, Idaho for the calendar year 1963, based upon the receipts for the previous twelve (12) months including receipts from Water and Sewer System and Hydroelectric plant, is as follows, to-wit:

Revenue from tax levy based upon a certified valuation of \$22,721,421.00.

21.00 Mills General Tax Levy	477,149.84
2.00 Mills Municipal Fire Department Fund Special Levy	45,442.84
3.00 Mills Municipal Library, Special Levy	68,164.26
.50 Mills Municipal Police Retirement Fund Special Levy	11,360.71
.50 Mills Municipal Auditorium Bond Redemption Fund, Special Levy	11,360.71
2.00 Mills Municipal Recreation Fund Special Levy	<u>45,442.84</u>

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29.00 Mills Total Tax Levy	658,921.20
Less: Bonneville Collection Fee	(11,000.00)
	647,921.20
Franchises	45,700.00
Licenses and Permits	117,100.00
Fines and Forfeitures	64,000.00
Interest and Rentals	37,750.00
Revenue from Other Agencies	218,300.00
Charges for Current Services	248,257.80
Miscellaneous Other Revenues	289,300.00
Sale of Electrical Energy and Other Services	2,313,500.00
Water and Sewer System	672,371.00
Municipal Library Collections	5,000.00
Penalties, Interest and Contributions	<u>17,800.00</u>
Total Revenues	4,677,000.00

I, Roy C. Barnes, City Clerk of the City of Idaho Falls, Idaho, do hereby certify that the above is a true and correct copy of the Budget estimate for the calendar year, 1963, as reviewed by the Mayor and Council on the 7th day of February, 1963.

(SEAL)

s/ Roy C. Barnes
CITY CLERK

Pub: February 10, 17, 1963

It was moved by Councilman Leahy, seconded by Creek, that he be authorized to publish, as required by law. 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/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
