

OCTOBER 18, 1962

The City Council of the City of Idaho Falls met in Regular Session Thursday, October 18, 1962, 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, Page. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Luther Jenkins, Controller; Harold Davis, Electrical Engineer; Don Lloyd, Public Works Director; Alva Harris, Building Official.

Minutes of the last recessed Regular Meeting, held October 9th, 1962, were read and approved as amended.

Mr. Aldred Ames, 603 I Street, appeared before the Council, protesting the proposed curfew on the grounds that this would be just one more restrictive law to be observed or broken, as the case might be. He proposed, instead, more rigid policing and fewer segments or groups of policemen congregating in any one place at any one time for coffee breaks or any other reason except as the administration of their duties dictated. He also protested the manner in which garbage and refuse was collected; that the crews servicing his residence had on occasion failed to pick up small boxes filled with refuse or the contents of his incinerator. Also the use, by certain sanitation employees, of offensive language. He said that, in his opinion, he was not receiving full benefit from a tax supported industry.

The Mayor suggested that the burned remains of the incinerator be dumped into the garbage can. Councilman Leahy explained that a new garbage and refuse ordinance is being drafted which would provide more police powers for the City and better defined services for the citizens.

Mr. Ed Reno, 635 E. 17th Street, appeared before the Council, expressing concern with regard to the divided responsibility of the City and the County, during the development stages of the Roy H. Bennett Shopping Center. He specifically referred to the fact that the County was issuing the permits and the City was making the inspections. It was explained by the Mayor that annexation of the area was on the agenda for consideration this night. Meanwhile, he explained further, the City has a letter from the County giving the City full responsibility over inspections.

Mr. Reno then asked about proper zoning of the area, in the event it is annexed. It was explained that the City would be responsible for maintaining the zoning previously established by the County.

The question was then asked as to how the new shopping center would affect water pressure. It was explained that the new #9 and #10 wells should correct any pressure deficiencies and provide adequate pressure for the shopping center.

Mr. Reno concluded his questioning by asking about the sign being installed in the planter strip. The Mayor and Council concurred that this would appear to be in conflict with the original plot plan and asked Building Official Harris to investigate.

Mr. Grant Packer of the Dairyland Dairy presented a letter to the Mayor and Council, explaining how and why they are again operating in conflict with zoning at 17th and St. Clair in their own building, originally used for storage but recently converted into a storage place for milk, including refrigeration and dock facilities. He explained that the building had for years, been used to store empty milk bottles. He said that it never occurred to them that placing milk in the bottles would change or alter the building use. In view of the many problems of moving, he asked that he be granted until June of 1963 to effect same.

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Mr. Melvin Balding, 1452 Austin, appeared before the Council, recognizing that he had appeared on October 9th for purposes of protesting the operation, and explained that, in the interim period, Mr. Packer had conferred with him relative to the problems, financial and otherwise, of moving the dairy. He said that, in his opinion, Mr. Packer should be granted until June of 1963, as requested.

Councilman Creek expressed concern that such a request, if granted, would be precedent setting. He said, now that this violation has been brought to the attention of the Council, they are duty bound to correct it in the shortest possible time.

No Council action was taken except to direct Mr. Packer to reflect to the Council by Tuesday, October 23rd the results of his findings as to where and when he would move.

Messrs. Joel Johnson and Jim McCue, representing the Idaho Falls High School student council, appeared before the Council, Mr. Johnson acting a spokesman, protesting, in behalf of the High School students, the proposed curfew. Most of the voices favoring the curfew, he reminded the Council, are from adults who might have an ulterior motive of leaning on such a restriction as an aide in enforcement which should rightfully be the duty of the parent. He also drew attention to legitimate school activities and student employment, both of which requires youth to be on the streets during the last hours.

Vandalism, he argued, is often times done by out of town students. With regards to juveniles residing within the City limits, he continued, it would seem reasonable to assume that these acts are accomplished by no more 5% of them. Why penalize the other 95% for the acts of the 5%? He advocated more stringent policing and law enforcement. He reasoned that those who would break the law would also break the curfew law.

He noted that there is now proof that recent acts of vandalism were committed by juveniles, with a reminder that adult law breakers have been known to commit vandalism damage as a means of directing suspicion toward the juvenile.

The City Attorney reported on his findings pertaining to a curfew law, a reiteration of his comments at the October 9th meeting.

Mr. Keith Clarke reported on the radio poll conducted by radio station KTEE, strongly favoring a curfew.

Mrs. Mary Micek appeared and registered her comments in favor of a curfew. She suggested that the youth of the City establish a system of policing themselves.

The Mayor and Council thanked Mr. Johnson and commended him for his fine presentation.

Mr. D. E. Hosberg, Ucon, Idaho, appeared before the Council and asked how long the Council intended to deliberate before taking action on the curfew law. The Mayor said the time element had not been determined; that at the present time, public reaction was being welcomed. Mr. Hosberg said he, personally, as well as many others in his town were interested. He cited several instances of vandalism which he had experienced.

Mr. La Grande Marchant, representing the City Planning Commission, appeared before the Council and presented a preliminary plat of Kelsey Estates Division #3. It was noted that the plat with only limited access to Woodruff Avenue, designed as an arterial, had been approved by the Commission. It was moved by Councilman Page, seconded by Foote, that the plat be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

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Building Official Harris noted that there are certain areas, including the foregoing, in need of zoning or rezoning. It was moved by Councilman Foote, seconded by Leahy, that a zoning hearing be scheduled for November 20th, 1962, and the City Clerk be authorized to publish a notice accordingly. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor, noting that there were many City employees in the Chambers, announced that the personnel policy, previously scheduled for consideration this night, had been revised by Division Heads, reflecting, where possible and practical, the cumulative comments of all employees. He said this revised draft had only been distributed to the Councilmen this night and they had not as yet an opportunity to study. Therefore its further consideration on the revised basis would be postponed.

Lieutenant Val Johnson said he had a sizeable list of protests and criticisms which were not as yet reflected in the revised draft.

Captain Lowell Cramer recommended that the policy not be approved until such time that the Civil Service rules and regulations be revised; also that it not be adopted until such time as some responsible individual of Division Head status, answerable only to the Mayor and Council, be appointed to administer same.

License applications for RESTAURANT (change of ownership only) for Marie S. Hathaway, and JOURNEYMAN GAS FITTER (previously approved by the Gas Inspector) for Ralph Shipley were presented. It was moved by Councilman Leahy, seconded by Creek, that these licenses be approved for issuance. Roll call as follows: Ayes, 4; No, None; carried.

The following was read:

October 11, 1962

City of Idaho Falls
Idaho Falls, Idaho

Attention: Mr. Roy Barnes, City Clerk

Re: Claim of Mrs. Mary Hillman
Accident of: 5-18-62

Gentlemen:

The above mentioned claim was forwarded to this office for handling, as this loss would have occurred during the time the City's policy was with our company. As you are aware, this policy expired May 24, 1962.

Pursuant to your previous requests that the handling of all claims to be denied go through your office, we are making the following recommendations:

That this claim be denied because of the late reporting factor and the 30 day statute of limitations in which a person must present her claim, against the City.

Thank you.

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Very truly yours,

SAFECO, LIFECO, GENERAL INSURANCE
s/ A. D. Connet
Claims Adjustor
IDAHO FALLS FIELD OFFICE

It was moved by Councilman Foote, seconded by Page, that this claim be denied for the reason as stated. Roll call as follows: Ayes, 4; No, None; carried.

The following was presented:

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To the Honorable Mayor and City Council
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

The attached proposal and bid bond by the Babbitt Electric Company was the only bid received at the bid opening this morning, October 18th, at 10:00 A.M., in the office of the City Engineer.

In consultation with Mr. Burke Hayes, of the engineering firm of Cornell, Howland, Hayes, and Merryfield, the bid is within the engineering estimates and it is respectfully recommended that the bid be awarded to Babbitt Electric so that the work can be accomplished by November 30, 1962, and the moving of the Templeview Substation, subsequent to this date, can be accomplished in time to meet the requirements of the Ninth Judicial Court ruling.

Respectfully submitted,
s/ Harold W. Davis
City Electrical Engineer

Att.

Additional information not contained in the memo revealed that the bid in question, from Babbitt Electric Company, covered the conversion of the Crowley Street Substation service area from 2400 volts to 4160 volts and that the bid was in the amount of \$19,960.79 plus a unit bid of \$24.06 per crew hours for balance work. It was moved by Councilman Leahy, seconded by Creek, that the foregoing bid be accepted and the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

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ORDINANCE NO. 1039

AN ORDINANCE CONCERNING ASSESSMENTS FOR LOCAL IMPROVEMENT DISTRICT NO. 23 OF THE CITY OF IDAHO FALLS, IDAHO: PROVIDING FOR THE CANCELLATION OF ASSESSMENT NO. 10, DUE SEPTEMBER 10, 1962; PROVIDING FOR THE REPEAL OF ORDINANCE 820 OF THE CITY OF IDAHO FALLS, IDAHO: PROVIDING FOR THE REFUND OF MONEY HERETOFORE PAID ON SAID ASSESSMENT NO. 10: PROVIDING THAT ANY UNEXPENDED BALANCE IN THE FUNDS OF SAID LOCAL IMPROVEMENT DISTRICT NO. 23 SHALL REVERT TO THE GENERAL FUND OF THE CITY OF IDAHO FALLS, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

It was moved by Councilman Page, seconded by Creek, that the foregoing be passed on its second and third reading. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO.---

AN ORDINANCE AMENDING SECTION 19 OF CHAPTER 7 OF TITLE 8 OF THE CITY CODE OF IDAHO FALLS, IDAHO, FOR 1962, BY PROVIDING THE METHOD OF ASCERTAINING THE AMOUNT TO BE CHARGED FOR SEWER CONNECTION PERMITS FOR BUILDINGS CONNECTED TO THE SEWER LINES CONSTRUCTED BY AND UNDER LOCAL IMPROVEMENT DISTRICT NO. 23 OF THE CITY OF IDAHO FALLS, IDAHO, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

It was moved by Councilman Leahy, seconded by Foote, that this ordinance be passed on its second reading. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 1038

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 Page, seconded by Foote, that this annexing ordinance, covering the Roy H. Bennett Shopping Center, Divisions #1, 2 and 3, be passed on its second and third reading. Roll call as follows: Ayes, 4; No, None; carried.

A draft of a block ad to be published in the local newspaper was presented, announcing a new telephone number to be used after regular hours for any problems concerning water, sewer, drainage, streets, alleys, electricity or garbage. The Council was in general agreement that this should be published once a month until the new telephone directory is released.

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The Mayor presented a license in favor of an access road to the sanitary land fill. It was moved by Councilman Foote, seconded by Page, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

An agreement was presented between the City and the State of Idaho, Department of Highways, outlining the terms and conditions for the relocating of certain poles and lines in Lot 6, Section 13, Township 2 North, Range 37, East Boise Meridian, and that the City would agree to move said poles and the State would agree to pay for the cost of same. It was moved by Councilman Foote, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor read the following letter which he proposed sending to Mr. Fred Howard, relative to providing water service and vacating a portion of Gallatin Street in exchange for the deeding of certain lands:

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COPY

Mr. Fred D. Howard
South Highway
Idaho Falls, Idaho

Dear Mr. Howard:

We are writing this letter in response to a request from Mr. Jerry Voorhees, the Right of Way Agent for the State Highway Department.

Please be advised that the City will provide water service to your property adjacent to Gallatin Street as relocated in the Highway Department plans.

Further, the City will vacate that portion of Gallatin Street as platted in your favor, since you have deeded as public right of way a 60 foot strip for the new location of Gallatin Street.

Sincerely yours,
s/ W. J. O'Bryant
Mayor
City of Idaho Falls

It was moved by Councilman Page, seconded by Leahy, that the Mayor be authorized to send the letter. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor, in response to a promise made October 9th, 1962, replied to Mr. Keith Clarke's invitation to use KTEE and other radio stations for purposes of City news dissemination, by saying that two other radio stations had extended an invitation for constructive programming in this regard and that these had been accepted, and so, pending such time as required for a better atmosphere between the City and his radio station, his offer would be declined. Mr. Clarke

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commended the Mayor and the Council, at least on their decision to use the medium of the radio for this purpose.

Electrical Engineer Davis reported that a warrant study is being made by a design engineer of the State of Idaho Department of Highways, to determine the need for signalization at 23rd and Yellowstone and that his recommendation will be reflected to the Council, recognizing that the City would be obliged to participate in the cost.

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
