

AUGUST 9, 1962

The City Council of the City of Idaho Falls met in Recessed Regular Session Thursday August 9, 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 Leahy, Page, Creek, Foote. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Ellsworth, City Engineer; Don Lloyd, Public Works Director; Luther Jenkins, Controller; Harold Davis, Electrical Engineer; Kelvin Nelson, Recreation Director.

Minutes of the last Regular Meeting, held July 19, 1962, and Special Meetings held July 30th, July 31st, and August 8th, 1962 were read and approved.

Mrs. Ed Reno, 635 E. 17th Street and Mrs. John Conley, 163 E. 24th Street, appeared before the Council. Mrs. Reno read the following letter:

635 E. 17th Street
Idaho Falls, Idaho
August 9, 1962

Mayor O'Bryant
City Council
Idaho Falls, Idaho

Gentlemen:

This letter is in regard to recurring flooding basements in the City of Idaho Falls. On July 27, 1962 a scant 1/2" of rain in the Martin Addition caused flooding of basements with raw sewage. One house had bathtub and toilet full and overflowing as well as floor drain which caused considerable flooding of entire basement including a bedroom. Other houses were in worse shape requiring actual shoveling of debris preliminary to hosing and scrubbing and disinfecting.

A review has been made of the Western Plumbing Officials Uniform Plumbing Code adopted by the City and other sanitation publications. They indicate rather serious discrepancies in meeting minimum health standards. Section 1102, Paragraph B states: "No rain, surface of subsurface water shall be connected to any public sewer or to any building sewer leading to such public sewer." It is known that surface water is our most serious problem and creates unpredictable hazards.

It may be noted that under Section 320: "existing construction normally does not require change unless it is found dangerous, unsafe, unsanitary and a menace to life, health, or property." There is no doubt that this is an unsanitary condition. Also, this consists of a nuisance which as one definition in the Code is listed as inadequate or unsafe sewage disposal system.

It is known that some people have installed traps and/or gate valves which at best are not the solution to the problem. Furthermore, Section 704 specifically prohibits this type of installation.

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We are aware of certain studies made by the City but little action has been affected and the hazard is as bad as it ever was. We request that action be taken to overcome these hazards which sporadically infect our City.

If you desire, it will be easy to develop a petition of property holders who have suffered this problem many times, yet strangely seem to have said little about it. It is suggested that consideration be given to restrictive orifices to be installed in storm drains as an immediate stop-gap measure to take care of the hazard areas. This is suggested as a stop-gap measure only until the sewer capacity can be enlarged to proper sizes. We are interested in a realistic approach to the solution of this problem and will make reasonable efforts to support action to this end. Please advise as to what can be done for immediate correction of the more serious areas both by property owners and the City, and a plan of action for the long range corrective action.

Yours truly,
s/ E. M. Reno

The Mayor explained that a representative from Mrs. Reno's residential area meet with the Council in an informal meeting this night and it is expected that, as a result, a joint meeting will be called soon when all interested residents will be invited to attend, along with the Mayor and Council.

Mrs. Conley spoke briefly, explaining and describing the need for remedial action, particularly from the standpoint of health and sanitation.

Councilman Leahy pointed out that the most logical solution is the formation of a storm and drainage Local Improvement District and briefly explained this procedure.

Bills for the month of July, 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	\$ 94,522.51	\$108,508.27	\$203,030.78
Recreation Fund	8,679.00	3,345.38	12,024.38
Fire Fund	18,635.71	6,960.98	25,596.69
Electric Light Fund	24,876.20	76,941.22	101,817.42
Water & Sewer	11,259.16	33,622.36	44,881.52
Police Retirement	<u>1,710.83</u>	<u>.00</u>	<u>1,710.83</u>
TOTAL	\$159,683.41	\$229,378.21	\$389,061.62

It was moved by Councilman Leahy, seconded by Page, that the bills be allowed and the Controller be authorized to draw warrants on the respective funds for their payment. Roll call as follows: Ayes, 4; No, None; carried.

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Reports from Division and Department Heads for the month of July were presented and, there being no objection, were ordered placed on file in the office of the City Clerk.

A license application was presented for an Ice Cream vendor in the name of Keith Christensen who wished to operate a mobile unit ice cream stand on July 24th. In the interests of time, it was noted, the City Clerk had issued the license with the Mayor's, but without the full Council's approval. It was moved by Councilman Page, seconded by Creek, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 4; No, None; carried.

License applications for PHOTOGRAPHER, Sears-Roebuck; GAS CONTRACTOR, (previously approved by Gas Inspector) John C. Siqueiros of J & R Plumbing & Heating, Elmer Elg of H-L Electric; JOURNEYMAN GAS FITTER (previously approved by the Gas Inspector) Elmer Elg and John Siqueiros; JOURNEYMAN PLUMBER (previously approved by the Plumbing Inspector) Lynn M. Andrew of J & R Plumbing & Heating were presented. It was moved by Councilman Leahy, seconded by Page, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

A City redemption tax deed was presented in the name of J. Johnston, Assignee of George W. Ellis. 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 Annexation Ordinance, covering a portion of the Mel Brown and the Knights of Columbus property, was presented, having previously been passed on its first reading. The Ordinance was presented in title as follows:

ORDINANCE NO. ---

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

The following was presented:

August 10, 1962

ADVERTISEMENT FOR BIDS

Sealed unit price proposals for the construction of the Airport Sewer, addressed to the Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the Mayor in the City Hall, Idaho Falls, Idaho until 2:00 P.M. (MST) on the 28th day of August, 1962, and then will be publicly opened and read.

The work contemplated in this project consists of construction of a sanitary sewer on the west side of the Snake River. The major items of work in this Contract include the furnishing and installing of approximately 4,670 lineal feet of 8 inch diameter sewer pipe and 13 manholes, together with the necessary appurtenances.

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The work will be awarded to the one responsible bidder submitting the lowest acceptable bid.

Plans and specifications will be available at the Office of the City Engineer, City Hall, Idaho Falls, Idaho, on August 15, 1962. A copy of said documents may be obtained at the above office upon a deposit of \$10.00 for each set. The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the date of the bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certified check, cashier's 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 security for faithful performance of the Contract in the full amount of the Contract price.

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

Dated this 10th day of August, 1962.

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

Adv. Aug. 12, 19, 26, 1962

It was moved by Councilman Creek, seconded by Leahy, that the City Clerk be authorized to publish, as required by law. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor read the following letter from Attorney Orval Hansen:

August 1, 1962

Honorable W. J. O'Bryant
Mayor of Idaho Falls
City Building
Idaho Falls, Idaho

Re: Koester Farm

Dear Mayor O'Bryant:

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During what will be a rather brief interim between campaigns I am attempting once again to bring to a head, and I hope a final agreement, the dispute between the City of Idaho Falls and the Koesters.

In order to assist in a review of what has transpired I am enclosing herewith a copy of my letter to you of September 7, 1961. This letter was written after an on the spot inspection by you and other representatives of the City and after we had discussed the matter at some length. In the letter I made some specific proposals which I thought might form the basis for an agreement between the Koesters and the City of Idaho Falls settling the dispute.

You will note in my letter I asked that in the event the proposals contained in the letter were acceptable that some affirmative acceptance be manifested by the City in order that we could reduce the agreement to writing. Alternatively, I suggested that any modifications or changes in these proposals be submitted to us in the event they were not satisfactory.

You may recall that within a few days after this letter had been written I discussed the matter with you again following a Rotary luncheon. At the time you indicated to me that the proposals contained in my letter were satisfactory.

I then proceeded to attempt to reduce these proposals to some kind of written agreement. Earlier this year I submitted two copies of such proposed written agreement to Mr. Barnard, the City Attorney suggesting that he examine the agreement and discuss it with you and members of the City Council. I suggested further that if this agreement did not reflect the understanding we had reached then that he should make whatever changes he felt necessary in order that it did correctly reflect our understanding.

Sometime ago we had some indication from Mr. Barnard that the proposed agreement was not satisfactory, without pointing out the specific provisions which were unacceptable.

Honorable W. J. O'Bryant

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s/1/62

Mr. Barnard has now returned both copies of the agreement to me indicating that the City has refused to sign it, but again without pointing out any specific provisions which are objectionable.

Frankly, I am at a loss at this point. I thought I had prepared a proposed agreement which would reflect the understanding we had reached on the basis of the proposals contained in my letter of September 7, 1961. If I have failed then I am anxious to know wherein I have erred.

If the City would point out the specific provisions which are contrary to or not in accordance with our understanding, then I would be happy to redraft the proposed agreement to

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incorporate these changes. I think the best course of action, however, would be for the City to prepare a proposed agreement which reflects the City's understanding of the agreement we had reached.

If you would take the necessary steps to have such an agreement prepared and submitted to me I will do everything I can to get it signed in order that we might conclude this matter as quickly as possible.

Yours very truly,
St. Clair, St. Clair & Hansen
s/ Orval Hansen

OH: wh
Encls. (as noted)

After some discussion the City Attorney was instructed by the Mayor to prepare a new contract between the City and the Koester family relative to maintenance of lands owned by them in the vicinity of the sewage treatment plant, incorporating as completely as possible to the complete satisfaction of the City, a solution to all the problems and controversies heretofore indicated.

Notation was made that informal Council action had been taken on July 23, 1962 to prohibit use of night lighting at the First Street recreation center, maintained by the L.D.S. Church, to be effective July 26, 1962. This action was taken upon advise of Counsel that such use is not a permitted use under Ordinance #852 (Zoning Ordinance of 1955) and therefore in violation of such ordinance.

It was moved by Councilman Foote, seconded by Page, that the action of the Council as of July 23rd, 1962 be duly ratified. Roll call as follows: Creek abstained; Foote, Aye; Leahy, Aye; Page, Aye; carried.

With regard to the case of Ira Taylor vs. the City, it was moved by Councilman Foote, seconded by Leahy, that the legal firm of Holden, Holden, Kidwell and Williams be employed to represent the City. Roll call as follows: Ayes, 4; No, None; carried.

The following letter was read:

NC/00:nn
5000

August 2, 1962

The Honorable William J. O'Bryant
Mayor of the City of Idaho Falls
City Hall
Idaho Falls, Idaho

My dear Mayor O'Bryant:

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On June twentieth of this year a man named Joseph Lee Kehm was fatally injured in an automobile accident at the point where East Fourteenth Street and Bonneville Drive join in Idaho Falls.

Kehm was a member of the Naval Service and was attached to my command prior to his death.

At the time this accident occurred Kehm was alone in his automobile and no one actually witnessed this accident. Therefore, definite conclusions as to its cause are conjecture only.

One circumstance which has been noted, however, is the complete absence of a white line on the pavement, dead sign, curve sign or any other traffic warning sign at this dangerous curve.

Upon investigation of the circumstances surrounding Kehm's death it seems fairly certain that he did not realize the street made a 90 degree turn to the left at that point. In conjunction with the foregoing it is realized that Kehm was probably traveling at a rate of speed in excess of the 25 mile per hour speed limit posted in the East Fourteenth Street area.

In the interest of public safety would you, at your convenience, investigate the feasibility of installing center line markings, dead end barricades and curve warning signs in this and similar areas in your City.

Sincerely yours,
s/ E. O. Dietrich
Lieutenant, U.S. Navy
Commanding Officer

It was moved by Councilman Page, seconded by Leahy, that the Police Chief be directed to investigate the site of the accident in question and to make corrections as needed and also other comparable areas around the City. Roll call as follows: Ayes, 4; No, None; carried.

An air raid siren, shipped to the City in conjunction with the Civil Defense program but having never been installed for use, was discussed. The Mayor reported that the County Commissioners had agreed to stand their share of returning the siren back from whence it came. It was moved by Councilman Page, seconded by Leahy, that the City also pay its proportionate share of said expenses. Roll call as follows: Ayes, 4; No, None; carried.

It was noted that the Bonneville County Fair is to be held south of the City August 24th and 25th, 1962. It was generally agreed that the City offer its assistance, through the Street Department personnel and equipment, relative to sprinkling the grounds during the fair and clean up work on August 27th.

Recreation Director Nelson requested that some consideration be given toward defraying the expenses of two chaperones to accompany the participants of the City Swimming meet in Moscow, Idaho, August 9th and 10th and 11th, 1962. It was moved by Councilman Page, seconded by Leahy,

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that the City pay 8¢ a mile toward travel expense for two parents in one car. Roll call as follows: Creek, Nay; Foote, Aye; Page, Aye; Leahy, Aye; carried.

The Public Works Director reported that the design work is prepared and proposals have been received for the installation of a water service line to the Stardust Motel. It was moved by Councilman Leahy, seconded by Page, that the project be authorized, subject to receipt of a signed written agreement as to method of payment and that the Mayor and City Clerk be authorized to sign said agreement, when received. Roll call as follows: Ayes, 4; No, None; carried.

The Police Chief, through the Mayor, presented the following:

MEMORANDUM

IDAHO FALLS POLICE DEPARTMENT

TO: Chief Jones
FROM: F. G. Perrin
SUBJECT: Street Painting
DATE: 8/9/62

Due to one man from the paint crew being called for military duty on 9/12/62, it will be necessary to hire a helper to replace the man leaving. It is the wish he be released from work August 27th, 1962.

The paint crew will be painting the downtown street starting 4:00 A.M. 8/20/62 with our two machines operating at the same time. They need another man to assist in helping fill the machines, placing traffic cones and moving the truck. Therefore I am requesting we hire a man on temporary basis to help on this and to take the place of the one leaving on August 27th, 1962.

s/ F. G. Perrin

This as proposed, met with general Council approval.

A very comprehensive proposal was presented from Cornell, Howland, Hayes and Merryfield for the conducting of an engineering investigation of a storm drainage system for the City of Idaho Falls. It was noted that the cost would be \$15,000.00 payable at the conclusion of the study. It was moved by Councilman Page, seconded by Foote, that the investigation be approved and the Mayor be authorized to sign the proposal. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor read a letter from Mr. Paul Newton, Public Works Director, Twin Falls, Idaho, relative to a proposal which was initiated at the Idaho Municipal League State Convention, for the establishment of a Public Works library as a joint effort of the League and the University of Idaho. Mr. Newton asked for Council approval for a representative of this City to participate as a committeeman toward this end. It was moved by Councilman Foote, seconded by Leahy, that a representative be so selected to participate. Roll call as follows; Ayes, 4; No, None; carried. It was understood that the City's representative would be expected to attend the Idaho Society of Professional Engineers meetings and to appear one day early to work toward the forming of said library.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
