

JANUARY 25, 1962

The City Council of the City of Idaho Falls met in Recessed Regular Session Thursday, January 25, 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 Foote, Leahy, Creek. Absent: Councilman Page. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; Alva Harris, Building Official; Harold Davis, Electrical Engineer.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the purpose of providing a time for the filing of objections to the Assessment Roll of Local Improvement District #27 by those whose names appear on the Assessment Roll and who might have objections to their assessments.

As a preface to the hearing the City Engineer spoke briefly, explaining that the total cost of the project will be in the amount of \$285,000 which would include a construction contract in the amount of \$207,500, three lift stations not under contract in the amount of \$30,000 and other expenses in the amount of \$47,500 such as administrative, engineering, legal and fiscal. He also explained the method of computing assessments on a square foot basis.

The Mayor then explained that all written protests would first be presented, would be made a matter of record and would be studied by the Engineering Department for recommendation; that oral protests and other comments would then be heard and that these would be recorded on tape. From the transcript, the Engineering Department would also study these and make recommendation. He instructed the City Clerk to proceed with all written protests. The following were read:

I oppose planned sewer assessment for North Jefferson Avenue.

s/ Louie G. Young
1455 Jefferson Avenue

I oppose planned sewer assessment for North Jefferson Avenue. I have spent a lot of money for present sewer disposal and don't think it is right to charge for vacant lots and I think the assessment is out of reason.

s/ William L. Beasley
1475 Jefferson Avenue

Idaho Falls, Idaho
1/24/62

Sir:

I wish to place my protest against the special assessment against my property.

I not only feel the price to be too high but am well satisfied with things as they are.

Sincerely yours,
s/ Gene Stotss

1436 Elmore

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Ashton, Idaho
January 22, 1962

Zelda Houchens, Treasurer
City of Idaho Falls, Idaho

I wish to protest the assessment in the amount of \$187.50 that is being levied against my property in Idaho Falls by the City of Idaho Falls. Thank you very much.

Yours truly,
s/ Mary Markland
Rigby, Idaho

Idaho Falls
January 22, 1962

In regards to the assessment on the sewer, I would love to have it out here but I just can't afford it for another 3 years. It's all I can do now to pay my regular taxes.

If there was some way out, I would love to have it but right now I just cannot afford it.

Thanking you,
s/ Edna Parish Brown
P.O. Box 355

January 20, 1962

Dear Sir:

I would like to go on record as protesting the assessment which I received a day or two ago of \$375.00 on property I own at 1145 Fremont Street.

I would like to have breakdown on this assessment as to how it is figured according to "lot to lot" figures. If this same figure is assessed each owner in that block for each 50 feet, I think I am in the wrong occupation.

Awaiting your figures, I remain,

s/ A. L. Taylor
2217 Croft

City

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Mr. Roy C. Barnes
Clerk of Idaho Falls
City Building

Dear Sir:

We would like to protest your assessment of \$3,562.50 on our property at 1297 Jefferson Avenue.

It is too high and we are already paying street assessments on it.

Sincerely,
s/ Mrs. Laura M. Hooker
145 E. 25th

Idaho Falls
January 22, 1962

Please, I protest that assessment because I haven't that kind of money and I think it is too much and don't think we should pay for something we haven't got.

s/ James Lords
Rt. 4 Idaho Falls

January 21, 1962
Idaho Falls, Idaho

City Council:

In regards to the notice we received a few days ago on the future Local Improvement Sewer Assessment, we were amazed at the ridiculous and what we feel an unfair assessment. We have been living in our home for two years now and have paid a considerable sum on having a good septic tank installed. We are in favor of having the sewer but at a price such as this, \$1,125.00, we would rather not have the sewer. I don't remember any issue asking for our vote earlier whether we wanted the sewer or not.

We called the City Treasurer and she informed us that to connect to the sewer after it was down the alley would cost \$30.00 to all homes built before 1958, \$100.00 to those homes built after 1958 which is hard for us to understand. Why the \$70.00 difference, when all homes, no

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matter how long they have been built, will achieve the same advantages as the newer ones? Please explain.

Every month included in our light bill we pay for the sewer project which we feel is unjust since we aren't getting any benefit from this.

After having talked with the neighbors on the twelve hundred block of Jefferson we agree this is an unfair price to pay for such a luxury.

I hope this letter will be read and not tossed in the wastebasket and forgotten about.

A Voter and Taxpayer
s/ Mr. and Mrs. Otto Andrews
1231 Jefferson Avenue
Idaho Falls, Idaho

Idaho Falls, Idaho
January 21, 1962

City of Idaho Falls, Idaho
Gentlemen:

I would like to protest the suggested assessment on the forthcoming sewer project in this part of town.

Furthermore, your way of assessing per square foot of property looks like discrimination against everybody who has more than two lots.

I have two extra lots for my track which does not need any sewer on it. I am sure that I will not be using the sewer anymore than someone with two lots.

Respectfully,
s/ Ivan Gruvman
1425 Jefferson
Idaho Falls, Idaho

January 24, 1962

To the City Clerk
City of Idaho Falls
Idaho Falls, Idaho

JANUARY 25, 1962

At a meeting of the undersigned residents of the City of Idaho Falls on this date, it was unanimously decided to file this protest with your office in connection with the assessments which are proposed to be levied against the real property of the undersigned under the proposed Local Improvement District No. 27.

The undersigned suggest to the Council of the City of Idaho Falls that the assessments proposed against the properties of the undersigned are not fair and equitable in relation to these properties by reason of the following:

- (1) The proposed location of the sewer involved in this district to be situated on East 17th Street in said City will not benefit the individual properties of the undersigned in any manner commensurate with the amount of the individual assessments.
- (2) That the greater proportion of the individual properties of the undersigned, now within the confines of the City and adjacent to the proposed sewer line, will not be benefited by said line in any feasible manner.

Sincerely yours,
s/ William J. McKinley
s/ Marian Byington
s/ Arleen Beach
s/ Richard Campbell
s/ J. F. White
s/ Glenn E. Barr
s/ LaVaun S. Merrill
s/ H. P. Jorgensen

Residents of East 17th Street

January 23, 1962

City Clerk
City of Idaho Falls
City Building
Idaho Falls, Idaho

RE: Assessment No. 154, L.I.D. #27 Amount - \$2,780.50.

Gentlemen:

JANUARY 25, 1962

You are hereby notified that Bocasco Realty Co., the owner, of the real property covered by Assessment No. 154 under L.I.D. #27 does hereby protest the above captioned assessment on the ground and for the reason that said assessment is inequitable, unjust and is classifying said Bocasco Realty Co., in a separate class that is not proper and is contrary to the form, force and effect of the Constitution of the United States, the Constitution of the State of Idaho and the ordinances and laws of the City of Idaho Falls in that the said City, in computing and levying said assessment in granting preferential treatment to other commercial properties situate in the same general area as the said Bocasco Realty Co., which said Schedules are not being accorded to said Bocasco Realty Co.

You will hereby take notice that the said Boise Cascade Corporation files this as a formal protest and will appear through authorized representatives before the City Council on January 25, 1962, at 8:00 o'clock P.M.

Very truly yours,
s/ Richards, Haga & Eberle

January 23, 1962

City Clerk
City of Idaho Falls
City Building
Idaho Falls, Idaho

RE: Assessment No. 153 L.I.D. #27 Amount-\$1138.92

Gentlemen:

You are hereby notified that Boise Cascade Corporation, the owner of the real property covered by Assessment No. 153 under L.I.D. #27, does hereby protest the above captioned assessment on the ground and for the reason that said assessment is inequitable, unjust, and is classifying said Boise Cascade Corporation in a separate class that is not proper and is contrary to the form, force and effect of the Constitution of the United States, the Constitution of the State of Idaho and the ordinances and laws of the City of Idaho Falls in that the said City in computing and levying said assessment is granting preferential treatment to other

commercial properties situate in the same general area as the said Boise Cascade Corporation, which said courtesies are not being accorded to the said Boise Cascade Corporation.

You will hereby take notice that the said Boise Cascade Corporation files this as a formal protest and will appear through authorized representatives before the City Council on January 25, 1962, at 8:00 o'clock P.M.

Very truly yours,
s/ Richards, Haga & Eberle

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Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

I hereby protest the Assessment No. 209 for L.I.D. #27 for sewer service for property located at 810 Garfield. There is no house on this property that would benefit from the sewer. There is a shack on the property but it is not a dwelling nor can it be used for dwelling in its present condition.

I would appreciate your consideration in this matter.

Very truly yours,
s/ L.R. Green
357 Eagle Rock
Idaho Falls, Idaho

January 22, 1992

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

Dear Mayor O'Bryant:

This letter is written to you in behalf of J. W. McNeil and concerns Assessment No. 220 for proposed Local Improvement District No. 27. Mr. McNeil has requested that I record with you his objection to, and protest of, this proposed assessment of \$832.00. He feels the charge to be excessive, and the installation of the sewer to be unnecessary at this time.

Very truly yours,
Sharp & Anderson
s/ John M. Sharp

January 25, 1962

City Council
City Building

Dear Sirs:

JANUARY 25, 1962

I am writing in regards to the Sewer Project on Elmore Avenue. I do not wish for this project to go through, for the price seems ridiculously high.

After this project is completed, I was wondering if the neighboring streets would be charged accordingly.

Sincerely yours,
s/ LeRoy Anderson

January 25th, 1962

City Clerk
City of Idaho Falls
City Building
Idaho Falls, Idaho

Subject: Assessment No. 164 L.I.D. #27 - Amount \$3,719.80

Gentlemen:

You are hereby notified that Sinclair Refining Company, the owner of the real property covered by Assessment No. 164 under L.I.D. #27 does hereby protest the above captioned assessment on the ground and for the reason that said assessment is inequitable, unjust and is classifying said Sinclair Refining Company in a separate class that is not proper and is contrary to the form, focus and effect of the Constitution of the United States, the Constitution of the State of Idaho and the ordinances and laws of the City of Idaho Falls in that the said City, in computing and levying said assessment is granting preferential treatment to other commercial properties situate in the same general area as the said Sinclair Refining Company, which said schedules are not being accorded to said Sinclair Refining Company.

You will hereby take notice that the said Sinclair Refining Company files this letter as a formal protest against the above mentioned assessment.

Respectfully yours,
s/ R. K. Clark, Jr.
Sinclair Refining Company
Utah-Idaho District Manager

CC: Warren E. Wright
J. E. Maynard

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Mr. Roy C. Barnes
City Clerk
Idaho Falls, Idaho

Dear Sirs:

I hereby protest Assessment Numbers 132, 147, 110, 98, and 179 in L.I.D. #27 because all the property in this area could be effected by the Interstate Highway Program.

I feel that until the approach north and east of John's Hole Interchange is definitely established which I understand will be in the next 18 months, that this portion of L.I.D. # 27 be deleted.

Respectfully yours,
s/ Richard I. Clayton

January 25, 1962

Mr. Roy C. Barnes
City Clerk
Idaho Falls, Idaho

Dear Sir:

We hereby protest Assessment No. 210 L.I.D. #27 because we have already spent \$1,300.00 for a sewer lift installation which has connected us with the Cleveland Street sewer line.

This property is at the end of the sewer line and the District will not have to pay for having the line extended.

This has been discussed with some of your Engineering Department and they are familiar with same.

Respectfully yours,
Echo Common's Inc.
s/ R. I. Clayton, President

TO: The Clerk of the City of Idaho Falls, Idaho
and the City Council of the City of Idaho Falls, Idaho

JANUARY 25, 1962

You are hereby notified pursuant to Section 50-2916 of the Idaho Code of the objections of Lulu H. Burggraf to that certain assessment number 241 levied or set for the payment of Improvement District Number 27.

The assessment is unfair, arbitrary and unreasonable as it applies to the said Lulu H. Burggraf.

The property for which the said Lulu H. Burggraf is being assessed, with the exception of a small area fronting on the Yellowstone Highway, will not be benefited in any way or to any degree by the said improvement. There is no reasonable or probable benefit to said property now or in the future from said improvement.

The City of Idaho Falls for its own convenience and saving did go to the said Lulu H. Burggraf and procure from her an easement for the placing of said improvement through her property; that she was not informed that this action would increase her assessment six times and would not have granted said easement in she had been so informed.

The assessment in question bears no relation to and is not in proportion to the benefits derived to Lulu H. Burggraf's property from the improvement.

That the buildings and improvements presently on the property of Lulu H. Burggraf in the Improvement District in question are served by a sewer that is adequate, in good repair and sufficient in all respects. That if any changes in the existing sewer becomes necessary to comply with Sanitary Codes of the City of Idaho Falls or State of Idaho, Lulu H. Burggraf will see that such changes, as are required by law, will be made.

The proposed location, which is different than that originally discussed by the City, goes through the said Lulu H. Burggraf's land solely as a convenience to the City of Idaho Falls.

Lulu H. Burggraf has no intention of using the property for any use other than that to which it is presently being put. The only area of the property which could be developed would be required to use sewer facilities other than those included in the Improvement District in question.

The proper assessment for this improvement would be the per foot figure for the property owned by Burggraf adjacent or fronting on the South Yellowstone Highway.

These objections are herewith filed with the said Clerk of Idaho Falls, Idaho, and notice of the decision of the Council of said City relative to the assessment of the property of Burggraf under Improvement District #27 is hereby requested to be given upon such decision being

made to Eugene L. Bush, Attorney-at-Law, Box 796, Idaho Falls, Idaho. We request this notice be given within 24 hours after the decision by the Council.

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s/ Lulu H. Burggraf

s/ Eugene L. Bush, Attorney
for Bojecting Property Owner

Attached hereto and made a part hereof is report of Charles K. Thompson, Real Estate Appraiser.

s/ Eugene L. Bush

January 24, 1962

Mrs. Nick Burggraf
c/o Eugene L. Bush, Attorney
490 Memorial Drive
Idaho Falls, Idaho

Subject: Burggraf Construction Company Property
South Yellowstone Highway
Idaho Falls, Idaho

Dear Mrs. Burggraf:

At the request of Mr. Bush, I have contacted Robert and Mark Burggraf to discuss the affect of the proposed City trunk line sewer through subject property. Also, I have made an inspection appropriate to the problem of the property involved.

PROPERTY DESCRIPTION:

Property was inspected with the assistance of a plat prepared by C. R. Black, which is on file. There are three occupants of the property, namely, the Wintroath Pumps, which has the office building fronting on Yellowstone Avenue and the old maintenance shop to the rear; the Burggraf Construction Co. headquarters building and shop, and the Standard Plumbing Supply building and yards. There is a private street with asphalt surface which slopes gradually down toward the river at a relatively uniform and gentle slope. The general topography is characterized by the gravel fill in the northeast portion which is the area of the building improvements. The westerly portion, comprising approximately two-fifths of the property, is a reasonably uniform tract with a gentle slope from the building sites down to the southwest. The remainder of the property is largely an excavated gravel pit with grade level

approximately 10 feet below the second parcel above described and which lies generally in the southerly portion of the property.

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HIGHEST AND BEST USE:

The properties in this general neighborhood comprise the commercial improvements in the strip along the S. Yellowstone Highway with a scattering of industrial improvements located very near the highway but generally behind the commercial improvements. Between these industrial properties and the river is a low river plain which has been largely devoted to gravel excavations and is now utilized for secondary purposes as equipment storage, transformer sites and storage of materials. Thus, the development of subject property is typical of the general neighborhood with the exception of the paved street which provides a better utility for the area of the Burggraf Construction Company office and the Standard Plumbing Supply. The property developed with three commercial buildings, one on Yellowstone Avenue and two on the private street and the improved storage yards at the westerly portion of the property is a typical development of the property and is considered to be its highest and best use. There remains the possibility of a possible additional industrial or commercial-industrial type building improvement to be constructed in the area of the old maintenance shop to provide the fullest use of the improved street.

PRESENT SEWER SYSTEM:

There is presently constructed a septic tank system for the Wintroath Pump office building which is used in conjunction with the property adjacent to the south. There is a six inch sewer line which is lined up with the front of the Burggraf Construction Company office and running straight in a northerly direction to the river. Both the Burggraf office and the Standard Plumbing building are connected to this sewer and there is a storm drain to it. This sewer is so located in order that it can be connected into the City trunk line along the east shore of the Snake River by rebuilding the westerly 200 feet of said sewer and raising the elevation for a proper connection with the trunk line and yet provide ample fall. Engineering of this sewer was accepted by this appraiser as explained by the Burggraf Construction Company who made the installation.

This sewer provides adequate sewage disposal system for the two connections presently utilizing the line and is of sufficient size to service a possible building in the area of the old maintenance shop. It can be connected in accordance with the City regulations to the trunk line as explained above.

The cost of rebuilding the west 200 feet of the sewer is estimated at \$215.00 - \$300.00 on a no profit basis. Thus, with such an expenditure, the building site area can be served by the

present sewer with the exception of the office building on Yellowstone Avenue. Such service would be adequate by all standards required for this commercial-industrial area.

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PROPOSED CITY TRUNK:

The City has proposed to build a trunk line sewer located under the private street running from the intersection of said street with Yellowstone Avenue straight to the northwest to connecting with the main City trunk sewer at the east bank of the Snake River. This sewer will be eight inches in diameter and will serve the neighborhood primarily in the commercial strip zone along South Yellowstone Highway.

UTILITY OF PROPOSED CITY SEWER TO SUBJECT PROPERTY:

As stated above, there is a septic tank with the Wintroath Pump office building and this building will gain full value from a normal pro rata cost of the sewer based on the Yellowstone Avenue frontage. Frontage length is considered normal method of valuating a property in a commercial zone as the frontage is of such overriding importance in relationship to the other characteristics of a commercial property.

Those properties lying to the west of the Wintroath office building and lot, the site of the possible future commercial-industrial building, the old maintenance shop site and the two existing buildings on the private street have adequate sewer facilities at present. A duplication of service wherein the present service is ample will not affect market value to any measurable amount.

CONCLUSIONS:

Based on the concept of increased utility or value to the property resultant from the proposed sewer improvement, it is the opinion of the author that the office building fronting on South Yellowstone Highway will receive a normal benefit from the sewer equal to the normal cost of such a sewer across the subject property frontage. The sewer northwest under the private street will not affect the value of the property served by the street, either adversely or favorably.

Respectfully submitted,
s/ Charles K. Thompson
M.A.I., S.R.A.

January 25, 1962

Idaho Falls, Idaho

TO WHOM IT MAY CONCERN-----

As a land owner on City Property in said

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I protest the high cost of installation of sewer in our district. I feel that it is entirely too costly.

s/ Marley Campbell
Idaho Falls, Idaho
North Yellowstone Highway
Ph: JA2-1374

The Mayor then asked for verbal protests. Mr. Marley Campbell appeared to elucidate further on his written protest. He said he had not nor was not protesting the district but rather the manner in which assessments were computed. He considered them exorbitant. Using his own property as an example, he said he could supply a bid for the same work at substantially less cost. He said that, in his opinion, the district covered too large an area including much lava which raised the cost for everyone.

Mr. Ted Pike, local attorney, appeared in the interests of Mr. Ernest Terry, explaining that the sewer line affecting his property, as planned by the engineers, would be installed at too high a level to be of benefit to Mr. Terry. City Attorney Barnard reminded Mr. Pike that Mr. Terry had been given the opportunity to secede from the district and build his own line. When bids did not materialize, said Barnard, his name was included on the assessment roll. Mr. Terry interceded in his own behalf at this point and explained that the line was not installed because of the reason as just explained; namely that it would have been at too high a level to benefit the property. Messrs. Pike and Terry asked and received permission to meet privately with the Council at a later hour to listen to Mr. Terry's proposition for installing his own line.

Mrs. Frances Fuell, 365 Briggs, appeared and asked if the assessment must be paid in full immediately. She was answered to the effect that provisions have been made for payment over a ten year period in ten annual payments.

Mr. Robert Robinson, 909 Poulson, appeared and said he had every assurance from the Engineering Department, before he bought his home, that the sewer was already installed. City Engineer Lloyd stated he wasn't aware of having offered this information but agreed to check with Mr. Robinson, to determine the status of the property.

Mr. Boyd Thomas, local attorney, appeared and explained that he was representing the 17th Street residents, written protest of which has previously been read. He presented a route plan which, he said, would be satisfactory to those he represented and which, in their opinion, would result in substantially less cost. He protested the present contemplated route, also, on the grounds that it would run along the south side of 17th Street, thus benefiting future residents who might build on that side; meanwhile the cost would be borne entirely by those living on the north side. The

proposed route plan would locate the sewer line in the back of the 17th residents' homes. This was referred to the City Engineer for study and recommendation.

Mr. George Jensen, 1245 Cassia, appeared and protested the fact that all effected parties of the district would not only be faced with a rather exorbitant assessment but would also find it necessary to pay a hook on fee of \$30 or \$100 as the case might be. He asked that consideration be given toward waiving the hook on fee.

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Mr. Francis Fuell appeared and asked whether or not his assessment covered only two lots or the entire four which he owned. The City Engineer agreed to check this matter and advise.

Mr. Austin Bate, owner of property in the 1300 Block of Canyon Avenue, appeared and explained that his block was surveyed about two years ago at which time a price was quoted for a sewer line for the block which was less than the assessment, now, on just his lots. The Mayor explained that it is not beyond the realm, of possibility for an assessment charge to be greater, in a district, than that which the cost would be for the work to be done outside a district; that the more costly construction, such as lava rock excavation, must be borne by all those in the district.

Mr. Grant Tate, 1025 1st Street, appeared and asked several questions pertaining to specific sewer locations and the connection fee. These were satisfactorily answered.

The following appeared to protest the assessment on the grounds that it was too high; Messrs. Tom Sutton, 474 K Street, Ward Lee, 970 Bannock, Jesse Wages, 875 1st Street.

Mr. George Jensen, having left the hearing earlier, telephoned the City Clerk and asked that the following be made a matter of record: "I, George Jensen speaking as a representative of and an affected party to Local Improvement District #27, do hereby go on record as favoring the district and what it will accomplish development wise, for the community, recognizing that this is an improvement that will be satisfactorily completed under the auspices and direction of the City that would never be properly completed if left up to the various affected individuals. I wish to express my appreciation to the Mayor and Council for their efforts in this regard."

It was made to appear that Sam McCarthy, now McCarthy's Inc. and H. P. Taylor dba Taylor Meat Company own certain properties within L.I.D. #27 which is subject to assessment and that the City has heretofore entered into a contract with said Sam McCarthy and H. P. Taylor to permit them to construct an eight inch sewer line at their sole cost and expense to connect with the interceptor sewer at the rear of their said properties; which line is to become the property of the City when completed. It was ordered by the Council that the properties so assessed belonging to said parties be removed from the assessment roll with the understanding that the private sewer installation in question is to be restored to said assessment roll.

Mr. Ted Pike and Mr. Ernest Terry then came before the Council table and presented a plot plan of Mr. Terry's property. It was explained that he, as a professional plumber, could install an adequate sewer line to properly service the developed property, under the direction of the City Engineering Department, at substantially less cost than the amount he had been assessed. He agreed to enter into a written agreement to that effect and this be allowed to secede from the district. It was moved by Councilman Leahy, seconded by Creek, that said property belonging to Mr. Terry be removed from the assessment roll on condition that Mr. Terry enter into a contract with the City to

privately construct a sewer line to serve said property with the understanding that the line must be completed by June 1st, 1962, or the assessment in question would be restored to said assessment roll. Roll call as follows: Ayes, 3, No, None; carried.

The Mayor then ordered all the foregoing protests against assessments referred to the Engineering Department for evaluation and recommendation.

After a five minute recess the Mayor reconvened the meeting for the purpose of considering all matters of routine City business.

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Minutes of the Last Recessed Regular Meeting, held January 9th, 1962, were read and approved.

License applications for BARTENDER, Norris Gene Henrie; DAIRY, Stillwell Dairy, Cream Top Dairy, and Upper Snake River Valley Dairyman's Association, Inc.; RESTAURANT, Pizza Prince Restaurant, Sid's Topnotch Drive In, Luke's Café, Bowl-ero Café & Fountain, Slick's Café, and Zip In -Zip Out; MASTER PLUMBER, Fairless Plumbing & Heating, Modern Plumbing & Heating, and Terry Plumbing & Heating; JOURNEYMAN PLUMBER, Rex Rolfe; GAS CONTRACTOR, Upper Snake River Valley Dairymen's Association, Inc., Fairless Plumbing & Heating, Conan & Landon, Woodville Heating, and Fall Valley Gas; JOURNEYMAN GAS FITTER, Lloyd Winn, Edward Nixon, W. J. Ward, Max W. Russell, Max Conan, Darrell Landon, Norman Conan, Eldon V. Thompson, Ken C. Worthing, and Glen E. Brown; APPRENTICE GAS FITTER, Arlo Belnap, and Ralph Shipley; ELECTRICAL CONTRACTOR, Alva Lewis Electric, Riv-eon Electric Sign Co., Inc., and Interstate Electric Co., Inc.; JOURNEYMAN ELECTRICIAN, Ronald Nugent, Larry Jensen, Norman Reno, Winford Taylor, Heber Hadlock, Virgil Price, Ernest J. Briggs, Ariel Hill, Alva Lewis, and Richard J. Davis. It was moved by Councilman Leahy, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License application for ROOMING HOUSE, Miss Markey La Roux of the Oregon Rooms; CANNED AND BOTTLED BEER TO BE CONSUMED ON THE PREMISES (change of ownership only) Leonard Messmer of Leonard's Lounge and Drinking. It was moved by Councilman Creek, seconded by Leahy, that the licenses be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 3; No, None; carried.

Next to be presented was a license application for DANCE HALL for Kermit Purcell and Julia Russell of Jack's Club. It was moved by Councilman Leahy, seconded by Foote, that the license be granted, subject to the approval of the Police Chief and the Police Committee. Roll call as follows: Ayes, 3; No, None; carried.

Finally, license applications for RETAIL LIQUOR was presented for the following: Russet Bar & Café, Turf Club, White Horse Bar, Inc., Samoa Club, Jack's Club, Ford's Bar, Starlite Cocktail Lounge, Topper Supper Club, and Leonard's Lounge and Dining (change of ownership only). It was moved by Councilman Leahy, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

The following damage claim was read:

Mayor and City Council

Idaho Falls

Dear Sirs:

On the evening of December 19, 1961, at approximately 6 P.M. I was driving north on Memorial Drive. I pulled to the curve across from L.D.S. Hospital. At this point the curbing is a temporary log structure, to hold this structure in place steel spikes had been driven into the pavement; however, one of these spikes was in an almost horizontal position when I parked. The result was a rip in the left front tire, approximately 3 inches in length.

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This letter is, therefore, a claim for damages equivalent to the value of the tire at the time it was ruined.

According to Mr. Roy White, manager of Roy White's Texaco Service on G Street there is approximately one half of the tread left on the tire which its value at \$15.00. Mr. White was called to mount the spare tire at the scene and is a witness to the incident.

Your attention to this matter will be appreciated.

Sincerely yours,
s/ Mrs. William R. Purcell
154 Wadsworth
Idaho Falls, Idaho

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

The following notice of sale at public auction was presented:

NOTICE

NOTICE IS HEREBY GIVEN, that the sale at public auction of the hereinafter described real property owned by the City of Idaho Falls, Idaho, heretofore advertised to be held on Friday, the 12th day of January, 1962, at 10:00 o'clock A.M. , has been postponed to Thursday, the 25th day of January, 1962, at 10:00 o'clock P.M.

NOTICE IS HEREBY GIVEN, that on said date, Thursday, the 25th day of January, 1962, at 2:00 o'clock P.M., at the office of the City Clerk, in the City Building, 308 C Street, Idaho Falls, Idaho, the undersigned will offer for sale to the highest bidder, the following described real property no longer used for public purposes, to-wit:

Beginning at the Southwesterly Corner of Block 20 of Winn's Addition to the Original Town of Eagle Rock, now the City of Idaho Falls, Idaho, running thence N. 61° 12' 40" West along the

Southerly line of said Block 20, 342.92 feet to a point on a curve with a 750.0 foot radius whose tangent bears S. 24°32' 01" W. ; thence to the left along said curve, 175.99 feet to the South line of Lot 6, Section 24, Township 2 North, Range 37 E.B.M.; thence S. 88° 16' E. along said South line of Lot 6, 347.53 feet to the Westerly line of Chamberlain Avenue; thence N. 28° 47' 20" E. along said Westerly line of Chamberlain Avenue, 14.29 feet to the point of beginning.

The Westerly 10 feet of Lots 7 and 22, all of Lots 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20 and 21 in Block 20 of Winn's Addition to the Original Town of Eagle Rock, now the City of Idaho Falls, Idaho. Also, beginning at the Southeasterly corner of Lot 14 of said Block 20, running thence N. 61° 12' 40" W. along the Northerly line of the alley in said Block 20, 20.00 feet, thence N. 28°

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47' 20" E., 80.00 feet to a point of curve with 20 feet radius; thence to the right along said curve 31.42 feet to the Southerly line of Short Street, thence S. 28° 47' 20" W. along the Easterly line of said Lot 14, 100.00 feet to the point of beginning.

Also, beginning at the southeasterly corner of Lot 15 of said Block 20, running thence N. 61° 12' 40" W. 17.94 feet to a point on a curve with a 750 foot radius, whose tangent bears N. 24° 32' 01" E., thence to the right along said curve 55.70 feet, thence N. 28° 47' 20" E. 44.35 feet to the Southerly line of the alley in said Block 20, thence S. 61° 12' 40" E., 20.00 feet, thence S. 28° 47' 20" W. 100.00 feet to the point of beginning; and that portion of the vacated alley in Block 20 of Winn's Addition to the Original Town of Eagle Rock, now Idaho Falls, Idaho, described as follows: beginning at the Westerly line of Lots 7 and 22 in said Block 20, running thence Easterly 10 feet. The whole containing 35,982 square feet.

No bid for less than the appraised price of \$35,000.00 will be considered.

The right is reserved by the City to reject any and all bids.

By order of the City Council.

Publish: 1/14/62

s/ Roy C. Barnes
CITY CLERK

The City Clerk explained that, in the interest of time this was published without formal Council approval. It was moved by Councilman Leahy, seconded by Foote, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes 3; No, None; carried.

A notice of hearing was presented as follows:

NOTICE OF HEARING

Notice is hereby given, under and pursuant to Section 50-1102, Idaho Code, that the City Council of the City of Idaho Falls, Idaho, proposes to levy a tax for general revenue purposes

for the fiscal year commencing January 1, 1962, and ending December 31, 1962, in the amount of eighteen (18) mills on all property within the limits of the municipal corporation taxable according to the laws of the State of Idaho, and that said City Council will hold a public hearing on such proposal at the Council Chambers in the City Hall in the City of Idaho Falls, Idaho at 8:00 o'clock P.M. on the 7th day of February, 1962, when and where all persons interested in said proposal will be heard.

Dates January 25, 1962.

Publish: January 29, February 5, 1962.

(See minutes dated 2-1-62. A revised notice authorized for publication – R.C.B.)

s/ Roy C. Barnes
CITY CLERK

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It was moved by Councilman Leahy, seconded by Creek, that the City Clerk be authorized to publish, as required by law. Roll call as follows: Ayes, 3; No, None; carried.

An extension rider to Lease H-ACE 9289 was presented from the Union Pacific Railroad. It was moved by Councilman Foote, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

The following letter was read:

Reginald R. Reeves
Attorney at Law
P.O. Box 1841

January 10, 1961

City of Idaho Falls
Idaho Falls

RE: Mac and Jay's Beeline

Chappie,
Gentlemen:

For many months, we have attempted to realize a sufficient sum, on accounts receivable, to pay all creditors in full. Circumstances, however, have prevented the fulfillment of this dream.

In order to close our books-and allow you to close yours-funds on hand have been divided by the total debts, with a resulting figure of 51%.

In anticipation of your cooperation, I enclose a check for your share, in full settlement of your claim.

Very truly yours,
s/ Reggie

Claim: \$378.30
Check: \$192.90

It was moved by Councilman Creek, seconded by Leahy, that the City Clerk be authorized to charge off the unpaid balance on the utility account of Mac and Jay's Beeline Station (J-131-A) after receipt of the payment as described. Roll call as follows: Ayes, 3; No, None; carried.

The following letter from the City Insurance Carrier was read:

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January 9, 1962

Mr. Roy Barnes, City Clerk
City of Idaho Falls
Idaho Falls, Idaho

RE: Our Insured: City of Idaho Falls - BLP-185081
Accident of: 1-1-62
Claimant: Carol Ann Bensten

Dear Mr. Barnes:

We would like to take this opportunity to bring the above mentioned claim to your attention. On January 1, 1962, Carol Ann Bensten, age 3, was bitten by one of the monkeys at the Tautphaus Park Zoo. Upon inspection of the monkey house at the City Park, I found that the cages on the east side are double wire with approximately a two foot space between the wires. The next two cages on the south side have a single wire, giving no protection to the public as far as sticking their fingers in the cages. The following two cages on the south side are double wire again, with only a four inch space between the wires. This space has been reduced to approximately one inch, by general usage and children leaning against the wire.

When considering the liability as to adults, we, of course, find an element of contributory negligence when fingers are pushed through the wires and bitten by animals. On the other hand, children under the age of 7 cannot be found contributory negligent, therefore, this presents a liability problem.

The claim in question will not be a problem, as I am sure we will be able to make a very small settlement with this little girl's parents. I would, however, like to bring your attention to the present condition of these cages, as they present a liability exposure for the City, as well as for the General Insurance Company. This situation should be remedied.

I am attaching a copy of the Claimant's father's signed statement with a brief description of how the accident occurred. You will see that the parents were there, however, the child has a separate action against the City. Even though the parents can be held contributorily negligent, we cannot find a 3 year old girl guilty of any degree of negligence.

I would appreciate your looking into this matter as soon as possible.

Very truly yours,
s/ Robert M. Pierce, Claims Adjustor
Idaho Falls Field Office

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This was referred to the Recreation Director for remedial action.

It was brought to the attention of the Council the fact that certain property owners for various reasons, are entitled to service connection fee refunds under L.I.D. #26, as follows:

L.I.D. NO, 26 SERVICE CONNECTIONS

The following property owners are to receive service connection fee refunds for the reasons given below:

Assessment Reduction:

\$85.00	282	Mrs. Olga Paulus	Both of these properties are vacant lots with no buildings, and location of service tap was in doubt.
\$85.00	328	James R. Hays	
\$70.00	332	Frank Hartwell	These properties paid all costs directly to contractor. Service lines were placed on their own property or easement.
\$85.00	342	Phillips Petroleum Co.	
\$85.00	352	Third Stokely Corp.	
\$85.00	356	C. R. Holden	This property cannot get on by gravity flow any sewer line in L.I.D. No. 26 Should hook up to interceptor line.
\$85.00	357	Boise Payette Lbr. Co.	This property is being sold. Service line at this time is not feasible because location of tap was in doubt.

The assessments on the above property should be reduced by the figure shown.

s/ Don Ellsworth
Assistant City Engineer

It was moved by Councilman Leahy, seconded by Foote, that these refunds be allowed. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk reported the results of an auction sale, held this day, on certain lands located in Block 20, Winn's Addition; that one bid was received in the amount of 435,000. It was moved by Councilman Creek, seconded by Leahy, that the sale be confirmed, that the bid be accepted, that the Mayor and City Clerk be authorized to sign the contract of sale and eventually, when all terms have been met, the deed. Roll call as follows: Ayes, 3; No, None; carried.

The revised code of the City of Idaho Falls, as Codified by Sterling Codifiers was presented, as well as the adopting ordinance as follows:

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ORDINANCE NO. 1015

AN ORDINANCE PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AND PROVIDING FOR THE ADOPTION OF THE OFFICIAL CODE OF THE CITY.

It was moved by Councilman Foote, seconded by Leahy, that this ordinance be passed on its first and final reading, affective January 25th, 1962, except that the Civil Service regulation section of this new code be temporarily suspended and that, in the interim period, the City be governed by the Civil Service Section of the 1950 Code. Ayes, 3; No, None; carried.

The Mayor noted that the Council had previously approved his trip to Spokane February 9th, to attend a meeting of the Bonneville Power Administration Advisory Council. It was moved by Councilman Leahy, seconded by Creek, that this informal action be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

With reference to the new Code, notation was made that it is loose leaf in nature, that supplementary revisions, deletions and additions will be made from time to time, that certain citizens will be desirous of having a Code in their possession and that, in each instance, they would expect these supplements as a means of keeping their copy of the Code current. It has previously been agreed that there must be a charge for this service to defray City costs. It was moved by Councilman Leahy, seconded by Creek, that the re-codified City Code be made available on a rental basis at \$50.00 a year with the understanding that copies be furnished without charge to the Mayor, the Councilmen, the City Attorney, the Police Judge, the City Library, and all other authorized City personnel. Roll call as follows: Ayes, 3; No, None; carried.

The Building Official drew attention to the fact that there are certain areas within the City in need of zoning. It was agreed that the next public hearing be scheduled for February 15, 1962, and the City Clerk was authorized to publish a notice of zoning hearing accordingly.

The Police evaluation report as prepared by the International Association of Chiefs of Police, was officially presented. It was moved by Councilman Creek, seconded by Leahy, that this study be formally accepted and that its many proposals and recommendations be made effective and put into practice within the Police Department as soon as practical or possible. Roll call as follows: Ayes, 3; No, None; carried.

The Building Official presented a City map with a red area blocked out which he proposed be the limits of the #1 fire zone. Notation was made that presently, the #1 fire zone is spotted all over town, even in the suburban shopping centers. This, it was explained, is not practical to enforce. The proposed area for #1 fire zone would be limited to the immediate downtown area except that it would also incorporate North Yellowstone and West Broadway. After some discussion this was

tabled for further study when there would be present certain representatives of the Fire Prevention Bureau, the Fire Department, the Chamber of Commerce and the Planning Commission.

A preliminary sketch of the west side Kuglar property was presented to obtain preliminary Council approval on zoning. This property is bordered on three sides by Saturn Avenue, Mountain View Lane & West Broadway. It was noted that the zone planning calls for a buffer strip along

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Saturn and Mountain View to be zoned R-2 with some R-3 and H-C back of the buffer zone. This met with general Council approval.

Earlier this night during the assessment hearing portion of the meeting the Council had ordered certain assessed properties of Sam McCarthy and H. P. Taylor to be removed from the assessment roll of L.I.D. #27 on condition that they construct an eight inch sewer line to connect their properties with the interceptor sewer at the rear of their properties. The City Attorney presented a contract agreement between the City and these parties, outlining the terms and conditions for the construction of said sewer line. 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.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
