

OCTOBER 9, 1961

The City Council of the City of Idaho Falls met in Recessed Regular Session Monday, October 9, 1961 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. Absent: Councilman Foote. Also present: Roy C. Barnes, City Clerk; Don Lloyd, City Engineer; Alva Harris, Building Official; Luther Jenkins, Controller; Harold Davis, Electrical Engineer; Kelvin Nelson, Recreational Director.

Minutes of the last Regular Meeting, held September 15, 1961, and a Special Meeting held September 19th, 1961 were read and approved.

The Mayor announced that this was the time and the place for a public zoning hearing as advertised in the Post Register, September 17th, 24th and October 1st, 1961 noting that there was only one parcel so advertised as follows: Lot 10, Block 4, Safstrom Addition, Division #3.

The Mayor noted that the petitioner, Mr. William Melville, had requested a change of zoning on this property from R-1 to R-3 and that, located on the property, was a duplex in non-conforming use on which Mr. Melville desired to make minor construction changes and to do so re-zoning would be necessary.

Mr. Ted Pike, local attorney, appeared before the Council in behalf of Mr. Melville, and by blackboard sketch, illustrated the fact that, if this property were re-zoned it would, generally speaking, complete a rectangle of property, most of which was zoned R-3 and R-1 in non conforming use. The rectangle north and west of the property in question and included property now being utilized as a parking lot for school busses, other property to be converted to tennis courts, the high school and its athletic ground, the El Rancho Apartments, and a strip just north of the high school, mostly in park and professional buildings.

Written statements were presented from Charles Thompson, real estate appraiser and A. L. Staker, realtor both stating that, in their opinion, surrounding property values would not be affected by a zone change from R-1 to R-3. Mr. Pike concluded by saying that the entire area is built up and rezoning would not endanger the neighborhood from the standpoint of setting a precedent.

Mr. Jack Lawson, 775 S. Wabash, appeared before the Council, protesting the proposed rezoning on the grounds that, with the exception of the area described by Mr. Pike, all property to the southwest, the south, the southeast and the east is all zoned R-1. He objected to any reference to the property in question being classified as a tri-plex. He explained that the previous owner built an apartment in the basement without the knowledge or consent of the City Building Inspector and that the building is electrically wired and metered as a duplex. Mr. Lawson reminded the Council that the Board of Adjustments had denied the request for re-zoning.

Mr. Eugene Bush, local attorney, representing Mr. Lawson and others, appeared and suggested that the Council ask themselves if re-zoning of this property meets with the objective of the over all comprehensive zoning program. He said such problems should be taken into consideration as parking, pride of ownership, density of populations, etc.

Mrs. Claude Cain, 695 8th Street, appeared and said she has never been opposed to the existing duplex but that she objects to lowering the zoning, not being in a position to anticipate future changes in the neighborhood and the possible deteriorating effects the present re-zoning request, if granted, might have.

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Mr. Melville appeared briefly to explain that he had never attempted to hide the fact that this property had a finished basement apartment when he was obtaining signatures on the original petition.

In light of the controversy the Mayor advised that this re-zoning problem would be tabled for further Council study.

Mr. A. A. Merrill, local Attorney, appeared before the Council, representing the 11th Ward Bishopric of the L.D.S. Church, urging construction, as soon as possible, of a canal bridge on 12th Street. The Mayor thanked him for his appearance.

Bills for the month of September, having been properly audited by the Finance Committee, were presented as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$103,345.95	\$72,712.80	\$176,058.75
Recreation Fund	2,313.17	825.52	3,138.69
Fire Fund	21,877.65	1,017.02	22,894.67
Electric Light Fund	21,240.74	56,887.33	78,128.07
Water & Sewer	12,320.00	27,831.42	40,151.64
Police Retirement	<u>1,855.85</u>	<u>.00</u>	<u>1,855.85</u>
TOTAL			\$320,371.82

It was moved by Councilman Leahy, seconded by Page, 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, 3; No, None; carried.

Reports from Division and Department Heads for the month of September, 1961, were presented and, there being no objections were ordered placed on file in the City Clerk's office.

License applications for SOFT DRINK for New Grand Bar; SECOND HAND STORE for R.D. Seedall and Bishop's Furniture Store; CANNED AND BOTTLED BEER TO BE CONSUMED ON PREMISES, change of ownership only, for New Grand Bar, previously approved by Police Chief, were presented. 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 APPRENTICE GAS FITTER for Vaughn Johnson was presented. It was moved by Councilman Page, seconded by Leahy, that the license be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 3; No, None; carried.

License application for MASTER PLUMBER for Vern Saxton was presented. It was moved by Councilman Leahy, seconded by Page, that the license be granted subject to the approval of the Plumbing Inspector. Roll call as follows: Ayes, 3; No, None; carried.

License application for CAB DRIVER for Frank C. Gibbons was presented. It was moved by Councilman Leahy, seconded by Creek, that the license be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 3; No, None; carried.

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The City Clerk presented the following:

ADVERTISEMENT FOR BIDS

Sealed proposals for drilling 2 water supply wells, addressed to the Honorable Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the City Engineer, City Building, City of Idaho Falls, Idaho, until 8:00 P.M., Mountain Standard time on the 10th day of October, 1961, and then will be publicly opened and read.

The work contemplated consists of drilling one water well approximately 400 feet deep in rock as a source of supply for a domestic water system. Following successful testing of this well, the owner may order the drilling of a second similar well.

Plans and specifications may be examined at the office of Cornell, Howland, Hayes, & Merryfield, Consulting Engineers, 414 North First Street, Boise, Idaho, or at the office of the City Engineer, City of Idaho Falls. A copy of said documents may be obtained after October 2, 1961, at the above offices upon a deposit of Twenty-Five Dollars (\$25.00) for each document. The full amount of the deposit will be refunded if said documents are returned in good condition within ten (10) days after the date of the bid opening.

Each proposal must be submitted on the prescribed form and accompanied by a certified check or bid bond payable to the City of Idaho Falls, Idaho, in an amount not less than five per cent (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 is in the best interests of the City of Idaho Falls, Idaho, as determined by the City Council.

Dated this 22nd day of September, 1961.

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

It was explained that the publication of the legal notice in this regard was informally approved on September 22nd, in the interest of time. It was moved by Councilman Leahy, seconded by Creek, that the City Clerk's action in publishing the foregoing notice be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

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Also informally approved by the Council on September 22nd, according to the City Clerk, was the issuance of a BEER LICENSE to Mr. Harry Weeks, now owner of Gordon's Place. It was noted that this action had been tabled at the September 15th Council Meeting. It was moved by Councilman Page, seconded by Leahy, that the above mentioned informal action by the Council and the City Clerk be ratified officially. Roll call as follows: Ayes, 3; No, None; carried.

The following damage claim was presented:

Doyle L. Staker
652 1/2 S. Emerson
Idaho Falls, Idaho

October 4, 1961

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

Gentlemen:

On September 22, 1961, while I was working for the City Sanitation Department, I had the misfortune of catching my hand in the mechanism of one of the City Garage trucks which resulted in a fracture to my right wrist.

Mr. Chapman, in the City Clerk's office, filed an insurance claim in my behalf to the State Insurance Fund. On October 3rd, a representative of the Insurance Co., Mr. Lew Heitter, called on me at my home and advised me that it was doubtful that the Insurance would cover my problem since I was working for the City only temporarily while working out a light bill and therefore not considered a City Employee.

In view of this and the fact that because my arm is now in a cast - prohibiting me from working at the present time - I feel that the City should be responsible for my doctor's expense and the necessary x-rays.

At this time I cannot determine exactly what the cost is going to be since I still must have additional x-rays and more doctor calls. I was advised, however, that it would be necessary that I report this matter to you gentlemen prior to thirty days from date of accident. This is the

purpose of this letter. I estimate that total cost will probably be around \$50.00 and will furnish you with copies of statements as soon as they are available.

Very truly yours,
s/ Doyle L. Staker

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It was moved by Councilman Creek, seconded by Page, that in the event the State Insurance Fund does not honor the claim, the matter be referred to the City Attorney for study, not only to clarify this case but future instances where those working out utility bills may be injured on the job. Roll call as follows: Ayes, 3; No, None; carried.

A damage claim was presented as follows:

October 1, 1961

City Mayor and City Council
City Hall
Idaho Falls, Idaho

Dear Sirs:

On Friday, September 29, 1961, at about 2:15 P.M. I was traveling east on West Broadway and a City truck loaded with tree limbs was traveling west. In the vicinity of the A.E.C. West Broadway bus lot, my car (1959 Lark) was struck by a protruding limb on the City truck.

There are two dots on the windshield and a badly mangled antenna.

I did not see the number on the truck and I do not know the number other than DL on the plate of the car ahead of me that also was struck by the same limb.

Yours truly,
s/ V. M. Cardell
Sunset Tr. Rch.
Rt. #5
Idaho Falls, Idaho
Phone: JA2-9078

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

The City Clerk explained briefly the status of the Mayeda claim. He said he had, by now, a signed statement from Mr. Lewis Wyatt relative to the chickens which were destroyed by City Park

raccoons but that the City Insurance Carrier is continuing their investigation and that, therefore, their final recommendation, after re-opening the case at the request of the Council, is being delayed.

The following was presented from the City Clerk:

10-9-1961

To the Honorable Mayor and City Council
Idaho Falls, Idaho

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Gentlemen:

A request has been made by Agnes Lund, sister of William Lund, deceased, that the City Council give consideration to charging off the final utility bill of William Lund, deceased, in the amount of \$16.10 after forfeiture of the meter deposit.

Mr. William Lund, deceased as of August 28, 1961, has a surviving wife who had been in the L.D.S. rest home for over two years with multiple sclerosis. She reportedly received \$12.00 a month from the County. The sister, Agnes, assisted with the utility bill as long as Mr. Lund was alive.

Kindly give your consideration toward charging off this unpaid portion of this final utility bill of Mr. Lund.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Creek, seconded by Page, that the balance owing on the utility account of William Lund, deceased, be charged off for the reasons as stated. Roll call as follows: Ayes, 3; No, None; carried.

The following was read:

357 West 20th Street
Idaho Falls, Idaho
September 12, 1961

City Council
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

Recently in my soliciting for life insurance prospects I came across a number of City employees who have a need for additional coverage on themselves or other members of their families. These men express their desire to take out the insurance, but are reluctant to do so because they are afraid they will not be able to keep it up. This has been their experience in the past.

However, if they could take advantage of one of the salary savings plans that can be provided in which the employer deducts the amount of the premium and sends the total amount to the insurance company, these men could have the coverage they need and keep it in force. If this

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were authorized by the City Council, I would be happy to work with Mr. Aupperle in setting up the details. I have already talked with him and he says it can be done if the City Council approves.

There is no type of insurance that fits the needs of all, but by selling each individual family what they need we can be a great help to these families in the event of loss of life. I have connections with three companies that have very competitive prices. With one or the other of them the insurance needs of the employees may be realized at a lower cost because of its being a group deal.

This would not involve all City employees, only those who do not carry sufficient life insurance and who desire to do so.

Your cooperation is needed before we can render this service to these employees to improve their welfare.

If more information is desired, I would appreciate an opportunity to explain further to the Council.

Sincerely yours,
s/ Lorin F. Reese

No action was required as the Mayor advised that, previously on this matter, he had, at the direction of the Council, sent a letter to Mr. Reese explaining that his proposition was not compatible with City policy.

The following from the Electrical Engineer was presented:

October 2, 1961

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

Gentlemen:

Located at the Upper Power Plant is a rack used for holding the bus work for the step-up transformers. All of the energy generated at the Upper Power Plant is transformed through this bus structure and is transmitted to the City Power Plant for distribution.

The physical condition of this rack is very poor. The poles are rotted off and temporary arrangements for supporting this structure have been made during this past year.

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Due to the press of distribution work the Electrical Light Division will be unable to complete this work during our forth-coming low water season. I, therefore, recommend that the Mayor and Council authorize the Electric Light Division to prepare specifications for this work to be done on a contract basis.

I further request that the Purchasing Agent be authorized to call for bids per these specifications. All material for this project is in stock and so this contract would be for labor only.

It is estimated that this job will cost about \$2,600 with the Upper Power Plant being "off the board" about three days.

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

It was moved by Councilman Page, seconded by Leahy, that the Purchasing Agent be authorized to call for bids on the rack as described. Roll call as follows: Ayes, 3; No, None; carried.

The following memorandum from the City Engineer was then read:

October 9, 1961
Acct. No. 4C-12

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

In accordance with a memo dated December 7, 1960, from this Division, the Mayor and Council authorized the Purchasing Agent to take the necessary steps to install a monorail hoist at the City Garage.

This item has been inadvertently delayed. We have now secured an additional copy of the original design and have reviewed it for adequacy. The original price quoted by Idaho Falls Steel Products Company of \$1,600.00 is applicable if pursued in the near future.

We are therefore requesting again that this expenditure be authorized, and that we take steps to immediately install this monorail hoist. We are attaching hereto copies of the original memo and the design sheets.

Sincerely yours,
Public Works Division
s/ Donald F. Lloyd
City Engineer

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It was moved by Councilman Leahy, seconded by Creek, that the Purchasing Agent be authorized to obtain informal proposals on the monorail hoist for the City Garage, after which the Public Works Division be authorized to accept the best offer and acquire same through the Purchasing Agent, not to exceed \$1,600.00. Roll call as follows: Ayes, 3; No, None; carried.

An equipment rental agreement from Intermountain Equipment Company was presented, covering a 20 yard Leach Packmaster mounted on a Ford chassis on which the rental was stated as \$1,000 per month to be applied on purchase price at the lessee's option. It was noted that said agreement was dated and signed September 25th, 1961. It was moved by Councilman Leahy, seconded by Page, that this agreement be formally approved and that the Mayor's signature on the aforementioned date be duly ratified. Roll call as follows: Ayes, 3; No, None; carried. It was generally understood and agreed that the City may not exercise the option to purchase unless the Intermountain Equipment Company should be the successful bidder, resulting from competitive bidding, for similar equipment.

It was noted that, at an earlier meeting, the Recreation Director was directed to seek a price on a larger rotomist unit than was originally considered. In this connection the following was presented:

September 16, 1961

Mr. Kelvin Nelson
Parks & Recreation Supervisor
City Building
Idaho Falls, Idaho

Dear Kel:

In response to City Council interest in a spray machine larger than the Model 51 I respectfully submit the price of \$2,563.76 for the Bean Model 75T.

I think that the forward thinking of the City Council is highly commendable. At the rate our City is growing it is well that a machine be purchased that will take care of the growing conditions that keep pace with a rapidly growing City.

The Model 75T is a self-contained unit, sporting a Royalette 5 pump that will develop 400 pounds pressure and handle wet table powders as well as liquid chemicals. It is mounted on a rugged trailer ready to go. This unit with a 25 HP engine, 19,000 cubic feet of air per minute discharge and Royalette pump will take care of our City's present and future need for years to come.

We appreciated the opportunity you and the City Council gave us last night to meet with you. Thanks.

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Very truly yours,
Simplot Soilbuilders
s/ C. Garth Fullmer

It was moved by Councilman Page, seconded by Creek, that purchase of the Bean Model 75T in the amount of \$2563.76 be authorized for immediate delivery but that payment be deferred until the next fiscal period beginning January 1st, 1962. Roll call as follows: Ayes, 3; No, None; carried. It was understood that the foregoing action would be subject to the availability of funds at that time.

A memorandum was presented from the Recreation Director requesting certain merit wage increases for two of his employees. No action was taken but, instead, it was suggested to Mr. Nelson that he present the matter for consideration in the next budget period.

Next to be considered from the Recreation Director was the following:

MEMORANDUM

October 9, 1961

TO: Mayor and City Council
FROM: Kelvin J. Nelson, Superintendent of Parks & Recreation
SUBJECT: PAL CLUB

The purpose of this memorandum is to request clarification and an understanding of the relationship of this Division to the Police Athletic League Club.

We feel that since this is City property, this Division should be responsible for the care and maintenance of this building. Since this is a recreational group that has public purposes, this

Division should also like to assist the police in every way possible in building a sound recreational program in a wholesome and healthy atmosphere.

With the above objectives in mind, this Division requests Council approval to incur the heating and janitorial expenses of the PAL Club.

We also seek Council approval of an appropriation that will enable this Division to hire Mr. Cecil Flint on a part-time basis as supervisor of recreational activities at the Pal Club. The Youth Advisory Council and other public spirited citizens are greatly concerned with operation of this facility. For your own information, I have enclosed a copy of the letter that appoints Mr. Flint as director of the Club. We feel the Police Athletic League should be complimented on the choice of Mr. Flint for he is well qualified to fill this appointment.

We earnestly request that some sort of cooperative agreement be entered into with the Police Athletic League concerning the successful operation of this facility.

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Respectfully submitted,
s/ Kelvin J. Nelson
Supt. of Parks & Recreation

It was agreed that a meeting should be held as soon as possible, consisting of the Recreation Director, the Police Chief, the officers of Pal Club and possibly others to resolve the relationship between that organization and the Recreation Division.

The Recreation Director presented a revised job description covering his own position. Copies were handed to the Mayor and Councilmen. No action was taken as time was needed for study before final approval could be given.

Also, a revised memorandum was presented from the Recreation Director relative to his proposal policy for use of the City Recreation Center. This was tabled for thorough study by the Mayor and Councilmen.

Finally, from the Recreation Director, a memo was presented in the form of a suggested personnel policy for the Parks and Recreation Division. This also was tabled for thorough study by the Mayor and Councilmen.

The Duncan Parking Meter lease agreement, in its revised form was presented as follows:

DUNCAN PARKING METER LEASE AGREEMENT

THIS AGREEMENT, executed in quadruplicate this 11th day of September, 1961, between THE CITY OF IDAHO FALLS, of the State of Idaho, (hereinafter called the "City"), and MOTOR PRODUCTS CORPORATION, a New York Corporation, (DUNCAN PARKING METER DIVISION), (hereinafter called the "Company"), WITNESSETH, THE COMPANY AGREES:

1. To lease to the City 860 or more, Duncan-Miller Model "60" or Duncan-Miller Duplex, if required, time and rate setting to be selected by the City.
2. That if the agreed value shall be paid within sixty (60) days from the date of delivery, the City may have a discount of three (3) percent.
3. To furnish without additional charge one (1) complete meter mechanisms for each fifty (50) single meters delivered under this contract.
4. To replace any defective part on the return thereof to the factory within three (3) years from date of delivery of that meter.
5. That the City may lease additional meters for its use, at the same terms and at the agreed value in effect at that time. The City may exercise this privilege from time to time until the agreed value of all of the meters leased under this Agreement has been paid.

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6. To give to the City a bill of sale for the meters when the full agreed value thereof has been paid in cash to the Company.
7. The agreed value of the Duncan Model 60 Meter is \$57.50, plus .85¢ freight, or \$58.35 each, and the Duplex Duncan is \$107.50, plus \$2.10 freight, or \$109.60 each. From the above price an allowance of \$5.00 for each used Dual Meter traded in will be made and in addition a lump sum deduction of \$2,465.00 will be given for 20 new Double Dual Meter Heads and 10 new Single Dual Meter Heads, with 58 new Mechanisms.

THE CITY AGREES:

8. To lease the meters and to pay the following rentals for them: Thirty (30) days after the delivery of the meters, and not later than the 15th day of each calendar month thereafter the City shall pay to the Company, from the receipts of said meters, \$1.25 per Single Meter and \$2.50 per Double Meter per month until the agreed value is paid.
9. That it will efficiently enforce the Parking Ordinances, and efficiently police and maintain the meters in good operating condition during the life of this agreement.
10. That any tax levied against the Company by reason of this transaction (other than income or excess profit taxes) shall be added to the agreed value.
11. That if the City shall materially breach this Agreement, the Company may terminate this lease by giving to the City written notice of its intention to do so and may

remove said meters. This right shall not be exclusive of any other rights or remedies given the Company by law.

12. That the Company shall not be liable for delay in furnishing meters leased hereunder if such delay is caused by any reason beyond the control of the Company.

It was moved by Councilman Creek, seconded by Page, that the Council's informal action in previously approving the foregoing instrument be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor noted that Mr. Lewis Ross, local Civil Defense Director, has asked the City of Idaho Falls to participate in the amount of \$2,500.00 toward the acquisition of five sirens, total cost of which would be \$10,000, to be strategically located throughout the City. It was explained that Bonneville County would also participate in the amount of \$2,500.00 and Civil Defense in the amount of \$5,000.00. It was explained further that these could be acquired on a trial basis at no cost to the City and that if the Mayor were authorized to sign a requisition in this regard, it would be understood that the City's participation would be subject to the sirens proving adequate and satisfactory. A general discussion followed and it was acknowledged that a project of this nature creates secondary problems such as power generation, raised resting places etc. No action was taken but, instead, it

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was agreed that Mr. Ross should interview the Council as a means of ascertaining the many facets of the project in its entirety.

The Mayor read a letter from Mr. Leahy Nelson, a police officer, asking for a leave of absence, effective October 15th, so that he might go into active duty with the Armed Forces. It was moved by Councilman Leahy, seconded by Page, that the request be approved, that Mr. Nelson's rank as an officer be retained in his absence and that a copy of his orders be placed on file with the Police Chief. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor presented a letter from the Department of Highways offering a revised 1961 edition of a Manual on uniform traffic control devices for streets and highway. Purchase of this annual was authorized by the Council.

To replace Fire Chief Bert Brown, recently deceased, the Mayor appointed Mr. Parley Gillan as acting Fire Chief. It was moved by Councilman Creek, seconded by Leahy, that this appointment, as described, be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

Building Official Harris recommended that Mr. Verne E. Copes be selected to fill a vacancy on the Plumbing Board. The Mayor made the appointment accordingly. It was moved by Councilman Leahy, seconded by Page, that the appointment be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

Electrical Engineer Davis listed certain electrical projects in need of completion and proposed, in order to accomplish same, that overtime be paid certain of his men for Saturday work through the first Saturday of December, but excluding November 11th. He said this would involve 600 to 800 hours altogether. This met with general Council approval.

The Mayor announced that the next Regular Council Meeting, scheduled for October 20th, would be recessed to October 25th.

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
