

SEPTEMBER 15, 1961

The City Council of the City of Idaho Falls met in Regular Session Friday, September 15, 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, Foote, Page. Absent, Councilman Creek. Also present: Roy C. Barnes, City Clerk; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; Harold Davis, Electrical Engineer; Kelvin Nelson, Recreational Director; Luther Jenkins, Controller; Alva Harris, Building Official.

Minutes of the last Recessed Meeting held September 8th, 1961, and a Special Meeting held September 11th, 1961 were read and approved.

The Mayor announced that this was the time and the place for the opening of bids on the drilling of the #9 Well and instructed the City Clerk to proceed. The following were revealed:

Andrew Well Drilling Contractors	\$32,752.38
Cope Drilling & Pump Co.	27,183.32

These were referred to the Engineering Department and the consulting engineers for study and recommendation.

The Recreational Director introduced Messrs. Garth Fuller and John Bean who appeared before the Council to answer questions relative to the rotomist sprayer which the City contemplates purchasing. Several questions were asked by the Councilmen, including the following: Can the unit be used as a weed killer along alleys? Is the unit capable of spraying tall trees? Are there units operating in the area? What is the difference between the Series 50 and 51? Can the unit be mounted on a trailer? Answers, respectfully, were as follows: The unit is not recommended for alley weeds, due to the danger of damaging nearby flowers, gardens, etc.; a unit equipped with a 35 foot nozzle would reach the tallest tree in the City; units are operating in Boise and Billings; Series 50 and 51 are identical except the latter is self contained; the unit can be mounted on a trailer.

Discussion followed on the size that would best fit the needs of the City.

Finally, it was moved by Councilman Foote, seconded by Leahy, that a firm proposal be presented covering the #75 Series, mounted on a trailer. Roll call as follows: Ayes, 3; No, None; carried.

License application for Second Hand Store for Circle Dot Furniture Co. was presented. It was moved by Councilman Foote, seconded by Leahy, that the license be approved. Roll call as follows: Ayes, 3; No, None; carried.

A license application was then presented covering a beer license, change of ownership only, from Gordon Culver to Harry Weeks. It was noted that Mr. Culver has recently been directed to show cause as to why his license should not be revoked, after having been convicted in City Police Court on a charge of serving beer to a minor. In view of the circumstances the Council tabled action on approving the re-issuance of the license, pending a complete investigation by the Police Chief.

The following claim denial was read:

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September 11, 1961

City of Idaho Falls
Idaho Falls, Idaho

RE: Accident of: 7-28-61
Claimant: Rose Marie Anderson

Attention: Mr. Roy Barnes, City Clerk

Gentlemen:

You may recall that on or about August 9, 1961, Attorney Reed Moss submitted a claim to your City Council for injuries suffered by Rose Marie Anderson as a result of being struck in the face by a softball.

We have inspected the premises where this accident occurred and also obtained a statement from the claimant, Mrs. Anderson. Mrs. Anderson and her husband attended the softball game between the 22nd and the 1st Ward which was being held at the "South Diamond" in the City Park. She was struck in the face by a softball that was overthrown from one of the players to the first baseman. She was not seriously hurt.

Our recommendation is that this claim be denied in its entirety. Mrs. Anderson is a grown woman and attended the softball game of her own free will. No one invited her, nor did anyone collect any money, nor guarantee her safety while she watched the game. Had Mrs. Anderson wanted sufficient protection she could have seated herself behind the wire fence located behind the home plate. We feel confident that any court would find that Mrs. Anderson assumed all of the risk involved in watching the softball game; and that she would certainly be found guilty of contributing negligence for placing herself in an open area exposed to danger.

We do not feel the City of Idaho Falls should accept the responsibility for the safety of the entire public merely because they are good enough to open recreational areas to the public.

Very truly yours,
s/ A. D. Connet
Claims Adjustor
Idaho Falls Field Office

It was moved by Councilman Page, seconded by Leahy, that the recommendation be approved and the claim be denied. Roll call as follows: Ayes, 3; No, None; carried.

Next to be presented was the Mayeda claim denial, as follows:

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September 11, 1961

City of Idaho Falls
Idaho Falls, Idaho

Attention: Mr. Roy Barnes, City Clerk

Gentlemen:

Re: Accident of: 6-20-61
Claimant: Joe Mayeda

You will recall that Mr. Mayeda submitted a claim to the City Council for the value of 16 chickens which were killed by the raccoons that escaped from the Park.

We have completed our investigation of this accident which included inspection of the pens; statement from Louis Wyatt, park attendant; and checking with other park attendants.

We learned that vandals had cut the wire on the raccoon pens allowing them to escape. The raccoon pens are made up of a strong wire mesh and the wire mesh is enclosed in cement at the base. The pens are very strong and we feel that the City fulfilled its obligation to the public by furnishing such pens, as well as reasonable inspections to determine the upkeep on the fence as well as the presence of the raccoons.

It is the recommendation that this claim be denied on the basis that the City was in no way negligent or responsible for the raccoons escaping. We certainly do not feel that the City should accept any responsibility for acts of vandalism and malicious mischief merely because they maintain a park for the City's enjoyment.

Yours very truly,
s/ A. D. Connet
Claims Department
Idaho Falls Field Office

It was moved by Councilman Page, seconded by Leahy, that this matter be tabled, pending further investigation to be furnished by Mr. Louis Wyatt through the Recreational Director as to proof of damage. Roll call as follows: Ayes, 3; No, None; carried. There was a question in the mind of at least one Councilman as to the extent that the City might be considered responsible for proper policing which might have prevented the alleged vandalism.

The City Clerk presented a maintenance agreement from the Addressograph-Multigraph Corporation covering maintenance service on three new pieces of equipment recently acquired by the

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City Clerk's Department. It was moved by Councilman Leahy, seconded by Foote, that the City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

The following was presented from the Electrical Engineer:

September 13, 1961

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

Gentlemen:

The attached analysis will give you necessary information on electrical supplies which were placed on bid and the bids opened September 8, 1961.

Based on low bid, delivery time, and the material meeting specifications, I am recommending that the Mayor and Council authorize the Purchasing Agent to issue Purchase Orders to the following vendors for the amounts listed;

General Electric Supply Company	\$10,536.49
Electrical Contractors Supply Company	3,072.52
Westinghouse Electric Supply Company	3,314.98

These supplies are needed principally to replenish depleted stock and to provide for looping of the City Power Plant.

Very truly yours,
s/ Harold W. Davis
City Electrical Engineer

It was moved by Councilman Leahy, seconded by Foote, that the electrical supplies be acquired from the vendors as recommended. Roll call as follows: Ayes, 3; No, None; carried.

A memorandum was presented from the Recreation Director to-wit:

MEMORANDUM

September 14, 1961

TO: Honorable Mayor and City Council

FROM: Kelvin J. Nelson, Supt. of Parks & Recreation
SUBJECT: HEATING OF THE MONKEY HOUSE AT TAUTPHAUS PARK

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Heating of the monkey house at Tautphaus Park is a problem for this Division. This was recognized three years ago. The present furnace which burns lump coal is located on the main floor. This creates a severe problem for maintenance people in feeding the furnace and removing ash.

This furnace is very old and thoroughly inadequate. It creates a serious problem in smoke and dirt. These problems in turn create further cost in maintenance and cleaning and are hazardous to the health of the animals within the building.

By its location on the main floor, the furnace does not heat the lower basement of this building. This creates a problem of pipes freezing, thus adding expense because of necessary repairs. With the basement unheated, valuable work space is lost and further unnecessary expenses to the City are present by the burning of several extra tons of coal each season.

This Division requests favorable consideration of a change in the present heating system of the monkey house. We recommend that this type of system be converted to gas at the earliest date and that plans and bids be requested as soon as possible to the end that this system may be converted before winter strikes.

The gas inspector, Mr. Hank Isenhardt, estimates cost of conversion to gas will cost between \$1,000 (one thousand) and \$1500 (fifteen hundred).

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

It was moved by Councilman Leahy, seconded by Foote, that the Recreation Director and the Gas Inspector prepare plans and obtain bids for final consideration by the Council. Roll call as follows: Ayes, 3; No, None; carried. The Council instructed Mr. Nelson that in proceeding, consideration should be given toward the salvagability of the heating unit in the event that future developments dictated the advisability of utilizing the unit elsewhere.

Next to be presented from the Recreation Director was a memorandum as follows:

MEMORANDUM

September 14, 1961

TO: Honorable Mayor and City Council
FROM: Kelvin J. Nelson, Superintendent of Parks & Recreation
SUBJECT: RENOVATION OF PUBLIC MEETING ROOM

SEPTEMBER 15, 1961

With the need for a public meeting room that will enable various civic groups to serve food, this Division would like to call to your attention the large room centered on the east side of the armory as admirably suited for this purpose.

A gas range, cupboards and certain other materials are presently available in the old room at the rear of the Controller's present office. With a little paint, some minor lighting improvements, and possibly a gas line extended, this would make a splendid facility for various groups in Idaho Falls.

This Division recommends that these changes and improvements be authorized.

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

It was moved by Councilman Page, seconded by Leahy, that Mr. Nelson obtain cost estimates on the proposed project so that the Council might be better appraised of the financial problem involved. Roll call as follows: Ayes, 3; No, None; carried.

The Recreation Director's memorandum was then presented, relative to suggested ice skating sites, as follows:

MEMORANDUM

September 15, 1961

TO: Honorable Mayor and City Council
FROM: Kelvin J. Nelson, Superintendent of Parks & Recreation
SUBJECT: ICE SKATING SITES

This Division submits for your consideration and approval the following sites to be used for ice skating this winter. These sites meet with the approval of the Street Department for maintenance:

1. The rodeo ring at Tautphaus Park
2. The property of Delbert Groberg at Ninth Street
3. The area adjacent to Clair E. Gale Junior High School on Royal & Garfield

4. The area adjacent to the tennis courts at Highland Park.
5. The area on North Skyline Drive

It is our hope to have these areas graded for skating before this ground freezes and if possible and where possible to provide lighting for night-time skating.

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This Department greatly appreciates the cooperation we have received from the Street Department and the Light Department to this date.

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

It was moved by Councilman Page, seconded by Leahy, that these sites be approved except that the #5 area be deleted and, in its place there be substituted an area on the Reinehart property west of the John Heights Addition, which the City is presently negotiating to purchase. Roll call as follows: Ayes, 3; No, None; carried. On the foregoing action it was understood that it be subject to obtaining a letter of agreement from Mr. Groberg on the #2 site; also, that the Reinhart site be subject to the successful completion of negotiations with Mr. Reinhart on the land acquisition.

With regard to lighting, the Electrical Engineer agreed to study each site as to the feasibility thereof.

The last communication from the Recreation Director was read as follows:

MEMORANDUM

September 15, 1961

TO: Honorable Mayor and City Council
FROM: Kelvin J. Nelson, Superintendent of Parks & Recreation
SUBJECT: PURCHASE OF LEAF AND LITTER COLLECTOR

This Division requests that consideration be given toward purchased of a leaf and litter collector that would be used by this Division and the Street Department cooperatively.

Please note the descriptive literature and specifications which are attached.

This Division feels that the savings in man hours ordinarily spent hand raking would amount to more than 600 man hours in Tautphaus Park alone.

It is our intention that this material collected in a dump truck would be taken to a compost pile and converted to humus which in turn would be returned for soil conditioning.

We feel that at present the City is losing money two ways: First in the time spent in gathering leaves, and secondly by the waste of organic material.

Estimated cost of this equipment is \$2,970 (Two Thousand Nine Hundred and Seventy Dollars).

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Immediate attention to this request would insure use of this equipment this fall. This purchase could be invoiced in January.

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

P.S. This request is heartily endorsed by the Public Works Division.

This proposition was tabled, pending further study as to comparable equipment which might be available from other suppliers. It was felt that there may be units which would be more comprehensive in their operational activity.

The City Engineer presented a petition with 46 signers, requesting the opening of K Street from Willow Avenue to Willow Creek. It was explained that this would involve the construction of 120 feet of K Street and would only provide access to two building lots. It was moved by Councilman Leahy, seconded by Foote, that the petition be denied and instead, consideration be given toward including this street construction in the next street improvement district. Roll call as follows: Ayes, 3; No, None; carried.

Last to be presented from the City Engineer was the following:

September 15, 1961

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We have received from Mr. O. H. Hansen a request to vacate the easement along the west side of Lots 15 and 16 on Block 4, of the Westland Heights Addition, Division No. 3.

This request has been investigated and we find that an adjacent City alley eliminates the need for the previous easement.

We are therefore recommending to the Mayor and Council that this easement be vacated as requested.

Respectfully submitted,
Public Works Division
s/ Donald F. Lloyd
City Engineer

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It was moved by Councilman Leahy, seconded by Page, that the Engineer's recommendation be approved and the City Attorney be instructed to release the easement in question. Roll call as follows: Ayes, 3; No, None; carried.

The Recreation Director memorandum entitled "Proposed policy for use of the Recreation Center" originally presented at the Meeting of August 18th, was studied. It was agreed that the \$10.00 rental provision should be deleted. Other minor changes were recommended. These were noted by Mr. Nelson who agreed to rewrite the instrument and present again after the revisions have been made.

The Mayor asked the Council's opinion with regard to Alva Harris attending the International Conference of Building Officials September 21st through October 2nd in Seattle, Washington. It was moved by Councilman Leahy, seconded by Page, that he be authorized to attend. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that the Mayor had been invited to serve on the Bonneville Power Administration Advisory Council and that a regional meeting is called for October 13th in Portland, Oregon. It was moved by Councilman Page, seconded by Leahy, that the Mayor be authorized to accept the appointment and to attend the meeting as described. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor announced a meeting of the Governor's Committee for the Employment of the Physically Handicapped in Lewiston, Idaho on October 6th. It was noted that the five Idaho Falls poster winners would be in attendance. It was moved by Councilman Leahy, seconded by Foote, that the Mayor and Mr. Gordon Nelson be authorized to attend. Roll call as follows: Ayes, 3; No, None; carried. The Mayor noted, parenthetically, that there would be no City expense involved in the return trip.

The Mayor reported that the tennis court project has been postponed until Spring and it is hoped, once the contract is let, it can be a combined venture to include the two courts to be constructed by the service clubs.

The City Attorney had requested of the City Engineer that he prepare a memorandum in writing to confirm his verbal recommendations on all protests to L.I.D. #27. This was presented to the Council by the City Clerk who advised that it would be placed on file in his office.

The Mayor listed several names and appointed same as additional members of the Mayor's Committee for the Employment of the Physically Handicapped, as follows:

ADDITIONS TO THE MAYOR'S COMMITTEE

Ray Strangio, KID
Mrs. Vern Martin
Gordon L. Nelson, Chairman
Jossie Hughes
Jim Hoffman, KUPI
Tony Naegle
Dr. Richard L. Doane
Orval Hansen

Mack Gough, Exchange Club
Rob Brady, Rotary
Brigadier Hood
Murland Burke, 20-30 Club
Marge Dierks, Secretary
Earl Neyman, Russet Lions
Clyde Merkley, Civitan Club

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It was moved by Councilman Foote, seconded by Page, that these appointments be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

At the request of the Council a memorandum from the City Engineer was again presented for review, said memorandum of which was originally presented at a Council Meeting January 20, 1961, as follows:

January 20, 1961

Acct. No. 19A-1
Parks & Recreation

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We are presenting herewith a preliminary layout of an area on the west side which includes a possible City Park location.

This area, shaded in green on the attached map, represents 7 full acres of park area. The park is bounded on the south side by church property, and has two points of access from improved streets.

Mr. Reinhart is making this land and the street improvements available to the City at the total cost of \$13,380, which represents \$6,030 for adjacent street improvements and \$7,350 for the land. This total cost represents \$1,900 per acre with completed street improvements, compared to current sales of raw land at \$2,000 per acre in the same area. A purchase agreement could be arranged for \$6,690 per year for two years, if desired.

In our opinion, the above proposal represents the most reasonable offer for park acquisition this Division has had the opportunity to review. We would recommend to the Council that this offer be given full consideration.

Respectfully submitted,
Public Works Division
s/ Donald F. Lloyd, P.E.
City Engineer

It was moved by Councilman Foote, seconded by Leahy, that the recommendation be approved and the City Attorney be directed to prepare a contract between the City and Mr. Reinhart for the land in question, the first payment of which would be due and payable upon the completion and signing of

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the contract and the second and final payment due as of October 1st, 1962. Roll call as follows: Ayes, 3; No, None; carried. It was understood that the contract, when drawn, would require of Mr. Reinhart that the property would be turned to the City fully developed, including improved streets and utilities.

Next to be presented from the Electrical Engineer was the following:

September 15, 1961

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

Gentlemen:

Your are no doubt aware of the severe need to clear trees from the distribution lines within the City of Idaho Falls.

I am attaching a copy of our Power Outage Report since September 9, 1961. As you can see from this report, we have had several hundred customers without electric service for hours during this reporting period. Not only has the City lost revenues when these circuits were inoperative but a great deal of customer good will was also lost. Also, there is the associated overtime cost to clear lines during off working hours.

The Electric Light Division does not have proper equipment nor trained personnel nor the time to handle this voluminous project.

Mr. Carol Nelson of the Wright Tree Service made a survey, at no cost to the City, to determine his estimate of the dollars and man hours required to complete this job by an outside contractor. A copy of his survey is attached to this memorandum.

In summary, Mr. Nelson estimated 3,070 man hours costing approximately \$11,973 to do necessary trimming, removal, and other work required in a line clearance program.

I am recommending to the Mayor and Council that the City Electrical Engineer be authorized to prepare specifications based on a cost per man hour to supply particular equipment and men required for a single crew to accomplish this work within the City. I am further requesting that, once these specifications have been prepared, that the Purchasing Agent be authorized to call for bids per these specifications.

Very truly yours,
s/ Harold W. Davis
City Electrical Engineer

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A general discussion followed regarding the scope of the work and the number of responsible companies in this field of endeavor. It was moved by Councilman Leahy, seconded by Page, that the Purchasing Agent be authorized to obtain proposals from tree trimming companies and that these be evaluated and presented to the Council for their further consideration. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that bids on mobile equipment radios for the Building Official, Electric and Public Works Divisions had been tabled at the August 28th Meeting, pending an evaluation. Councilman Leahy reopened the matter and revealed that although Motorola's bid was \$300.00 higher than the only other one submitted, theirs was the only one that met all the provisions of the specifications. The Councilman explained the need for the transistor type unit as these are to be installed in vehicles which may be setting idle for periods of time, while crews are busy in the immediate area.

It was moved by Councilman Leahy, seconded by Foote, that the Motorola bid in the amount of \$6,750.00 be accepted. Roll call as follows: Ayes, 3; No, None; carried.

Street flusher bids, previously opened, were reviewed and after some discussion it was moved by Councilman Leahy, seconded by Page, that the bid of Southern Idaho Equipment in the amount of \$9,975.93 be accepted, described as one Gunnison 1500 gallon street flusher and one Ford F-800. Roll call as follows: Ayes, 3; No, None; carried. It was noted that there were lower bids but these did not meet specifications. Other bids were provided by Intermountain Equipment, G. K. Machinery and Western Road Machinery.

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
