

NOVEMBER 28, 1960

The City Council of the City of Idaho Falls, Idaho reconvened Monday, November 28th, 1960 at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho, as a continuation of the Regular Session of November 18th, 1960 which was recessed by the Mayor to this night, due to the lack of a Council Quorum at November 18 Meeting. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Foote, Petersen, Johnson, Creek. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Lloyd, City Engineer; Boyd Wright, Purchasing Agent; George Aupperle, Controller; Alva Harris, Building Official.

Minutes of the last recessed Meeting held November 7th, 1960 and a Special Meeting held November 22nd, 1960 were read and approved.

License applications for SOFT DRINK VENDOR were presented as follows: Baldwin's Idaho Food King (3), Robinson's Sport Shop, Stockman Bar, Highland Grocery, Fraternal Order of Eagles, Airport Service, Gordon's Place, Albertson's Food Center, Jack's Chicken Inn, Safeway Store, (2) and Matson's Service: CHRISTMAS TREES VENDOR: Delmar G. Griffith. It was moved by Councilman Johnson, seconded by Petersen, that the licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License applications for MEAT MARKET were presented as follows: Baldwin's Food King, (3), Albertson's Food Center, Safeway Stores, (2), and Matson's Service. It was moved by Councilman Johnson, seconded by Petersen, that the licenses be granted, subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 4; No, None; carried.

License applications for DANCE HALL for Jack's Inn was presented. It was moved by Councilman Creek, 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, 4; No, None; carried.

License applications for ROOMING HOUSE were presented as follows: Robison's Motel; CANNED AND BOTTLED BEER, NOT TO BE CONSUMED OF THE PREMISES: Albertson's Food Center; Baldwin's Idaho Food King (3), Skagg's Drug Center Inc., Highland Grocery Store, Safeway Store (2); CANNED AND BOTTLED BEER TO BE CONSUMED ON THE PREMISES: Jack's Chicken Inn, Matson's Service, Stockman's Bar; B.P.O.E. #1087, Fraternal Order of the Eagles, Airport Service; CANNED, BOTTLED, AND DRAFT BEER, TO BE CONSUMED ON THE PREMISES: Robison's Sports Shop, Gordon's Place. It was moved by Councilman Johnson, seconded by Creek, that the licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

A license application was presented in the name of Mr. Frank Andro as a HANDWRITING ANALYST. The City Attorney explained that he had examined the record and was satisfied that there is no provision in the Code which requires a license for such an operation. In view of his findings, no Council action was considered necessary and the City Clerk was instructed to so advise Mr. Andro.

The City Clerk presented a revised precinct map showing proposed precinct and ward boundaries for the coming City General Election in April of 1961. It was explained that the revision provides for three additional precincts and that each precinct would be limited, as closely as possible, to 1000 registered voters. Under this proposal there would be two changed polling places; namely, Temple View School instead of Roy Keller's and Longfellow School instead of East Side School. Moreover, three additional polling places would be used; namely Whittier School, Edgemont

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Gardens School, Bel-Aire School. It was moved by Councilman Foote, seconded by Creek, that the revised precinct proposal be accepted and the City Attorney be instructed to draft an ordinance incorporating the changes. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk read the following:

November 25, 1960

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

Mr. Jess L. Wages, 875 First Street, Idaho Falls, Idaho, was presented a water bill from December 1949 to date. We have advised Mr. Wages that he should pay the last four years, which would be seventeen (17) months at \$3.00 per month, and thirty-one (31) months at \$2.25 per month, or a total of \$120.75.

We are enclosing Mr. Wages' check, payable to the City in the amount of \$120.75, which we trust will be acceptable to the City. We believe that any charges prior to the last four years would be outlawed by the Statute of Limitations.

Very truly yours,
s/ Robert B. Holden
Holden, Holden, Kidwell

Encl.

It was moved by Councilman Petersen, seconded by Foote, that in view of the Statute of Limitations provisions of the law, \$120.75 be accepted in full settlement of the amount owing to date on Mr. Wages water bill. Roll call as follows: Ayes, 4; No, None; carried.

The following letter was read by the City Clerk:

November 22, 1960

City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

In connection with the sale of Jenkins Auto Body, Robert Jenkins executed a bulk sales affidavit showing an outstanding obligation to you in the sum of \$41.00. He likewise executed an assignment of some \$212.50 per month to this office to be applied to the payment of his accounts, numbering approximately forty in all.

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The enclosed check represents 10% of your account as the same is known to us. If our information is incorrect, will you please so advise us.

We propose withholding 20% of the amount collected for our fees in handling expenses in these numerous accounts.

Very truly yours,
s/ John M. Sharp

Upon advise from the City Attorney, it was moved by Councilman Johnson, seconded by Petersen, that the proposal as presented by Mr. Sharp be accepted. Roll call as follows: Ayes, 4; No, None; carried.

A billing in the amount of \$882.79 was presented from L. E. Stalker. It was noted that this was the last of a series of payments for services rendered in his capacity as architect for the Airport Administration Building. It was moved by Councilman Johnson, seconded by Petersen, that payment of this obligation be approved by claim, as Mr. Stalker is undergoing surgery and is in need of funds. Roll call as follows: Ayes, 4; No, None; carried.

November 17, 1960
Acct. No. 17A-1

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

This letter is written with reference to repair needs on our two 28-yard Pak-More refuse collection units.

Each unit comes equipped with an air cooled Hercules utility motor for compressing the refuse. These utility motors have required an excess of maintenance during the 15 months of operation. At the present time one motor needs an immediate overhaul. The garage foreman has estimated that it will require not less than one week to make the repairs, depending upon delivery of parts. During repair time the collection unit will be out of operation and place the refuse section behind schedule.

Since our original purchase of these units, the company has abandoned the use of these utility motors, and now use a Ford industrial water-cooled engine. To prevent a foreseeable interruption in garbage collection, we are requesting that the Mayor and Council authorize the Purchasing Agent to investigate the most economical manner of keeping these units in service.

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We are suggesting he could investigate the cost of one new Ford industrial standby engine as being the most reasonable and economical means of providing uninterrupted service.

It would be appreciated if this matter could be given your earliest attention.

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

cc: George Petersen, Jr.
Merv Crandall

The foregoing memorandum was presented and referred to Councilman Petersen for study and recommendation.

The following memorandum was read:

November 28, 1960
Acct. No. 9B-53A

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

During the construction of the Utah Main Sewer, we have encountered a difficult right of way problem which involves 5 feet of contested property.

Our preliminary discussion with the property owner indicated that agreement can be reached if the City will waive his sewer connection fee.

Because of the circumstances involved and the possibility of delaying construction, we are requesting authorization to waive our normal sewer connection fee in consideration of releasing claim to that contested portion of right of way.

Respectfully submitted,
s/ Donald F. Lloyd, P.E.
Engineering Department
City Engineer

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It was moved by Councilman Petersen, seconded by Johnson, that the normal sewer connection fee be waived in favor of the property owner in question, with regard to the five feet of contested property in question. Roll call as follows: Ayes, 4; No, None; carried.

The following memorandum prepared by the Purchasing Agent was presented:

November 28, 1960

Memorandum to the Mayor and Council

Re: Sewer Roding Machine

Gentlemen:

As per your request from previous Council Meetings, the Purchasing Department has investigated the Sewer Roding Machine. In our opinion, which is concurred with by the Sewer Superintendent, Mr. Bundte, and also the City Engineer, Mr. Don Lloyd, we feel that the Flexible Sewer Roding Machine would be the most practical machine for the City to acquire.

Friday afternoon, Mr. Chester Truman of the Flexible Pipe Tool Company, called from Portland Oregon and told Don Lloyd and myself that if the City was interested in his machine, he would deliver the same to the City and leave it here for 30 days with no obligation to the City if at the end of 30 days our sewer people are not satisfied with said machine.

As we have said previously in this memorandum, we feel we cannot find a machine with this guarantee or a company with this much confidence in their product. Therefore, we are requesting your permission to arrange to have this machine delivered to Idaho Falls.

Yours very truly,
City of Idaho Falls
s/ Boyd P. Wright
Purchasing Agent

It was moved by Councilman Petersen, seconded by Johnson, that permission be granted, as recommended, to have the Sewer Roding Machine from the Flexible Pipe Tool Company be delivered to the City for a thirty day trial demonstration. Roll call as follows: Ayes, 4; No, None; carried.

The following letter was read:

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Honorable Mayor and City Council
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Gentlemen:

The underground power has been completed on 26 lots in the Gustafson Park Addition. The City Electrical Engineer has given us an estimate of cost of \$7,455.00 to install overhead power for the 62 lots in this subdivision. Overhead power to serve these first 26 lots would cost approximately \$3,500.00.

We are hereby requesting that the City of Idaho Falls reimburse us in the amount of \$3,000.00 for power system installed to date, as being a fair estimate of work the City would have done had overhead power lines been installed.

Very truly yours,
s/ Lillian M. Gustafson

Checked and approved for payment in the amount of \$3,000.00.

s/ Harold W. Davis
City Electrical Engineer

It was moved by Councilman Johnson, seconded by Petersen, that authorization be granted to pay Mrs. Gustafson \$3,000.00 for the reasons as described. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer presented final plats of the Yellowstone Addition and Home Ranch Addition, Division #1. It was moved by Councilman Petersen, seconded by Creek, that these be approved, including the nomenclature of lanes and drives, and that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

The following memorandum from the City Engineer was read:

November 28, 1960
Acct. No. 12A-1

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We have received a request from Mr. George Hartwell to provide a ¾ inch water service to Ready Pour Concrete Company. This service would be a continuation of his private water line located outside of the corporate limits of the City, and would be entirely at his expense.

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It has been explained to Mr. Hartwell that the City intends to meter his water system at the City limits and he will be responsible for payment of bills based upon meter readings for all water delivered to his system.

We would recommend to the Mayor and Council that this extension request be authorized, subject to the provision that a water meter be installed.

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

cc: George Hartwell

It was moved by Councilman Johnson, seconded by Petersen, that water service be provided the Ready to Pour Concrete Company as described. Roll call as follows: Ayes, 4; No, None carried.

It was noted that there had been minor changes in the Electrical Rate Ordinance since it had been passed on its second reading. With this understanding it was again presented as follows:

ORDINANCE NO. 988

AN ORDINANCE VESTING THE MANAGEMENT AND CONTROL OF THE MUNICIPAL LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OF THE CITY OF IDAHO FALLS AND THE FURNISHING OF ELECTRICITY THERE FROM IN THE MAYOR AND CITY COUNCIL OF SAID CITY; PROVIDING FOR THE INSPECTION OF ALL INSTALLATIONS OF ELECTRIC WIRING, MACHINERY, APPARATUS AND APPLIANCES; PROVIDING THAT SAME SHALL BE DONE IN ACCORDANCE WITH THE BUILDING AND ELECTRICAL CODES OF SAID CITY; ESTABLISHING THE RATES TO BE CHARGED CUSTOMERS OF THE MUNICIPAL LIGHT AND POWER PLANT OF SAID CITY; PROVIDING FOR THE METERING OF ELECTRICITY FURNISHED TO CUSTOMERS OF THE MUNICIPAL ELECTRIC LIGHT AND POWER PLANT AND THE TESTING OF METERS; PROVIDING FOR THE DEPOSITS TO BE MADE BY CUSTOMERS FOR METERS AND FOR THE REFUNDING THEREOF; PROVIDING WHEN ACCOUNTS FOR ELECTRIC SERVICE SHALL BECOME DELINQUENT AND FOR THE DISCONTINUANCE OF SERVICE TO DELINQUENT CUSTOMERS; PROVIDING THAT CERTAIN ACTS SHALL BE UNLAWFUL AND PENALTIES FOR THE VIOLATION THEREOF; PROVIDING THAT ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT BE REPEALED; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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The foregoing ordinance was presented in title. It was moved by Councilman Petersen, seconded by Johnson, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 4; No, None; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 4; No, None; carried.

It was noted that the LaVern C. Krueger request for rezoning was tabled at a Special Meeting of the City Council held November 22nd, 1960, due to the number of protests registered. This was again reviewed. The Building Official presented the original petition of protest with nine signers. Mr. Krueger appeared, saying he couldn't understand this development as all near-by residents were at one time satisfied that his proposed construction plans would benefit the area. The Councilmen suggested to him that he have an architects sketch prepared so that both his neighbors and the Council might obtain a mental picture of his plans. This he agreed to do. Meanwhile rezoning was again tabled.

The City Attorney presented an easement agreement, properly signed, from Clarence J. and Vera Taylor to be used for operating and maintaining an overhead electrical power line. It was explained that this could be considered a concession on the part of Judge Taylor. It was moved by Councilman Petersen, seconded by Foote, that the Mayor be authorized to write a letter of thanks to the grantors. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney proposed that a particular piece of City owned land be designated as a Police Department impounding area to be properly lighted and surrounded by a high wire fence. It was moved by Councilman Creek, seconded by Johnson, that this be turned to the City Engineer for a cost estimate. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney explained that there has been some complaints on the recently passed bicycle ordinance from those who fail to understand its benefits, and asked for Council permission to release a prepared statement to the press in this regard, including statistics on thefts. It was moved by Councilman Johnson, seconded by Petersen, that permission be granted. Roll call as follows: Ayes, 4; No, None; carried.

The Electrical Engineer requested that the Mayor and Council instruct the City Attorney to draft an ordinance which would require trailer court operators to post electrical rates which they charge their customers. It was moved by Councilman Foote, seconded by Creek, that the City Attorney be so instructed. Roll call as follows: Ayes, 4; No, None; carried.

Electric Engineer Davis then explained that Bonneville Lumber Company, low bidder on a fence to enclose the west side substation, intended to supply posts too small to qualify. He said that were they to substitute for a 4" post they would still be low bidder. The Council asked for complete substitution figures before they decide.

Fire Chief Brown asked that the City Attorney draft an ordinance permitting first aid equipment to travel against one way traffic. The City Attorney explained that fire fighting equipment

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now has that right and that the ordinance need only be amended to include first aid equipment. The Council instructed the City Attorney to proceed.

It was pointed out to the Council that the Retail Council has proposed lighting the evergreen trees at the Library to a substantially greater degree next Christmas. Councilman Petersen was asked to investigate this matter with particular regard to the tree damage, if any, that might result.

The Mayor noted that there has been some question as to the tenure of office of Mr. Rex Schwendiman as a member of the Planning Commission. In view of the fact that he is the School Board's representative it was agreed that his term be limited to the period of time that he is retained as a member of that Board.

There being no further business, it was moved by Councilman Johnson, seconded by Petersen, that the Council adjourn, carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
