

AUGUST 8, 1960

The City Council of the City of Idaho Falls met in Recessed Session Monday, August 8, 1960 at 8:00 P.M. on the Council Chambers at Idaho Falls. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Creek, Foote, Petersen, Johnson. Also present: Roy C. Barnes, City Clerk; Don Lloyd, City Engineer; George Barnard, City Attorney; Boyd Wright, City Purchasing Agent; Alva Harris, Building Official; George Aupperle, Controller.

Minutes of the last Recessed Meeting held July 21, 1960 and a Special Meeting held August 1, 1960 were read and approved.

The Mayor announced that this was the time and the place for a zoning hearing on various parcels of real estate, as advertised in the Post Register July 24th, July 31st, and August 7th, 1960. First to be considered was an area legally described in Metes and Bounds and commonly known as the Rogers Bros. Seed Company property, as follows:

Beginning at the S. E. corner of Section 25, T. 2 N. R. 37 E.B.M., running thence N. 0° 16' 30" E. along the East line of said Section 25, 1215.95 feet to the point of intersection with the centerline of the Butte Arm of the Idaho Canal: thence S. 21° 48' 30" W., along the said canal centerline 1,304.54 feet to the point of intersection with the S. section line of said Section 25; thence S. 89° 25' 50" E., along the said South line of Section 25, 478.83 feet to the point of beginning, containing 6.68 acres, more or less.

There were protests. It was moved by Councilman Petersen, seconded by Johnson, that this be zoned R-3. Roll call as follows: Ayes, 4; No, None; carried.

Next, protests were invited on the following:

First Amended Plat Gustafson Park Addition, Division No. 1 and 2, Lots 26 to 37, inclusive, Block 3.

No protests were registered. It was moved by Councilman Petersen, seconded by Foote, that this area be rezoned from R-3 to R-1. Roll call as follows: Ayes, 4; No, None; carried.

An area in Linden Park, Division No. 1 was then presented as follows:

First Amended Plat Linden Park Addition, Division No. 1, Lots 21, 29, 30, Block 5, Lot 31, Block 5.

No protests were offered. It was moved by Councilman Foote, seconded by Johnson, that Lots 21, 29, and 30, Block 5 be zoned R-2 and Lot 31, Block 5 be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Certain lots in the Highland Park Addition were then presented for consideration as follows:

Lots 39 to 44 inclusive, Block 80. Lots 45 to 48 inclusive, Block 80.
Lots 37 and 38, Block 80, all in the Highland Park Addition.

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There were no protests. It was moved by Councilman Johnson, seconded by Petersen, that rezoning be effected as follows: Lots 39 through 48, Block 80 be zoned C-Limited Business. Lots 37 and 38, Block 80 be zoned R-3. Roll call as follows: Ayes, 4; No, None; carried.

The Smith Addition was then introduced. There were four ladies who registered protests. These parties represented residents immediately across the street from where a grocery store and a service station site is contemplated. Protests were on the grounds that these types of commercial establishments would create pedestrian safety hazards, traffic congestion and otherwise have a tendency to deteriorate residential property values. It was moved by Councilman Creek, seconded by Petersen, that no final action be taken this night but that the problem receive further study. Roll call as follows: Ayes, 4; No, None; carried.

Certain lots in the Mayflower Addition were then considered for rezoning as follows:

Lots 45 and 46 in Block 1; Lots 1 through 46, inclusive in Block 4; Lots 1 through 46, inclusive in Block 5; Lots 1 through 42, inclusive, in Block 8; and Lots 5 through 23 inclusive and Lots 26 through 42 inclusive; in Block 9; of Mayflower Addition to the City of Idaho Falls, Idaho according to the recorded plat thereof.

No protests were registered. It was moved by Councilman Johnson, seconded by Foote, that the above described area be rezoned from M-Industrial to H-C. Roll call as follows: Ayes, 4; No, None; carried.

Lastly, protests were invited on John Heights Subdivision, Division #1. Mrs. Zoel Martinson, 1730 Charlene, appeared before the Council acting as spokesman for a sizeable contingent of nearby residents, also present, registering a protest to any other zoning in this entire subdivision than R-1. In this regard a letter of protests was presented with 98 signers. Mrs. Martinson explained that the nearby residents take great pride in their area, that they have, to date, been fortunate that no portion of it has become commercialized and that R-2 zoning would be a tendency in this direction; inasmuch as this would undoubtedly create duplexes which in turn would attract renters who very likely would not have the pride and respect in their places of abode as if they were homeowners.

Mr. Claude Christensen and Mr. Clarence Reinhart appeared, representing the building contractor firm of C. Reinhart & Son, explaining why R-2 was necessary with reference to 16 lots bordering Grand View Avenue. It was explained that this street is destined to be an 80 foot arterial according to the master street plan and that, being cognizant of this fact, the FHA had recently informed them that no mortgage insurance would be made available to R-1 residences in this particular portion of the subdivision. Written evidence to this effect from the F. H.A. was presented.

Questioned as to what might possibly be done to persuade F.H.A. to rescind this directive as pertains to the particular area in question, the Mayor agreed to make one or more phone calls Tuesday morning, August 9, in an effort to intercede. The Mayor invited the group's spokesman or their delegated representative to be present at the time said phone call is made.

This concluded the zoning hearing portion of the meeting. The Mayor instructed the Building Official to make the necessary changes, alterations and additions on the official zoning map located in his office, incorporating any and all of the foregoing Council action as pertained to zoning and rezoning.

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Mr. Clifford Kirkendall, President of Bowl-Ero, Inc., appeared before the Council with an alternate proposal for providing proper facilities for the construction of a building immediately west of the Bowl-Ero, to be leased to the I. D. Department Store, said proposal of which would provide additional parking east of Bowl-Ero to be zoned C-Ltd. instead of C-1 and no change of zoning east of Olive. This was referred to the Board of Adjustments for study and recommendation.

Mr. Grant Packer and Son appeared before the Council and presented a new plat plan for their proposed new building on the southeast corner of 13th and Holmes, as recommended and approved by Mr. Dale Despain, independent zoning specialist. This plan, it was noted, called for the building to face west and south, a deeper set back with a planter strip and lawn on the north. In view of the fact that Mr. Ruland Williams has been the principal objector to Mr. Packer's business operation, the plat plan was tabled until such time that he has an opportunity to view and approve it.

Bills against the City for the month of July, 1960, 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	\$89,410.63	\$108,253.66	\$197,664.29
Recreation Fund	9,981.92	850.22	10,832.14
Fire Fund	19,568.77	466.99	20,035.16
Electric Light Fund	19,368.79	39,091.35	58,460.14
Water & Sewer	13,122.37	55,606.12	68,728.49
Police Retirement	<u>1,968.75</u>	<u>.00</u>	<u>1,968.75</u>
TOTAL			\$355,720.22
POLICE RETIREMENT			\$1,968.75

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

Monthly reports from Department Heads were presented and, there being no objections, were ordered placed on file in the City Clerk's office.

Permit and applications for PHOTOGRAPHER, for Don Jensen of the Camera Center, 419 Park Ave. was presented. It was moved by Councilman Foote, seconded by Johnson, that the license be approved. Roll call as follows: Ayes, 4; No, None; carried.

License application for JOURNEYMAN GAS FITTER for Carl Smith of Shelley, Idaho was presented. It was moved by Councilman Johnson, seconded by Creek, that the license be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License application for MILK VENDOR for Stuart Pugmire of Eastern Idaho Dairy was presented. It was moved by Councilman Johnson, seconded by Petersen, that the license be granted, subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 4; No, None; carried.

License application for ELECTRICAL CONTRACTOR for Dick Wheeler, 1935 Bittern Drive, was presented. It was moved by Councilman Johnson, seconded by Foote, that the license be

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granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License application for BEER AND LIQUOR, change of ownership for Ross Simmons of Ford's Cigar Store was presented. It was moved by Councilman Johnson, seconded by Foote, that the license re-issuance be granted, in the name of Ross L. Simmons as sole owner. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk read the following letter:

August 8, 1960

To the Honorable Mayor and City Council
of Idaho Falls:

Gentlemen:

I am presenting a petition to your for your permission to place a sign somewhere on the City property south of our place of business, the sign itself and the location of it to be subject to the approval of your Commissioner of Parks.

Many of our customers have suggested that such an introductory sign would be helpful to them in letting them know that they were approaching such a market before they were upon it and that they had been looking for such a market for many miles.

Thank you for your consideration of this petition.

Sincerely,
s/ Mrs. O. D. Hendrickson
Manager of Hendrickson's
Fruit & Flower Market
N. Yellowstone & Lincoln Rd.

It was moved by Councilman Foote, seconded by Petersen, that the request, as indicated be denied. Roll call as follows: Ayes, 4; No, None; carried.

Damage claims were presented from the Bestway Building Center and Ariel L. Crowley representing Frank W. Matthews Jr., as follows:

July 28, 1960

City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

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On June 3, 1960, our truck was in to Morrison Merrill Wholesale House at Idaho Falls to pick up a load of building material.

When the truck was loaded the truck driver pulled out of Morrison Merrill and turned right on Vega Drive, he stopped for the stop sign on the Airport Road and the rear wheels dropped into a covered sewer trench.

Our driver, Mr. Jim Dorst, went to the Police Station and they in turn contacted the foreman of the Idaho Falls Street Department. The Street Department crew came out with a road grader and a front end loader. They attached the road grader to the front of the truck and the front end loader to the rear of the truck.

In the process of trying to pull the truck out of the sewer trench considerable damage was done to the rear end and drive shaft of our truck. The spring brackets and numerous bolts were sheared off and the drive shaft was damaged.

After the damage was done, the Street Department crew decided they couldn't get the truck out and left.

We had to hire Mr. Wilford Clayton to bring his truck and transfer the load and deliver it to Arco.

The Smith Chevrolet garage was called and they sent out a wrecker and removed the truck from the sewer trench and took it to their garage for repairs.

The attached invoice is for the repairs to the truck, wrecker charge and the charges made by Mr. Clayton for delivering the material to Arco. This does not include the additional expense we encountered with long distance telephone calls to Arco by our truck driver nor for the expense to go back to Idaho Falls to pick up the truck after it was repaired.

According to the Street foreman, a farmer had been irrigating close to the sewer line causing the fill to settle. Evidently when the fill was put in over the road this was never compacted.

We feel we are justified in asking for the amount listed on the attached claim.

Very truly yours,
s/ Lorin E. Papworth
Manager-Bestway Bldg. Ctr.

August 6, 1960

The Honorable Mayor and City Council
City of Idaho Falls, Idaho

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Gentlemen:

I represent Frank W. Matthews Jr. who is the owner of the business known as Franklin Factory Outlet on Park Avenue, in Idaho Falls.

As you are aware, during the spring of this year a trench was dug along Park Avenue in the 300 block for the purpose of installation of gas for Singers. This was a two foot wide trench running from the gas main in the alley, and widening out at the actual point of connection for Singers.

It was cold, freezing day when the blacktop was applied to repair the damage to the street and a good deal of surplus material was left on the sides of the fill, no warning signs were put up, and traffic moved on the fresh mix immediately. As a result, cars moving on the street picked up the loose material and hurled it into the plate glass windows of Franklin Factory Outlet, 344 Park Avenue, destroying the large window, and of course requiring replacement, and replacement of the specially installed ornamental glass sign.

Mr. Matthews has asked me to take up with you the matter of discharge of his claim for damages. I have before me photographs of the damage done, together with the bills for the glass, labor and painting involved. They total \$180.94.

It is thought that there may also be a liability on the part of the contractor for the gas company, or whoever actually did the work, as well as on the part of the City for failure to see that the street was left in proper condition. If you require, under the City Ordinance, a formal detailed claim on the matter, kindly advise me and send me a claim form so that it may be properly presented. I will appreciate it also if you will advise me as to the name and address of the contractor who did the work.

Your attention and direction as to procedure to present a proper claim will be appreciated.

Respectfully yours,
s/ Ariel L. Crowley

It was moved by Councilman Foote, seconded by Johnson, that these be referred to the City Insurance carrier. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk read the following memorandum from the City Engineer.

August 5, 1960
Acct. No. 3D-32

Honorable Mayor and City Council
City of Idaho Falls, Idaho

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In accordance with your instructions during your meeting of July 21, 1960 we have reviewed the written request from Albaugh, Bloem, Barnard & Smith concerning the vacation of College Street.

We have examined this request and find that College Street from Yellowstone Avenue to Emerson Avenue is a dead-end street and it is void of any utilities. There are no plans for the development or improvement of this Street.

We are recommending to the Council that the request be granted. This vacated Street will revert to the adjacent property owners which, in this case, will be the Idaho Livestock Commission Company on the north side of the Street, and Floyd E. Skelton on the south side of the Street.

We have advised the City Attorney of our recommendation in order that he may prepare a vacation ordinance for your consideration.

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

cc: Ralph Albaugh

In this connection the following ordinance was presented:

ORDINANCE NO. 979

AN ORDINANCE VACATING AND CLOSING COLLEGE STREET FROM YELLOWSTONE AVENUE TO THE EAST LINE OF EMERSON AVENUE, IN THE CITY OF IDAHO FALLS, IDAHO, FOR THE SOLE AND EXCLUSIVE USE OF IDAHO FALLS LIVESTOCK AUCTION COMPANY AND FLOYD SKELTON, THEIR SUCCESSORS AND ASSIGNS, THE TITLE OF WHICH IS TO BE VESTED IN THE SAID IDAHO FALLS LIVESTOCK AUCTION COMPANY AND FLOYD SKELTON; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Johnson, seconded by Creek, 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.

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With regard to the foregoing ordinance, deeds are necessary in favor of the Idaho Falls Livestock Auction Company and Floyd Skelton. It was moved by Councilman Johnson, seconded by Creek, that the City Attorney be instructed to prepare same, after which the Mayor and City Clerk be authorized to sign same. Roll call as follows: Ayes, 4; No, None; carried.

The following memorandum of recommendation was then presented:

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Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

In accordance with your instructions we have checked and tabulated the bids on the East Trunk Sewer, the paving of Memorial Drive, and the seal coating project which were opened on August 3, 1960.

Bateman Brothers Excavating Company of Shelley, Idaho submitted the lowest bid for the East Trunk Sewer extension. The amount being \$23,433.90 for the cement mortar joints, and an alternate bid in the amount of \$24,822.60 for the use of rubber ring gaskets at the joints.

Due to the fact that this line is of 24 inch diameter and can be physically inspected on the interior, we feel that the additional cost of the rubber ring gaskets is not necessary. We are, therefore, recommending that the contract be awarded to the Bateman Brothers Excavating Company for the cement mortar joints.

Pickett & Nelson, Inc. of Idaho Falls submitted the low bids of \$8,750.00 for the paving of Memorial Drive, and \$12,000.00 for the seal coating project. These bids are in order, and we would recommend that Pickett and Nelson, Inc. be awarded the contracts for these two projects.

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

It was moved by Councilman Johnson, seconded by Foote, that Bateman Brothers be awarded the East Trunk Sewer Extension Project and that Pickett and Nelson be awarded the Contracts for paving Memorial Drive and the various parcels of seal coating. Roll call as follows: Ayes, 4; No, None; carried.

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To the Honorable Mayor and City Council
City of Idaho Falls

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Dear Sirs:

The City has purchased from Graver Tank and Manufacturing Company a line body and an aerial ladder to be mounted on trucks in Salt Lake City. When the trucks and equipment have been assembled, it will be necessary that this equipment be shipped to Idaho Falls.

Graver Tank and Manufacturing Company have proposed, in their original quotation to the City, that they will ship them to Idaho Falls at no cost to the City. However, I recommend that two men be sent to Salt Lake City to pick up these vehicles. This will allow the City to make road tests in addition to acquainting City personnel with the operation of this equipment.

Concurrence to this proposal is requested.

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

The foregoing from the Electrical Engineer was read. It was moved by Councilman Johnson, seconded by Petersen, that two men, as described, be delegated to deliver the electrical units to the City from Salt Lake City. Roll call as follows: As, 4; No, None; carried.

The Mayor reported that the new president of the Idaho Municipal League has reassigned Mayor O'Bryant to act on the League's legislative committee. It was moved by Councilman Foote, seconded by Creek, that this be wholeheartedly approved. Roll call as follows: Ayes, 4; No, None; carried.

An Agreement was presented from Smith Chevrolet Company covering a car rental unit for the Police Department. It was moved by Councilman Johnson, seconded by Petersen, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

A release of easement was presented by the City Attorney, with proper explanation, covering an area reserved for a storm sewer in Westland Heights Addition, Division #4, centerline of which is the property line between Lots 18 and 19, Block 4. It was moved by Councilman Johnson, seconded by Petersen, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None carried.

ORDINANCE NO. 980

AN ORDINANCE PROHIBITING THE POSTING OF NOTICES, PLACARDS, BILLS, POSTERS, CARDS, OR OTHER ADVERTISING MATTER BY UNAUTHORIZED PERSONS OR WITHOUT PERMISSION UPON TELEPHONE, TELEGRAPH, ELECTRIC POWER AND FIRE ALARM POLES, PUBLIC AND PRIVATE BUILDINGS, WALLS, SIDEWALKS, CURBS, OR OTHER PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF IDAHO FALLS, AND PRESCRIBING THE PENALTY FOR VIOLATION THEREOF.

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The foregoing Ordinance was read in title. It was moved by Councilman Foote, 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.

An agreement was presented from Mr. James Smith with reference to the newly annexed Smith Addition which related that sewer service is not immediately required but outlining specifications and provisions for its construction at Mr. Smith's expense prior to the construction of any building in the addition. It was moved by Councilman Johnson, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

City redemption tax deeds were presented in the name of T. J. Gallup and J. P. Holverson, Jr., assignee of Jerry Holverson. It was moved by Councilman Johnson, seconded by Petersen, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor reported that Mr. Wells Brady has requested that he be permitted, through the Building Inspector's office, to acquire and use an existing garage on the corner of Shelley and Bear Streets for the purpose of repairing and servicing radio equipment for City vehicles, said vehicles of which would be driven to said location for said servicing. He has indicated that if this were permitted he would be desirous of building a home on the adjoining lot. This was tabled until the Councilmen had an opportunity to view the site.

The City Attorney reported that it has now been decided that no easement is necessary from Mr. E. H. Haynie, 1405 East 17th and asked that the Council rescind their action, directing him to acquire same. It was moved by Councilman Johnson, seconded by Petersen, that this directive be rescinded accordingly. Roll call as follows: Ayes, 4; No, None; carried.

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
