

JULY 21, 1960

---

The City Council of the City of Idaho Falls met in Recessed Session Thursday, July 21, 1960 at 8:00 P.M. in the Council Chambers at Idaho Falls. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Petersen, Johnson, Creek, Foote. Also present: Roy C. Barnes, City Clerk; Bert Brown, Fire Chief; Don Ellsworth, Assistant City Engineer; George Barnard, City Attorney; Alva Harris, Building Official.

Minutes of the last Recessed Meeting held July 8<sup>th</sup>, 1960 and a Special Session held July 14<sup>th</sup>, 1960 were read and approved.

Mr. Arthur Smith, local attorney representing Mr. Clifford Kirkendall, President of the Bowl-Ero Bowling Alley, also present, appeared before the Council and presented a plot plan of a proposed new building just west of the bowling alley which would be leased to the I.D. Department Store. It was admitted by both parties that there wasn't sufficient parking area for both businesses but they requested that this be made an exception to the rule, inasmuch as the heavy parking periods for the bowling alley would occur in the evening after the store was closed. This was temporarily tabled as the Council desired time to study the problem.

Mr. Smith then presented the following petition recognizing that it must necessarily be presented to the Board of Adjustments but desirous that the Council be informed of the request:

PETITION TO RE-ZONE

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO

The undersigned, BOWL-ERO INCORPORATED, a corporation with principal places of business at Idaho Falls, Idaho, and the Lessee for a term of fifty (50) years from date of the lands herein sought to be rezoned.

That Bowl-Ero Incorporation is an Idaho corporation with principal places of business at Idaho Falls, Idaho, and the Lessee for a term of Fifty (50) years from date of the lands herein sought to be rezoned.

That John Adams and Olive E. Adams are husband and wife and the owners in fee of said lands.

That said corporation and said John Adams and Alice E. Adams are the sole owners of all the land hereinafter described.

That the undersigned petitioners pray and request that the following described land, which is now in R-3 Residential District, be zoned C-1 Business District, to-wit:

Beginning at a point that is South 89° 51' East 1014.3 feet and South 0° 16' West 27.12 feet from the Northwest corner of Section Twenty (20), Township Two (2), North, Range Thirty-eight (38) East Boise Meridian, Bonneville County, Idaho,

JULY 21, 1960

---

and running thence East 125 feet; thence South 0° 16' West 339.81 feet; thence West 125 feet; thence North 0° 16' East 339 feet to the point of beginning.

Your petitioners further pray that the following described lands which are now zoned R-2 Residence, be rezoned R-3 Residence, to-wit:

Beginning at a point that is South 89° 51' East 1309.30 feet and South 0° 16' West 26.62 feet from the Northwest corner of Section Twenty (20), Township Two (2) North, Range Thirty-eight (38) East Boise Meridian, Bonneville County, Idaho (said point of beginning being also the Northwest corner of Lot Seventeen (17), Block Five (5) of John Adams Heights, Division #4, to the City of Idaho Falls, Idaho) and running thence West 109.86 feet; thence South 0° 16' West 620 feet; thence East 109.86 feet; thence North 0° 16' East 620 feet to the point of beginning.

That the first described tract of land is part of a block all of the remainder of which is now zoned C-1 Business District; and that the restrictions imposed by the present R-3 zoning will not permit the land to be developed economically or to be put to its best use.

That the second described tract of land can be most beneficially used for off-street parking rather than for residential purposes and the off-street parking with black top would of itself act as a buffer zone between the residential properties on the East and the business area on the West.

That the rezoning of the above lands will result in an improvement of the appearance of the area, encourage the most appropriate use of the land, and conserve its value.

WHEREFORE, your petitioners pray: That this petition be referred to the Board of Adjustment for its due consideration; that after the Board has filed its report with the City Council concerning the same, that the Council as soon as possible thereafter cause notice of public hearing thereon to be duly published; and that following said hearing that the zoning of said lands be changed pursuant to this petition.

Dated this 18<sup>th</sup> day of July, 1960

ATTEST: s/ Rueans E. Williams

BOWL-ERO INCORPORATED  
s/ Clifford Kirkendall, Jr.  
s/ John Adams  
s/ Olive E. Adams

It was moved by Councilman Foote, seconded by Johnson, that the be forwarded to the Board of Adjustments for study and recommendation. Roll call as follows: Ayes, 4; No, None; carried.

JULY 21, 1960

---

Mr. Chester Lowrie, 2215 S. Lee Avenue, appeared before the Council and presented a petition with 381 signers, asking that the water and sewer drainage problem is the Brodbeck Addition between Boulevard and Holmes between 18<sup>th</sup> and 25<sup>th</sup> Streets be corrected and that the Council decision on the matter be referred to Mr. Lowrie within 30 days. The Mayor thanked Mr. Lowrie and advised that the City Engineer's study of the problem is now being made and that the answer would be forthcoming within the requested time.

Mr. Harold Davis, Electrical Engineer, asked authority to proceed with repair work on the #2 generator at the upper power plant, which is out of operation due to a burned out stator. The Council concurred that the action should be postponed until all bids have been received.

Permit and license applications were presented for BARTENDER: Harry W. Parker; SOFT DRINK: Dairy Inn; SECOND HAND DEALER: Dress Shop; JOURNEYMAN ELECTRICIAN: Ernest J. Briggs, O. J. Brown. It was moved by Councilman Johnson, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

An unsealed bid from Mr. Pat McClaskey was presented in the amount of \$187.00, covering the installation of certain hand rails in the City Building which were recommended by the Safety Committee and the State Insurance representative. It was moved by Councilman Johnson, seconded by Petersen, that the bid be accepted. Roll call as follows: Ayes, 4; No, None; carried.

The following claim denial letter was read:

July 18, 1960

Mr. Roy Barnes, City Clerk  
City of Idaho Falls  
308 "C" Street  
Idaho Falls, Idaho

Dear Mr. Barnes:

We wish to acknowledge receipt of the Notice of Claim submitted by Slimette of Idaho Inc. We have completed a preliminary investigation of this claim and request that the City Council formally deny the claim on the following basis. 1. The claim was not submitted within the required time limit. 2. As far as we can determine the City did not finally accept the sewer and sewage disposal system of L. R. Bird, actual building owner, at the time the damage is alleged to have occurred. 3. Primary liability rests with the building owner, Mr. L. R. Bird. 4. Damages claimed are very speculative. 5. There is basically no negligence on the part of the City.

Yours truly,  
s/ A. W. Knight  
General Adjustment Bureau, Inc.  
Manager

cc: co/SLC

JULY 21, 1960

---

It was moved by Councilman Foote, seconded by Creek, that the recommendation of the General Adjustment Bureau be followed and claim be denied. Roll call as follows: Ayes, 4; No, None; carried.

July 21, 1960

Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

We are writing this letter at the request of the Idaho Livestock Commission Company and Floyd E. Skelton. Floyd E. Skelton owns fractional Lots 21 to 24, inclusive, Block 12, Capital Hill Addition, and the Idaho Livestock Commission Company owns Lots 25 to 31, inclusive, Block 5, Capital Hill Addition, to the City of Idaho Falls, Idaho. Mr. Skelton intends to immediately construct a store building on Lots 21 to 24, inclusive, Block 12, and it will be leased to a firm selling ranch and farm supplies.

Both Skelton and the Idaho Livestock Commission Company are requesting that College Street be closed and vacated from North Yellowstone Avenue to Emerson Avenue. College Street from Emerson Avenue to the railroad tracks was closed by your Ordinance No. 566 at the request of the Union Pacific Railroad Company. The part of College Street from Yellowstone Avenue to Emerson Avenue is a short, dead-end street, but has never been used or improved and cannot be used by anyone other than Skelton or the Idaho Livestock Commission Company. Mr. Skelton says that closing of the street will not cause any injury or damage to anyone because it is a dead-end street and serves no useful purpose.

Your prompt attention to this matter will be appreciated as construction of the store building should be commenced as quickly as possible in order that it may be completed before we have bad weather in the fall.

We are sending a copy of this letter to the City Engineer, the City Clerk and the City Attorney.

Very truly yours,  
Albaugh, Bloem, & Smith  
s/ Ralph L. Albaugh

The foregoing letter from Mr. Ralph Albaugh was read. This was referred to the City Engineer for study and recommendation.

JULY 21, 1960

---

**ORDINANCE NO. 976**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO

The foregoing ordinance was presented 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.

**ORDINANCE NO. 977**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO

The foregoing ordinance was presented 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.

**ORDINANCE NO. 978**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO

The foregoing ordinance was presented 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 DISPENSES WITH?" Roll call as follows: Ayes, 4; No,

JULY 21, 1960

---

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.

The following memo from the Assistant City Engineer was read:

July 21, 1960

Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

We have been requested by the owner of the Skyline Lanes, Inc., for annexation into the City, the use of the City sewer, water, and electrical facilities. These owners are requesting City participation in the extension of a 12 inch waterline.

This Department does require that a 12 inch waterline be extended in this area and the owners are requesting the difference in cost between the 12 inch and the 6 inch pipe. If approved, this would amount to \$1,806.00 for the City's share. If the City participated in the difference of cost of an 8 inch and 12 inch pipe, it would amount to \$1,249.20.

Your early consideration of this matter would be appreciated.

Respectfully submitted,  
s/ Don Ellsworth  
Asst. City Engineer  
Engineering Department

It was tentatively agreed that the City is in no position, financially, or otherwise, to participate in the waterline as described but that it would be in order to advise Skyline Lane's Inc. that the City would have no objection to their building the 12 inch line.

Bert Brown, Fire Chief, asked permission to have three from his Department attend a Fire School in Moscow August 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup>, 1960. It was moved by Councilman Johnson, seconded by Petersen, that this be approved. Roll call as follows: Ayes, 4; No, None; carried.

Chief Brown then asked authorization for members of his Department to be permitted to so ladder practice work at the pump house in Central Park. To this the Council agreed.

A lease rental agreement was presented from Smith Chevrolet Company which would provide a Corvaire rental unit for the Engineering Department. It was moved by Councilman Petersen, seconded by Johnson, that the Mayor and City Clerk be authorized sign. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor requested in behalf of Burnett and Humphreys, City Auditors, that they be given an extension in time to August 15<sup>th</sup>, 1960 to complete their audit report. It was moved by

JULY 21, 1960

---

Councilman Petersen, seconded by Creek, that permission be granted accordingly. Roll call as follows: Ayes, 4; No, None; carried.

Assistant City Engineer Don Ellsworth presented for consideration a proposition on a water line which would serve the John J. Poitevin Lumber Company at their proposed building site on South Yellowstone Avenue and Sunnyside Road. It was explained that a 4 inch water line now extends as far as the Evergreen Gables Motel and that the portion from the City Limits to said Motel is owned by Mr. Everett Morgan, owner of the Motel. The Poitevins have offered \$1800.00 toward the total cost of installation, less whatever it will be necessary to pay Mr. Morgan for a connect to his line, with the understanding that they would build whatever it will be necessary to pay Mr. Morgan for a connect to his line, with the understanding that they would build said line to City specifications and that the City would reimburse them for the difference between the total cost and the amount they have offered to apply as heretofore stated. It was further understood that the Poitevins would then dedicate said line to the City. Ellsworth explained that a recent water study reveals that an eight inch line at and beyond this point is necessary. He explained further that if this proposal were to materialize the City would also benefit to the extent that it would then have control of this segment and consequently any further extensions on the line beyond this point. The entire problem was referred to the City Attorney for study and recommendation.

The Mayor appointed Leonard Wright and Steve Meikle, Jr. to the newly organized Citizens Highway Advisory Committee, headed by Joe Call. It was moved by Councilman Creek, seconded by Foote, that these appointments be confirmed.

The Mayor explained that the City, some time ago, had instructed the Gas Company to move a gas line as it was in the way of Goodwin Construction Company in the installation of a sewer line on Milligan Road off Utah Avenue. He explained further that the gas line was moved and the gas company billed the construction company accordingly. After some discussion it was moved by Councilman Foote, seconded by Creek, that this matter be referred to the City Attorney and that he be authorized, after study and investigation, to contact the gas company by letter and advise them as to his legal opinion in this regard. Roll call as follows: Ayes, 4; No, None; carried.

Having had advance notice through the press that Council action was contemplated this night on the parking lot problem for the L.D.S. Hospital, a rather sizeable contingent of interested citizens were present for purposes of pro and con discussion.

The Mayor preceded the general discussion by explaining that in the event the hospital issue receives favorable action from the Council, Riverside Drive will be extended to meet and coincide with E Street and that a monument will be moved to a suitable location at no cost to the City and that the hospital is prepared to compensate the City with a fair lease rental for the park area that would be converted into a parking lot. It was further explained that the hospital, in order to construct their new addition, must have adequate parking as prescribed by ordinance, and that the area in question, if used for this purpose, would satisfy area requirements in this regard.

Those present who appeared in protest of this action were: Mr. and Mrs. Eugene Smith, Mr. and Mrs. Brad Lewis and Mr. Trevor Jones, who brought out the following points: The City should be thinking more and more, rather than less and less, in terms of preserving and providing trees, rather than permitting them to be removed or destroyed. The area west or north of the Temple would suffice for parking purposes. This action would be precedent setting and, if the Council permits it, other groups could rightfully ask for similar concessions.

JULY 21, 1960

---

The foregoing protests were answered or explained by the Councilmen or the Mayor as follows: The City does pride itself on its park property and over the years has added many more acres into park use than it has found necessary to convert into commercial use and that other more beautiful parks are now being constructed or planned, examples being the addition to Tautphaus Park and areas where new parks are contemplated such as the old dump yard and another river location below the lower dam. The area west or north of the Temple is not suitable or convenient for parking. The City has already set the precedent over the years for providing areas for Civic or non-profit organizations, examples being the grounds which were provided for the Y. M. C. A., the Salvation Army, the Boy Scouts, etc.

The following citizens, not necessarily in order of appearance, voiced approval of the proposed parking lot: Messers. Jim Smith, Rowland Beazer, David Benton, Joe Armstrong, D. V. Groberg, Dr. M. K. Heninger, Grant Tate, Afton Orchard, Karl Homer.

Salient points of these arguments were: The small amount of area taken from the river park is inconsequential in relation to the benefits. The area in question has never been a popular picnic area. Idaho Falls is fortunate to have two hospitals. Neither one of which is in need of subsidy, and the City would do well to cooperate in this venture as a means of making the addition possible. The proper meeting of Riverside Drive and E Streets would eliminate a traffic safety hazard, especially for ambulances. The City is fortunate in having the Planning Commission and the Board of Adjustment working in its behalf. These organizations both favor this action and the City would do well to concur as these groups have made a detailed study of the advantages and the disadvantages involved.

It was then moved by Councilman Creek, seconded by Johnson, that the City grant the L. D. S. Hospital's request for usage of certain City Park property in the amount requested of slightly over one acre for purposes of a parking lot, the City to maintain said lot by painting and sweeping it and removing snow from it, the Hospital to make the investment of the necessary improvements in sidewalks, curb gutter, and blacktop according to City specifications, their Hospital to pay an agreed rental for the use of the property, title of the property to remain vested in the City, annual rental to be earmarked for purchase of future park property, the hospital to be responsible for the extension of Riverside Drive to meet and coincide with E Street and to move any monuments to a suitable location. Roll call as follows: Ayes, 4; No, None; carried.

There being no further business, the Mayor declared this Meeting recessed until 10:00 A.M., Friday, morning, July 22<sup>nd</sup>, 1960.

\*\*\*\*\*