

JULY 8, 1960

The City Council of Idaho Falls met in Recessed Session, Friday, July 8, 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, Foote. Absent: Councilman Creek. Also present: Roy C. Barnes, City Clerk; Don Lloyd, City Engineer; George Barnard, City Attorney; Alva Harris, Building Official; Harold Davis, Electrical Engineer.

Minutes of the last Recessed Meeting, held June 20, 1960, and Special Meetings held June 2nd and June 30th, 1960 were read and approved.

Mr. Ruland Williams, 517 East 13th appeared before the Council, registering additional protest against Mr. Packer with regard to his dairy operation on the Southeast corner of 13th and Holmes. He reminded the Council that the business activity was supposed to have ceased many weeks ago but that it is still being continued. The Mayor explained that Mr. Dale Despan, zoning consultant is due in the City on July 29th and that it was on the agenda to review this problem with him at that time. The City Attorney noted that Mr. Packer had made several verbal promises to him to cease operations which have failed to materialize. He explained further that the delay in legal action was because the case is scheduled for the Supreme Court. In view of the District Court decision in favor of the City and the Packers' failure to comply, it was moved by Councilman Petersen, seconded by Foote, that the City Attorney be instructed to file a criminal complaint against the Packers each day from this day henceforth as long as business activity is continued at this location. Roll call as follows: Ayes, 3; No, None; carried.

Mr. Chester Lowrie, 2215 S. Lee appeared before the Council acting as spokesman for other near-by residents, also present, reporting on the flood damage to basements of homes in his neighborhood on July 7th, 1960. He reminded the Council that this was originally a sanitary sewer but when the L.I.D. paving district was constructed, the sewer was tapped for storm drainage. To this extent he said, the City is responsible for the consequences. City Engineer Lloyd was called upon for comment on this problem. He said there are two possible solutions. First for approximately \$200.00 a home in the affected area, storm sewer facilities could be installed via the canal that passes through Tautphaus Park; second, a series of French drains could be installed at an approximate cost of \$500.00 a drain.

Mr. Lowrie commented again, to the effect that in his opinion, short laterals leading away from French drains would cover a larger area. He said he realized the City has an acute scarcity of available funds for this project but proposed that a portion of the \$10,000, budgeted for storm sewers, be used in this area as a start.

Mr. William Major, 333 East 13th, appeared and suggested that the City carry power insurance for such emergencies. It was explained that the City is limited by law as to the extent of insurance liability it can carry for the benefit of private citizens.

Mr. Herbert Ferguson, 182 E. 22nd, appeared and said that according to information from a City Plumbing Official, an 8 inch pipe between 22nd and 23rd is either plugged or broken. The Mayor instructed the City Engineer to investigate.

Others appearing to register a complaint on this problem were Messrs. V. P. Mc Connell, 162 E. 22nd, and Robert Belson, 190 East 21st.

Mr. L.A. Osborn, 1532 Clair View Lane, appeared before the Council to ask what had or is being done on the west side sewer district. Councilman Foote and City Attorney Barnard gave him a

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progress report and informed him that the official resolution will probably be passed in about a week.

Messrs. Homer Barlow and Joe Carstensen, representing the Junior Chamber of Commerce, appeared before the Council and reported on the Air Port to take place July 17th. They mentioned that there would be no admittance charge, just a parking charge for automobiles. Recognizing that there will be problems involving the proper handling of the crowd, it was agreed that they would meet with the Council and the Chief of Police early next week to discuss details.

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

**SUMMARY OF EXPENSES
JUNE, 1960**

GENERAL FUND:

| | |
|----------|------------------|
| Salaries | 85,355.58 |
| Supplies | <u>99,668.13</u> |
| Total | 185,023.71 |

RECREATION FUND:

| | |
|----------|---------------|
| Salaries | 3,878.74 |
| Supplies | <u>278.30</u> |
| Total | 4,157.04 |

ELECTRIC LIGHT FUND:

| | |
|----------|------------------|
| Salaries | 17,793.98 |
| Supplies | <u>58,389.31</u> |
| Total | 76,183.29 |

FIRE FUND:

| | |
|----------|-----------------|
| Salaries | 17,243.42 |
| Supplies | <u>1,095.19</u> |
| Total | 18,388.61 |

WATER AND SEWER FUND:

| | |
|----------|--------------------------|
| Salaries | 10,461.39 |
| Supplies | <u>15,082.80</u> -638.61 |
| Total | 25,544.19 |

POLICE RETIREMENT:

| | |
|---------|-------------------|
| Expense | 309,296.84 |
| Income | <u>218,436.30</u> |
| | 90,860.54 |

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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 funds for their payment. Roll call as follows: Ayes, 3; No, None; carried.

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

Permit and license applications were presented for BARTENDER: R. B. Mattenson; SOFT DRINK: Bowl-ero Café, Koffee Kup Kafe, Mary's Café; PHOTOGRAPHER: Scott's Studio. It was moved by Councilman Johnson, seconded by Petersen, that the permits and the licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License application for MEAT MARKET: First Street Market was presented. It was moved by Councilman Johnson, seconded by Foote, that the license be granted, subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 3; No, None; carried.

License applications for JOURNEYMAN GAS FITTER: Virgil Waters and Duane G. Sibbett were presented. It was moved by Councilman Johnson, seconded by Foote, that the licenses be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 3; No, None; carried.

License application for DANCE HALL: Happy Jacks was presented. It was moved by Councilman Foote, seconded by Petersen, that the license be granted, subject to the approval of the Police Committee and the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

License applications for POOL ROOM: Mead's Snooker Room; ROOMING HOUSE: Curtis Ruthledge and Oregon Rooms; MOTEL: Cleveland Motel, Sundown Motel, and Falls View Hotel; HOTEL: Idaho Hotel and Ross Hotel; BEER: Safeway Store #365 and Phillips Grocery were presented. It was moved by Councilman Johnson, seconded by Petersen, that these licenses be granted subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

Unsealed bids on a truck for the Electrical Department were read by the City Clerk, revealing the following:

| | | | | |
|---|----------------------------------|------------|-----------------------------|------------|
| B. A. Wackerli Co. Idaho Falls, Idaho | GMC Model 2503 | \$2,262.00 | GMC Model V4005 | \$3,297.00 |
| Smith Chevrolet Co. Idaho Falls, Idaho | One Ton Chev. Model 3603 | \$2,194.85 | Model 6303 2 Ton Chev. | \$3,509.00 |
| | Add for Duals | 215.00 | Add for 8 Cylinder | 118.00 |
| | Add for V-8 Engine | 118.00 | | |
| Ellsworth Bros. Idaho Falls, Idaho | One Ton Dodge 126" Wheel Base | \$2,265.00 | Two Ton 53" W. B. 84" CA | \$3,385.00 |
| Stoddard Ford Idaho Falls, Idaho | Ford F-350 | \$2,230.00 | F-600 154" W. B. | \$3,265.00 |

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| | | | | |
|---|-------------------------------|------------|-----------------------|------------|
| Snake River Equipment Idaho Falls, Idaho | One Ton Intern. Model B132 | \$2,196.00 | Two Ton Model B162 | \$3,120.00 |
|---|-------------------------------|------------|-----------------------|------------|

It was noted that these have previously been studied by the Electrical Department who have given their recommendation to the Purchasing Agent. It was agreed that the Purchase Order should be tabled until the Purchasing Agent returns from his vacation after which he was authorized to proceed with the acquisition, subject to the approval of the Mayor.

Unsealed bids on a car rental unit for the Engineering Department were read, revealing the following:

| | Monthly Rental | Purchase Price at end of 12 Months |
|-----------------|---|------------------------------------|
| Roy J. Keller | \$65.00 for 11 months for one final payment of \$125.00 | \$1,504.15 |
| Stoddard Ford | \$77.50 | \$1,200.00 |
| Smith Chevrolet | \$60.00 | \$2,141.00 |

All monthly rentals to apply on this purchase price (Out right purchase \$1,991.00)

It was moved by Councilman Petersen, seconded by Foote, that these be referred to the City Engineer for study and final selection. Roll call as follows: Ayes, 3; No, None; carried.

The following damage claim was presented:

NOTICE OF DAMAGE CLAIM

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

YOU ARE HEREBY NOTIFIED that SLIMETTE OF IDAHO, INC., an Idaho Corporation, d/b/a The Idaho Falls Health Club, claims damages against the City of Idaho Falls because of the failure and neglect of the City to maintain its sewer and sewage disposal system in reasonably proper order and condition during the spring of 1960. Specifically, the sewer and disposal system serving claimant's leased premises at Broadway and Skyline Drive in Idaho Falls, Idaho, was, contrary to the City's contractual and general duty, permitted to clog up and overflow and to pour sewage onto said premises to such extent that the business of the claimant was ruined. Claimant's premises was flooded by sewerage in increasing amounts from February, 1960 until the early part of June, 1960. The flooding with sewerage caused a continuing and cumulative damage to claimant's property and business in the total amount of \$25,000.00.

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The Claimant therefore demands \$35,000.00 in damages against the City.

This claim is filed pursuant to Section 50-162 Idaho Code.

Dated this 1st day of July, 1960.

SLIMETTE OF IDAHO, INC.
By s/ Ronald Thorpe
President

It was moved by Councilman Johnson, seconded by Petersen, that this be referred to the City Insurance Carrier. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk read the following:

July 1, 1960

City of Idaho Falls, Idaho Falls, Idaho
and
Mr. L. R. Bird, Kruse Motel
Idaho Falls, Idaho

Gentlemen:

Re: Joe Poliski Claim

At the request of Paul Bundte, Foreman of Idaho Falls Sewer Department, and with the consent of Mr. L. R. Bird, our client, Joe Poliski pumped out the sewer in the Bird Addition to the City of Idaho Falls, and hauled away this sewage between the 14th day of April, 1960, and the 1st day of June, 1960.

Mr. Poliski hauled 225 loads of sewage and each load contained 900 gallons. Mr. Poliski charged \$12.00 per load for this work, or a total of \$2,700.00.

We are informed that Mr. Bird offered to pay \$2,200.00 for this work but Poliski feels that this offer of settlement is inadequate and that his total charge of \$2,700.00 is very low.

Will you kindly give this matter your immediate attention and advise us of your decision of the same, as we are instructed by Mr. Poliski to file suit within the next few days on this item.

Very truly your,
ALBAUGH, BLOEM & SMITH
s/ Ralph L. Albaugh
Ralph L. Albaugh

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It was noted that this matter had previously been referred to the City Attorney, that he and the City Engineer met with Mr. Poliski and that he had been advised of the City's position in this regard.

The City Clerk read the following letter:

June 9, 1960

Mr. Roy C. Barnes
City of Idaho Falls
City Clerk
Box 220
Idaho Falls, Idaho

Mr. Barnes:

In regard to our telephone conversation this afternoon I am forwarding this letter to you as you requested.

Mr. McCarty has not picked up our registered letter that was mailed to him on 2 June 1960 as of this date. His mail is delivered to a Post Office Box in the downtown post office. The notice card was put in his box on the 2nd day of June and from the information we are able to get, the card was picked up the same day. The letter has not been picked up.

We therefore, declare that we have completed our dealings with Mr. McCarty and do not wish to be used as an excuse by him for the City of Idaho Falls to hold up on their actions against him.

I also wish to express my appreciation to the City Council, City Attorney and yourself for your understanding in this matter.

s/ Willis W. Weichel
Major CAP Commander

No action was considered necessary.

July 1, 1960

City of Idaho Falls
Idaho Falls, Idaho

Attention: City Council

Re: Jimmy P. Bernard
Property Damage Claim 3-24-60

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Gentlemen:

We have been advised by your carrier, Western Casualty & Surety Company, that due to the facts of this occurrence that you, the City of Idaho Falls, are not negligent in this claim. We, therefore, respectfully request you deny liability to Mr. Bernard through your Council.

Yours very truly,
s/ G. I. Clawson
Adjustor

June 30, 1960

City of Idaho Falls
Idaho Falls, Idaho

Attention: City Council

Re: Property Damage Claim
William Major
Date of Loss - 5-28-60

Gentlemen:

We have been advised by your insurer, Western Casualty & Surety Company, that upon review of the facts of the occurrence at the William Major's residence on 5-28-60 that they do not feel that you, the City of Idaho Falls, are negligent.

Would you please, through your Council, advise Mr. Major of the decision and that his claim is denied at this time.

Yours very truly,
s/ G. I. Clawson
Adjustor

The foregoing claim denial letters were read. It was moved by Councilman Petersen, seconded by Johnson, that in view of the recommendation in each case, the two claims be denied. Roll call as follows: Ayes, No, None; carried.

It was noted that bids had been opened at 11:30 A.M. July 6th, 1960 on City concrete work at which time only one bid was presented from Lloyd Nash & Sons as follows:

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PROPOSAL

The undersigned bidder agrees that if this proposal is accepted he will within 3 days after notification of acceptance, contract with the City of Idaho Falls, Idaho in the form of the contract attached hereto, and will be available to prosecute the work as directed by the Engineer to the extent of this proposal. The bidder agrees to accept as full payment for the work herein proposed the amount shown on the following schedule.

| Item | Description | Unit | Quantity | Unit Price | Total Cost |
|------|--|------|----------|-------------|-------------------|
| 1. | The removal and disposal of concrete sidewalk & driveway | S.Y. | 800 | \$.75 | \$ 600.00 |
| 2. | Construction of 4-inch concrete sidewalks & driveway | S.Y. | 600 | 2.70 | 1620.00 |
| 3. | Construction of 6-inch concrete sidewalks & driveways | S.Y. | 200 | 3.60 | 720.00 |
| 4. | Removal of curb section | L.F. | 400 | .50 | 200.00 |
| 5. | Removal of gutter section | L.F. | 400 | .40 | 160.00 |
| 6. | Removal of combination curb & gutter section | L.F. | 1,000 | .48 | 480.00 |
| 7. | Construction of combination type curb & gutter section | L.F. | 1,000 | 1.60 | 1600.00 |
| 8. | Construction of 16-inch curb section | L.F. | 400 | 1.95 | 780.00 |
| 9. | Construction of 24-inch gutter section | L.F. | 400 | 1.00 | 400.00 |
| 10. | Construction of concrete valley gutters | L.F. | 100 | 4.10 | 410.00 |
| | | | | TOTAL COST: | <u>\$6,970.00</u> |

Signed this 5th day of July, 1960.

s/ Jay C. Jenkins
Signature of Bidder

LLOYD NASH & SONS, INC.
Name of Company

Superintendent
Title

385 Cleveland Avenue, I. F.
Address of Company

Public Works Contractor's License No. and Type No. 449 A

In this connection the following recommendation from the City Engineer was read:

July 8, 1960
Acct. No. 4A-33

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Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Attached hereto is the proposal received from Lloyd Nash & Sons for the repair and replacement of sidewalk, curb and gutter.

Although this was the only proposal received for the work, a review shows the unit prices to be fair and reasonable and the total cost based upon assumed quantities was \$80.00 less than the estimate of \$7,050.00.

Therefore, we would recommend that the Mayor and Council award this contract to Lloyd Nash & Sons for the unit process set forth in the attached proposal.

Respectfully submitted,
ENGINEERING DEPARTMENT
s/ Donald F. Lloyd
City Engineer

It was moved by Councilman Foote, seconded by Johnson, that the concrete bid be awarded to Lloyd Nash & Sons and the Mayor and City Clerk be authorized to sign the contract. Roll call as follows: Ayes, 3; No, None; carried.

An easement agreement was presented between Shippen and Barnes and the City of Idaho Falls, covering property legally described as follows:

Beginning at the Northeast corner of Lot 18, Block 4, of Jennie Lee Addition, Division No. 2 to the City of Idaho Falls, Idaho. Running thence North 89° 19' West 10.0 feet; thence South 0° 41' West 100.0 feet to the North property line of Atlantic Street; this being a centerline description of a 12.0 foot easement.

It was moved by Councilman Petersen, seconded by Foote, that the easement be accepted and recorded. Roll call as follows: Ayes, 3; No, None; carried.

The following memo from the City Engineer was read:

July 8, 1960

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

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This letter is written with reference to transportation in the Engineering Department.

The 1953 Ford Station Wagon is no longer dependable transportation. An estimate of repairs to place this Ford in reasonable condition is \$475.00.

A review of our transportation budget indicates there is only about \$500.00 which is uncommitted for this fiscal year. It appears, however, that we have an additional \$500.00 in capital outlay that could possibly be used for transportation.

We are requesting that we be authorized to trade this vehicle in on dependable transportation. We have no preference as to model or type of vehicle in this particular case.

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

It was moved by Councilman Johnson, seconded by Petersen, that the City Engineer be authorized to proceed as described in the memorandum. Roll call as follows: Ayes, 3; No, None; carried.

July 8, 1960
Acct. No. 3B-70
Act. No. 3B-66

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We are submitting herewith for your review and approval the following named subdivisions:

First Amended Plat of University Manor, Division No. 1
Jennie Lee Addition, Division No. 3

On July 8, 1960 the Planning Commission gave final approval to these subdivisions, and the Engineering Department has since checked the calculations in detail.

Therefore, we are recommending that these subdivision plats be approved and the Mayor be authorized to sign the City's approval.

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

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The foregoing memo was presented. It was moved by Councilman Foote, seconded by Johnson, that the plats, as indicated, be approved and that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

The Pickett and Nelson contract covering Airport fencing was presented. It was moved by Councilman Johnson, seconded by Foote, that the contract be awarded to Pickett and Nelson and that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried. The City Engineer was then authorized to send Pickett and Nelson an advisory letter to this effect.

At the recommendation of the Building Official the Mayor presented certain areas for zoning or rezoning. It was moved by Councilman Johnson, seconded by Petersen that all of these be included in a notice of zoning hearing and that the date of said hearing be August 8th, 1960. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor read the following excerpt from a Special Meeting of the Board of Adjustments, held July 8th, 1960.

This request for a change of zone by Mrs. South was tabled at the previous meeting, until a plat could be presented showing elevations and etc. Mrs. South furnished said plat.

It was recommended by the Board that this request be granted, to change Lots 39 through 44 inclusive, Block 80 of the Highland Park Addition, from R-1 to C Limited Business, to permit the construction of a grocery and variety store.

It was also recommended by the Board that Katz Pharmacy, which is now operating in a non-conforming use, on Lots 45 through 48 inclusive, Block 80 of the Highland Park Addition, be changed from R-1 to C Limited Business, to put it into it's proper zoning.

Lots 37 and 38, Block 80 of the Highland Park Addition, on which is situated an apartment house, also in a non-conforming use, owned by Mrs. South, be changed from R-1 to R-3, to provide a buffer between C Limited and R-1 Residential District and bring it into it's proper zoning.

It was moved and passed that all three (3) of these recommendations be granted.

This meeting adjourned at 10:00 P.M.

It was moved by Councilman Johnson, seconded by Foote, that in each case as indicated, these requests for rezoning be included in a notice of zoning hearing to be held August 8th, 1960. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor noted that Mrs. Vern Haley had asked permission to sell tickets to the Community Theatre from a booth in front of the Hammon Music Company on July 9th, 1960. To this the Council agreed.

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

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ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
