

MARCH 8, 1960

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The City Council of the City of Idaho Falls met in Recessed Session Tuesday, March 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 Foote, Petersen, Creek. Absent: Councilman Johnson. Also present: Roy C. Barnes, City Clerk; George L. Barnard, City Attorney; Don Lloyd, City Engineer; Boyd Wright, Purchasing Agent; Alva C. Harris, Building Official; George Aupperle, City Controller.

The minutes of the last Regular Meeting, held February 19<sup>th</sup>, 1960 and Special Meetings held February 26<sup>th</sup> and March 3<sup>rd</sup>, 1960, were read and approved.

Mrs. Eugene Smith, 2825 Westmorland Drive, appeared before the Council, acting as spokesman for eleven others, also present, protesting the L.D.S. Hospital proposal to change the location of Riverside Drive and acquire certain City park property as a parking lot, in conjunction with the proposed new hospital unit. The protest, generally, was registered because it was felt the City should not sacrifice any more park space for any reason.

Mr. John Sharp, attorney for the hospital, and Mr. Grant Burgon, Superintendent, appeared before the Council, saying that their only reason for being present was to answer any questions in this regard. The Mayor then invited the group to gather around the front of the Chambers and study the architects plan. Among other questions answered, Mr. Sharp advised that the Hospital was prepared to pay cash for the property in question; although a specific figure was not mentioned. No formal action was taken.

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

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$66,659.01	\$44,463.36	\$111,826.57
Fire Fund	17,111.26	1,704.98	18,816.24
Electric Light Fund	16,913.21	51,174.34	67,162.55
Water & Sewer Fund	9,329.77	36,608.55	45,742.32
Police Retirement	<u>1,015.83</u>	<u>.00</u>	<u>1,015.83</u>
<b>TOTAL</b>			<b>\$242,964.48</b>
<b>Police Retirement</b>			<b>1,015.83</b>

It was moved by Councilman Foote, seconded by Creek, that the bills be allowed and the City Clerk 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 February were presented and there being no objections, were ordered placed on file in the City Clerk's office.

Restaurant permits previously approved by the City Sanitarian, were presented as follows:

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Bob's Arctic Circle, 235 E Street  
Pizza Prince, 498 A Street  
Pizza Prince, 403 1<sup>st</sup> Street  
Liberty Café, 345 Park Avenue  
Zip In Zip Out, North Yellowstone

Sears Roebuck Co., 1601 N Yellowstone  
H. B. Craggs, 503 N Shoup  
Slicks Café, 720 W Broadway  
Gordon Culver, 785 W. Broadway  
Iffi's Pizza, 502 Elm Street

It was moved by Councilman Petersen, seconded by Creek, that these permits be approved. Roll call as follows: Ayes, 3; No, None; carried.

License applications were presented as follows for SOFT DRINK: Bob's Arctic Circle, Municipal Golf Course; BARTENDERS: Gail Green; MILK VENDOR: Upper Valley Dairyman's Association, Cream Top Dairy; MASTER PLUMBERS: Vern Saxton Plumbing. It was moved by Councilman Petersen, seconded by Creek, that these licenses and permit be approved. Roll call as follows: Ayes, 3; No, None; carried.

License applications were presented as follows: GAS CONTRACTORS: Conan & Landon, Woodville Heating, Upper Snake River V. D. Association Inc., Northwest Propane; JOURNEYMEN GAS FITTERS: Bud Mitchell, Lloyd Winn, Edward Nixon, Eldon V. Thompson, Paul Hammond, Norman Conan, Darrell Landon; APPRENTICE GAS FITTERS: Arlo Belnap. It was moved by Councilman Creek, seconded by Petersen, that the licenses be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 3; No, None; carried.

License applications for CAB DRIVERS: Leonard E. Kelly, Ernest B. Burns; BEER LICENSES (one of which is an additional \$25.00 to add draft beer to license already issued.) 19<sup>th</sup> Hole, (add on) Broadway Café & Tavern. It was moved by Councilman Petersen, seconded by Creek, that the licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

License applications for ELECTRICAL CONTRACTORS were presented as follows: Interstate Electric Co. Inc., Electric Motor Service, Jewel Electric Co., Robinson Electric, Electrical Enterprises; JOURNEYMEN ELECTRICIANS: Leland S. Staten, Clarence Shore, Dale Dockstader. It was moved by Councilman Foote, seconded by Creek, that the licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 3; No, None; carried.

March 5, 1960

Mayor and City Council  
City of Idaho Falls, Idaho

Your Honor and Gentlemen:

On February 11<sup>th</sup> one of the City's graders, while removing snow from near the street curbing in front of our residence, did strike and considerably damage the mailbox for this residence. The metal box was damaged such that replacement by a similar new one is desirable.

According to the supplier, Hensay Metal Works, the cost of such replacement amounts to \$5.00.

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Shortly after the incident which happened at approximately 2:00 P.M., the City's Street foreman was contacted by phone and on Saturday February 13<sup>th</sup>, the Parish and Naegle Realtors were also contacted. Mr. Naegle immediately contacted the City insurance adjustors who visited us and we felt the problem was taken care of, however, it has now been almost a month and we still have no action.

We do have an outside witness to the mishap and we understand the City has insurance to cover this type of incident.

We would be very pleased to have this situation corrected as soon as possible.

Very truly yours,  
s/ Barbara A. O'Neill  
s/ Layton J. O'Neill

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

The City Clerk presented the following:

**NOTICE OF COMPLETION OF PUBLIC WORKS**

NOTICE IS HEREBY GIVEN that the contract with Davis Construction Company, Inc., Provo, Utah, dated September 16, 1958 for the construction of the Sewage Treatment Plant south of the City, was completed on January 1, 1960.

Any person, company or corporation who has furnished labor, materials or supplies used on the work, payment for which has not been made, shall file with the City of Idaho Falls, Idaho, within 90 days from the date of completion, an itemized statement of his claim for all amounts due and unpaid by the contractor.

Failure on the part of any claimant to file his claim within 90 days after completion shall constitute a waiver against the surety.

s/ Roy C. Barnes  
City Clerk  
City of Idaho Falls, Idaho

Published

In this connection a certificate of acceptance was presented along with a letter from Cornell, Howes, Hayes & Merryfield recommending that the Sewer Treatment Plant be accepted. It was moved by Councilman Foote, seconded by Creek, that the Council officially accept the Sewer Treatment Plant as having been completed, that the certificate of acceptance and that the City Clerk be authorized to publish the foregoing notice. Roll call as follows: Ayes, 3; No, None; carried.

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March 8, 1960  
Acct. No. 16A-2

Honorable Mayor and City Council  
Idaho Falls, Idaho

At the request of the Sexton, we have inspected this date the surface drainage problem at the Rosehill Cemetery and the need for restroom facilities.

The southwest portion of the Cemetery was covered with water up to four or five inches deep. It is estimated that the situation could be corrected with the installation of a French drain at the intersection of two of Cemetery lanes. We would recommend, therefore, that the Council authorize an expenditure not to exceed \$500.00 for the equipment and materials necessary for the installation of this French drain.

In the matter of toilet facilities, it was our opinion that centralized public facilities should be provided. This could satisfy the needs of the cemetery employees. Public facilities could be located adjacent to an existing sewer to serve the entire cemetery. We would recommend that an expenditure not to exceed \$2500.00 be authorized for the installation of these public facilities for the Rosehill Cemetery.

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

March 8, 1960  
Acct. No. 10A-15

Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

This letter is written with reference to the drainage at the intersection of Skyline Road and West Broadway.

During our inspection on March 7<sup>th</sup>, it appears the only feasible solution would be the installation of a drainage dry well.

It is our recommendation that an expenditure of \$1500.00 be authorized for the installation of a dry well and the necessary appurtenances to satisfy the drainage requirements in this area.

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

These memorandums were presented and in both cases the recommendations were tabled until the next budget period as they referred to projects that were not included in this years budget.

The following memo from the City Engineer was read:

March 8, 1960  
Acct. No. 3D-26  
Vacation of Crowley Street

Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

This letter is written in response to the attached which was referred to this Department on February 19, for recommendation.

Our investigation revealed that the City Council denied this petition in June of 1957 on the recommendation of Mr. C. R. Black. His recommendation was based upon a proposed storm sewer installation through this portion of Crowley Street. It has been revealed that a filling operation, as Mr. Keefer suggested in his letter, would require the extension of this storm sewer to the river bank. At the present time the sewer terminates in a rock cliff, and the waste water travels across approximately 50 feet of rock to the bank of the river.

In order to vacate this portion of Crowley Street, it would be necessary for Mr. Keefer to extend this sewer through his proposed fill area and provide us with a perpetual easement.

It is our recommendation that this petition be denied.

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

Attach:

It was moved by Councilman Petersen, seconded by Foote, that Mr. Keefer's request be denied. Roll call as follows: Ayes, 3; No, None; carried.

Councilman Foote offered the following resolution which was unanimously adopted:

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**RESOLUTION (Resolution No. 1960-05)**

Whereas, the officers of the Police Department of the City of Idaho Falls has for a considerable time provided money escort and transportation services to certain business establishments of the City, and

Whereas, there is now available within said City a commercial armored car service to provide such money transportation and escort service, and

Whereas, the furnishing of such services by such Police officers is attended by obvious danger to the safety of such officers and could result in possible liability to the City in the event of loss,

NOW THEREFORE, BE IT RESOLVED, that it shall hereinafter be the policy of the City not to provide such service except in cases of absolute emergency, when such commercial armored car service is not available, and that the Police Department and the officers there of be directed to comply with such policy.

The Mayor announced that the Idaho Municipal League District meeting originally scheduled for March 17<sup>th</sup>, be called for March 24<sup>th</sup> at the Bonneville Hotel at 7:30 P.M.

The Electrical Engineer presented a memorandum recommending that certain used electrical equipment be advertised for sale in the highest bidder as follows:

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| 1. Water-Wheel continuous current Generator<br>Mfg. by G.E. Company<br>Serial #201501 240 Amp 300 RPM 125 Volt | 4. Westinghouse Type SK<br>D.C. Generator frame 173 compound wound<br>17.5 KW 225 RPM 125 Volt Style 13E 643<br>120 Amperes Serial #4706612 100%<br>Temp. Rise 50° |
| 2. Allis-Chalmers Motor<br>Serial #2K 8404.1 140 HP 3 phase 60 cycle<br>1750 RPM 220 volt 33 Amp.              | 5. Fulton-Diesel 565 BHP Class 5 GB<br>Speed 225 RPM Serial #1277  |
| 3. Allis-Chalmers Pump (8")<br>Type 2 Serial #1080 1400 GPM 240 Ft. Hd.<br>1760 RPM                            | 6. Westinghouse A.C. Generator 450 KVA 60<br>Cycle 2300 Volt 225 RPM 113 Amp. 104<br>Exc. Amp. 80% P.F. 125 Exc. Volts 3 Phase<br>S. O. 13-E-642 Serial #4706610   |

It was moved by Councilman Foote, seconded by Petersen, that he be authorized to advertise accordingly. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor read a letter from Mr. Mark Storer requesting that the City consider a lease agreement on land next to the Hendrickson Fruit Stand, adjacent to the Golf Course to be used as an

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A & W Root Beer Stand. It was moved by Councilman Creek, seconded by Foote, that this be denied on the grounds that further commercializing of this area be discouraged. Roll call as follows: Ayes, 3; No, None; carried.

With regard to the Skyline Sewer project, the City Treasurer presented a memorandum to the effect that in the absence of an outside Engineering firm, some responsible person should be authorized to sign certificates of approval which will accompany all checks for payment of the project. It was moved by Councilman Foote, seconded by Petersen, that Don Lloyd be named to act in that capacity. Roll call as follows: Ayes, 3; No, None; carried.

March 3, 1960

To City of Idaho Falls  
Idaho Falls, Idaho

Re: Palisades Water Users, Incorporated

Dear Sir:

You have been allocated the right to purchase 60 acre-feet of storage space in Palisades Reservoir and are entitled to purchase 60 shares of assessable no par value stock in Palisades Water Users, Incorporated, upon payment of the First Assessment of 10¢ per share, totaling \$6.00. Each share represents one acre-foot of storage space in Palisades Reservoir.

As the meeting of stockholders has been called for March 26, 1960, notice of which is enclosed, to approve the contract with the United States of America, for purchase of Palisades Reservoir storage space, your stock must be paid for and issued prior to the date of said meeting.

You may secure your stock at the law offices of Holden, Holden, & Kidwell, Idaho First National Bank Building, Idaho Falls, Idaho.

If you will be unable to attend the stockholders' meeting, would you kindly sign the enclosed proxy and return it to this office.

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

Encl.

This letter was read and was referred to the City Attorney for study and recommendation.

The Mayor read this letter of denial on the Soderberg Claim:

March 2, 1960

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City Council  
City of Idaho Falls  
308 C Street  
Idaho Falls, Idaho

Re: PD claim of Mr. Jesse D. Soderberg  
260 8<sup>th</sup> Street, Idaho Falls, Idaho

Gentlemen:

On 2/8/60, Jesse D. Soderberg filed a claim for damage to his 1955 Packard through the City Council. The claim was then turned over to our office for investigation.

We have reported the occurrence to the City's liability carrier in detail after making our investigation. Today we received a letter from the company requesting that the claim be denied.

Mr. Soderberg feels the City was negligent in that rocks were supposedly left on a driveway near the C & D Garage. We have a statement from Paul Bundte, Superintendent for the Sewer Department and he insists that any debris caused from blasting or excavating was cleaned up immediately. Also he states that work was concluded about the 5<sup>th</sup> of January, 1960.

The involved driveway is dirt and gravel and at the time of our inspection we noted rocks on the driveway, but also noted it would be difficult to determine where the rocks came from. Further, claimant Soderberg admits driving over the rock thinking it was a piece of snow, and therefore, we feel there is negligence on his part. Claimant Soderberg has used the driveway frequently and was aware of its condition. We, therefore, request that you formally deny the claim.

Yours truly,  
s/ A. W. Knight  
Manager

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

The Mayor noted that a group of interested citizens has recently expressed themselves by suggesting the need for a Youth Advisory Council. This was referred to Councilman Petersen and City Attorney Barnard to determine whether or not an ordinance is necessary, creating said organization.

The Mayor asked Council approval to appoint Barbara Hendrickson as an additional member of the Mayor's Committee for employment of the physically handicapped. To this the Council concurred.

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Mr. Alva Harris, Building Official, reported that a petition had recently been presented to the Board of Adjustments requesting rezoning from R-1 to R-3 of the following described property.

S 65' of Lots 45, 46, 47, 48, Block 63, Crows Addition

and they had recommended that this be denied. It was moved by Councilman Foote, seconded by Creek, that the Board's recommendation be followed and that the request, as stated, be denied. Roll call as follows: Ayes, 3; No, None; carried.

Mr. Harris then advised that the following were now ready for zoning or rezoning; Jennie Lee #2, Skyline Terrace #2, University Manors #2, Disney & Henson Subdivision; Lot 2, Block 1, Asper Addition #1; Lots 1, 2, 3, Block 1, University Manor #1 and an area, metes and bounds description, north of Sears between North Holmes and North Yellowstone, recently annexed. It was moved by Councilman Foote, seconded by Petersen, that the City Clerk be authorized to publish a notice of zoning hearing accordingly, said meeting to be held April 7<sup>th</sup>, 1960. Roll call as follows: Ayes, 3; No, None carried.

The following letter was read:

February 24, 1960

Mayor W. J. O'Bryant  
City Building  
Idaho Falls, Idaho

Dear Jack,

Realizing that you would not be able to do much toward beautification of the City parks and parking last year because of the lateness of the date you took office, the Idaho Falls Flower & Garden Club has not so far annoyed you with any request for consideration of plans for beautifying the City. Now that you are firmly established in the office, and another growing season is almost upon us, may we urge the City administration to do the following:

1. Enforce the provisions of Sec. 4-302, 4-303, and 4-305 of the City Ordinances.
2. Give publicity through the press and radio to the kinds of trees heretofore designated by the Mayor to be planted on each street.
3. Order 50 or more May Day (Padus Commutate) trees for planting on Boulevard.
4. Have City employees plant the May Day trees now growing in the arboretum at the golf course on vacant parkings on Boulevard.
5. Prohibit topping of trees on City parkings and in City parks.

Every year considerable butchery is done on the trees of the community by people who make it a business of disfiguring trees which have grown up in the community. The City has no jurisdiction of course over any trees excepting those in the street parkings and in the City parks. Topping should be prohibited not only because the trees are disfigured and made very

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unsightly, but they are made subject to disease. Trees which have been topped never regain their former beauty. They sent out too many small weak branches, just like weeds.

May Day trees are hard to find, but Porter-Walton Company of Salt Lake has supplied the City in the past at a reasonable rate.

Very truly yours,  
s/ Alvin Denman

cc: Mr. Alex Creek

It was noted by Councilman Foote, seconded by Creek, that this be referred to the Parks Committee. Roll call as follows: Ayes, 3; No, None; carried.

Next to be presented was the following memo from the Electrical Inspector:

February 15, 1960

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

At the request of Mr. Davis, City Electrical Engineer, I checked the wiring on the roof of the City building, that serves the neon tubing around the top rim of the building. I find that all 1500 volt wiring needs to be replaced and all wires in conduit needs to be replaced. The conduit has come loose from the wall and should be strapped in place and old junction boxes be replaced with new weather tight junction boxes.

If this is done, it will take care of the existing tubing that is on the building at present.

Respectfully submitted,  
s/ Hy Hansen  
Electrical Inspector

This was referred to the Building Committee.

The Mayor read the minutes of a recent meeting of the City Safety Committee. No action was taken.

Councilman Foote presented certain plans of the Civil Air Patrol whereby they would construct a building at the airport for their use and in this regard they are requesting a twenty year ground lease with option to prepare a lease with appropriate provisions accordingly. Roll call as follows: Ayes, 3; No, None; carried.

The Electrical Engineer presented the following:

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February 24, 1960

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Dear Sirs:

The proposed rate structure for the City of Idaho Falls received verbal approval during a recent informal City Council Meeting held February 24, 1960.

This proposed rate is as follows:

**ANY RESIDENTIAL SERVICE**

3.6¢ per KWH - 1<sup>st</sup>. 75 KWH  
2.7¢ per KWH - Next 25 KWH  
1.8¢ per KWH - Next 100 KWH  
1.5¢ per KWH - Next 150 KWH  
.8¢ per KWH - Next 500 KWH  
1.5¢ per KWH - All over 850 KWH

It is the suggestion of Mr. Roy Barnes, that this rate become effective April 1, 1960. This date will produce a good psychological effect for the City because the monthly bill is decreasing during this time of the year. Other advantages are:

1. Reduced office procedure
2. Better public relations with the gas company and its customers
3. Complete reduction of policing the various schedules for violators.

Very truly yours,  
s/ Harold W. Davis  
Electrical Superintendent  
City of Idaho Falls

It was noted that the Council had previously studied this proposition, informally but very thoroughly. It was moved by Councilman Foote, seconded by Creek, that the City Attorney be authorized to prepare an ordinance incorporating said residential rate change, the only difference from the provisions as stated in the memorandum being that the effective date be May 1<sup>st</sup>, 1960. Roll call as follows: Ayes, 3; No, None; carried.

Certain members of the Electrical Board appeared before the Council with Mr. Robert Bauchman acting as their spokesman, desiring to discuss and determine the authority of their Board.

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After some discussion, it was agreed upon a suggestion by Councilman Foote, that in instances of dispute, they prepare a memorandum to the Council with recommendation for their consideration and that this be done through the Building Official. To this the Board agreed.

The City Attorney presented, at the request of the City Engineer, title opinions on property recently acquired within the clear zone at the airport as follows: Herbert and Bonnie Swanson, Charles and Helen Reed, Lloyd and Helen Mori, Everett and Melva Harriell, John and Lorna Follett, NLBC Inc; and explained that no title insurance had been furnished on the NLBC or the Swanson property and that the latter also had a defective deed. No action was considered necessary.

ORDINANCE NO. 964

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE UNIFORM PLUMBING CODE, 1958 EDITION, PUBLISHED BY WESTERN PLUMBING OFFICIALS ASSOCIATION, AS THE PLUMBING CODE OF THE CITY OF IDAHO FALLS , IDAHO, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

The foregoing Ordinance was read in title. It was moved by Councilman Foote, 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, 3; 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, 3; No, None; carried.

The City Attorney presented deeds in the name of Smith Chevrolet Company and Bonneville Improvement Company covering closed portions of streets or alleys, previously authorized by ordinance. It was moved by Councilman Petersen, seconded by Foote, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

A City redemption tax deed was presented in the name of Glen Duncan, Jr. It was moved by Councilman Petersen, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

Councilman Foote asked as to whether the leasing of the farm land at the airport should be advertised or the lessee be selected on a negotiated basis. The City Attorney recommended the latter course, due to the need for special requirements of the lessee. It was moved by Councilman Foote, seconded by Creek, that the lessee be so chosen. Roll call as follows: Ayes, 3; No, None; carried.

The City Attorney presented an agreement between the City and Rogers Brothers Seed Company covering terms and conditions for the providing of City water to their proposed new business office location. He said that Mr. Dale Isley, Secretary Treasurer of that Company, was generally in agreement with its provisions. The Council took no action as they wanted time to study the instrument.

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

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ W. J. O'Bryant  
MAYOR

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