

FEBRUARY 8, 1960

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

Minutes of the Regular Meeting held January 15, 1960 and Special Meetings held January 18th, January 19th, January 25th and January 29th, 1960 were read and approved.

The Mayor announced that this was the time and the place for a zoning hearing meeting as advertised in the Post Register, January 24th, 31st, and February 7th, 1960 to hear verbal or written protests to the rezoning of certain areas.

First to be considered was the Leonard Foster request covering Lots 13, 14, 15 and the East 22 feet of 16, Block C Elg Addition. There were no protests. It was moved by Councilman Johnson, seconded by Petersen, that this property be rezoned from R-2 to R-3. Roll call as follows: Ayes, 4; No, None; carried.

Next to be heard were protests on the Brady-Wages request to rezone their property located between the 900 and the 1000 Block on the north side of East First Street. Mr. Mel Stratford, 1100 Chatham Drive, appeared before the Council, protesting the rezoning on the grounds that residents rights in the area should be protected. He pointed out that rezoning to permit any type of professional buildings would increase traffic and generally decrease the value of surrounding property. He presented a petition with 41 signers, protesting the rezoning. Others appearing with similar arguments were Ted Davis, Ronglyn and First Street; Hal Johnson, 940 First Street; M. L. Swain, 800 1st Street and Keith Barrett, 155 Chatham Drive. Mrs. J. L. Wages, 875 1st Street, then appeared and spoke briefly in favor of the rezoning. She pointed out that the property lies between a church and a school and for that reason cannot beneficially be considered as residence property. She said she could not speak for Mr. Brady, but that they had considered the building of a mortuary and felt that this would not be detrimental to the area. In view of the many protests it was moved by Councilman Petersen, seconded by Foote, that the request for rezoning from R-1 to R-3 be denied. Roll call as follows: Ayes, 4; No, None; carried.

Mr. Phillip Thomas, 509 North Water, appeared before the Council and expressed concern with regard to a portion of the Building Code pertaining to buildings in the non-conforming use category in the event of loss by fire, etc. City Attorney Barnard advised that probably in the event of total loss, their replacement would be prohibited, but that, barring total loss, any normal repairs would be permitted.

Mr. Grant Packer, Sr., temporarily residing in St. Anthony but with residence at 508 13th, appeared before the Council, seeking a solution to the problem which has arisen with regard to his property next to his residence, located on the southeast corner of 13th & Holmes, now being used commercially in an R-1 zone and on which there has been court litigation with reference to that usage. He explained that he would like to do everything within his power to cooperate with the City on the matter. He proposed that he would be willing to raze the stucco building now located there and construct a modern brick building where he could sell dairy products. He said he would be willing, if necessary, to buffer this with a professional building, using his home sight for the cause. The Council recommended that such a proposition should be presented through normal procedure; namely, by means of an architects sketch specific usage of the property, said sketch of which should

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be presented to property owners in the immediate area with a petition to indicate their approval, said petition of which should then be presented to the Board of Appeals. Their recommendation on the matter would then be considered by the Council.

Bills against the City for the month of January, having been 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	\$72,630.61	\$116,154.84	\$188,697.44
Fire Fund	17,864.46	347.98	18,212.44
Electric Light Fund	17,040.74	63,759.33	80,800.07
Water & Sewer Fund	10,382.49	22,162.96	32,545.45
Police Retirement	<u>1616.25</u>	<u>.00</u>	<u>1616.25</u>
TOTAL			\$292,920.18
Police Retirement			\$1,616.25

It was moved by Councilman Johnson, seconded by Creek, that the bills be allowed and the City Clerk be instructed to draw warrants on the respective funds for their payment. Roll call as follows: Ayes, 4; No, None; carried.

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

License applications for SOFT DRINK, MILK VENDORS, SECOND HAND STORES, JUNK DEALERS, MASTER PLUMBERS, ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS, previously approved by the Electrical Inspector, were presented as follows:

SOFT DRINKS:

Phillips Grocery, 418 W. 18 th Street	Cragg's Drug Store, 503 Shoup Avenue
Curtis Drive Inn, 18 th and Curtis	Money Savers Store, 1198 Ada
Joe's Coffee Shop, 535 Second Street	Money Savers Store, 898 E. Elva
Jenny's Lunch, Capital Avenue	Money Savers Store, 700 W. Broadway
Sears Roebuck, 1601 N. Yellowstone	Money Savers Store, 209 E. 14 th Street
Sutton's Market, 1251 Idaho Avenue	Lantern Café, 356 Broadway

MILK VENDORS: Economy Dairy. SECOND HAND STORE: Donald F. Austin, Odds and Ends Store. JUNK DEALERS: Stewart Sheep Co. MASTER PLUMBERS: Scott Bair Plumbing and Heating, Lake Plumbing & Heating, Sautter Plumbing & Heating, Terry Plumbing & Heating, First Street Plumbing & Heating, Bingham Plumbing & Heating. ELECTRICAL CONTRACTOR: Anderson Electric Corp. JOURNEYMAN ELECTRICIANS: A. D. Hill, Stanley Helm, Byron Roskelly, Alfred Holyoak. It was moved by Councilman Johnson, seconded by Petersen, that these licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

License applications for CAB DRIVERS were presented as follows: Larry Jenne. ROOMING HOUSE: Handy Cabins, Eagle Rock Rooms. BEER, CANNED & BOTTLED, NTBCOP: Sutton

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Grocery, Money Savers Stores (4). It was moved by Councilman Johnson, seconded by Creek, that the licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

The following license applications were presented: GAS CONTRACTOR: Lake Plumbing & Heating, Hensey Metal Works, Ahrco Sales And Engineering, Bingham Plumbing & Heating. JOURNEYMAN GAS FITTERS: Cal D. Schulz, Gordon Powell, Wally Pendleton, Morley Longmore, L. F. Jensen, Moyes Barney, Howard Lyon, Richard Wiemer, Melvin E. Yorgensen, Max W. Russell, William Johnson, Kenneth Dean, Lovell Harrop, Boyd Levine, Jay Pincock, Wayne C. Hammond, Ken C. Worthing, Elbert M. Willis. APPRENTICE GAS FITTER: Dallas Pope, Tom Lake, D. A. Otteson, Darrell Bennett, Veryl Reinhold, Ross Quinton, Kermit Blanchard. It was moved by Councilman Petersen, seconded by Foote, that the licenses be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License applications were presented as follows for MEAT MARKET: Phillips Grocery, Sutton's Grocery, Money Saver Stores (4). It was moved by Councilman Creek, seconded by Foote, that the licenses be granted subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 4; No, None; carried.

License applications were presented as follows for LIQUOR licenses: Capital Bar, Bon Villa Club. It was moved by Councilman Petersen, seconded by Foote, that the licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

February 2, 1960

City of Idaho Falls
Idaho Falls, Idaho

Attention: Mr. Roy C. Barnes, City Clerk

Dear Sir:

In accordance with our conversation regarding garbage truck of City of Idaho Falls causing damage to stair-railing at rear of B.P.O.E. Elks Lodge No. 1087 building at about 8:30 A.M. Sunday, January 30, 1960. I submitted the proposal of Wadsworth Construction Company to make the repairs.

Your soonest consideration of this matter will be appreciated.

Thank You.

Sincerely,
s/Emil G. Moore, Secretary
B. P. O. E. Lodge No. 1087
Idaho Falls, Idaho

(Copy of letter from Wadsworth Construction Company with regard to appraisal on repairs):

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"I proposed to repair damaged stair-railing on the south kitchen entrance of the new Elks Building for the sum of \$48.00.

Wadsworth Construction Co.
s/ Golden Wadsworth

February 8, 1960
260 8th Street
Idaho Falls, Idaho

City Council
City of Idaho Falls
Idaho Falls, Idaho

Dear Sirs:

On January 28, 1960, I left C & D Garage and started to drive out to the highway (South Yellowstone Highway). About 10 feet from the highway I ran over a large rock that was covered with snow. The rock smashed the levelizer motor and controls on my 1955 Packard. This caused the front of the car to drop down and the rear end to rise up. The only thing that keeps a Packard level is the levelizer motor and controls.

Mr. E. B. (Al) Davis, owner of the C & D Garage, witnessed the accident and looked over the damage. His estimate of cost of repairs was \$75.00.

Roy J. Keller Garage also estimated cost of repairs at between \$65.00 and \$75.00.

The parts were ordered the day after the accident by Roy J. Keller but have not been delivered at this date. Their cost was \$45.00.

I believe that the City of Idaho Falls was directly responsible for this accident. The City has been digging an excavation between the C & D Garage and Rays In & Out, and in doing so they have done a good deal of blasting and they were leaving the rocks where they fell. It got so bad that Mr. Talmage Grimmett, operator of Rays In & Out had to complain to the City because the mess was preventing the cars from coming into the Drive In. Part of the mess was cleaned up and then the whole project was stopped.

After the work was stopped there was still a large amount of rock left laying around, and as witness to this I offer the following:

Mrs. Edith Nichols and Mrs. Lola Petersen, are both employed at the Rays In & Out and Mr. Talmage Grimmett is operator of Rays In & Out, and Mr. E. B. Davis is owner and operator of the C & D Garage. I feel the City was negligent, and that this was the sole cause of the damage done to my car, and therefore the City Council should award me \$75.00 to pay for the repairs.

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As witness to the parts pertaining to them.

s/ Mr. Jesse D. Soderberg

Mr. E. B. Davis,
Owner of C & D Garage

Mr. Talmage Grimmett
Operator of Rays In & Out

Mr. S. W. Haack, Shop Forman
of Roy J. Kellers

Mrs. Edith Nichols, Employee
of Rays In & Out

Mrs. Lola Petersen, Employee
of Rays In & Out

The City Clerk presented the foregoing. It was moved by Councilman Foote, seconded by Petersen that these be referred to the City Insurance Carrier. Roll call as follows: Ayes, 4; No, None; carried.

The following letter, denying the Merrill Havens Claim, was then presented.

February 4, 1960

Mayor and City Council
City Building
Idaho Falls, Idaho

Attention: Roy C. Barnes, City Clerk

Re: Merrill Havens - vs. - City of Idaho Falls

Gentlemen:

Upon review of the facts as presented to your City Council on January 7, 1960 in regards to an injury sustained by a dog owned by Mr. Merrill Havens, we have been advised by our insurance company that they do not feel that any coverage exists on this matter.

Since Mr. Hoffman, your employee, stated that he never got within 25 feet of the dog, we of course would have no obligation to the dog's owner when he dashed back into the yard and injured himself.

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Using the other analogy as presented to your Council by Mr. Boyd R. Thomas, Attorney for Mr. Havens, that Mr. Hoffman struck the dog, there would be again no coverage due to the fact that this would not be an accidental act but an intentional act which is excluded from the policy.

We therefore regretfully submit to you this letter noting the lack of coverage in so far as this matter.

Yours very truly,
s/ O. B.
Gray I. Clawson
Adjuster

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

An addendum was presented from Union Pacific covering L. D. No. 10729, a water pipe line crossing agreement. 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.

January 21, 1960

To the Honorable Mayor and Council
Idaho Falls, Idaho

Gentlemen:

The following City utility accounts, now closed leaving unpaid balances, are considered uncollectible in the opinion of a professional collector to whom they were recently referred:

Don K. Brown 1355 Winston Place City	\$69.55
Second Baptist Church 1098 Elmore City	\$13.10

You may recall that Mr. Brown recently met with a tragic and fatal accident on the Swan Valley Highway, leaving his wife with no assets. She is no longer living in this City.

The Second Baptist Church was in operation for a short time. This was a colored group that was temporarily banded together by an itinerant minister. This organization no longer exists.

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Also considered uncollectible, due to no assets is the utility bill of the Idaho Falls Baseball Club in the amount of \$1,059.20. Your authorization is requested to charge off the foregoing three utility accounts.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

The City Clerk read the foregoing memorandum. It was moved by Councilman Petersen, seconded by Johnson, that the accounts be charged off as indicated. Roll call as follows: Ayes, 4; No, None; carried.

The following memo from the City Engineer was read:

February 8, 1960
Acct No. 3B-105
3B- 77
3B-107
3B-104
3B- 66

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

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

Gustafson Park Addition, Division No. 1 (Amended) (8-18-59)
College Park Addition, Division No. 1 (10-14-59)
Skyline Terrace, Division No. 2 (1-25-60)
Packer Addition, Division No. 3 (1-25-60)
Jennie Lee Addition, Division No. 2 (1-25-60)

Your Planning Commission has given final approval to these subdivisions on the dates indicated in parenthesis, and the Engineering Department has since checked with 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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It was moved by Councilman Johnson, seconded by Foote, that the plats be approved as indicated. Roll call as follows: Ayes, 4; No, None; carried.

A lease agreement was presented between Roy J. Keller and the City of Idaho Falls covering a rental unit for the Gas Inspector. 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.

Two maintenance service contract bids were reviewed from Mason's Business Equipment and Holladay's, both of Idaho Falls. These were quite detailed and so they were referred to the Building Committee and the Purchasing Agent for their study and recommendation.

Bids were opened on a rental unit for the Street Commissioner and the following were revealed:

Ira N. Corey Company	Plymouth Savoy Two-Door	\$65.00 monthly rental
Roy J. Keller	Studebaker Lark Two-Door	\$65.00 monthly rental
Ellsworth Brothers	Dodge Dart Two-Door	\$75.00 monthly rental
Stoddard Ford	Ford Custom 300 Falcon Four-Door	\$84.50 monthly rental
Smith Chevrolet	Chevrolet Corvair Four-Door	\$59.00 monthly rental

It was moved by Councilman Creek, seconded by Foote, that the low bid of Smith Chevrolet be accepted. Roll call as follows: Ayes, 4; No, None; carried.

An excerpt from the Planning Commission Minutes, dated January 25, 1960, was presented as follows:

MILLIGAN AVENUE

Commissioner Heyrend moved, seconded by Commissioner Merchant, to recommend changing the name of Murray Lane to Murray Street on the plat of Milligan Avenue, and to recommend to the Mayor and Council that the plat of Milligan Avenue be approved with this change. Carried.

It was moved by Councilman Johnson, seconded by Creek, that the Council concur with the Commission and approve the name change of Murray Lane to Murray Street. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor read the minutes of the February 3rd Meeting of the Idaho Falls Electric Board. No action appeared necessary.

The Mayor noted that a City representative was expected to be present at the Burns Creek hearing to be held February 15th and 16th. It was moved by Councilman Foote, seconded by Petersen, that the Mayor be authorized to represent the City in this regard. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 961

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.

FEBRUARY 8, 1960

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

ORDINANCE NO. 962

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 read in title. It was moved by Councilman Johnson, seconded by Petersen, 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. 963

AN ORDINANCE AMENDING ORDINANCE NO. 727 OF THE CITY OF IDAHO FALLS REGULATING TRAFFIC THEREIN; DEFINING CERTAIN WORDS AND PHRASES; VESTING ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE IN THE POLICE DEPARTMENT; PROVIDING GENERAL AND SPECIFIC REGULATIONS PERTAINING TO TRAFFIC UPON THE STREETS AND ROADWAYS OF THE CITY OF IDAHO FALLS; AND PROVIDING PENALTIES FOR THE VIOLATIONS OF THE TRAFFIC RULES AND REGULATIONS.

The foregoing Ordinance was read in title. It was moved by Councilman Johnson, seconded by Petersen, 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

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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.

Reference was made in this Book of Minutes dated January 15th, 1960 to certain bids on transformers for the new Sears site. Meanwhile, the Electrical Engineer has had an opportunity to review them and consider, particularly, the loss factor and the following bids so reflect, accordingly:

General Electric Company	\$1,900.00
R. E. Uptegraff Mfg. Company	1,925.00
Pennsylvania Transformer Co.	1,886.00
Westinghouse Electric Company	2,096.00
Allis Chalmers Company	2,855.00

It was agreed that the Pennsylvania Transformer Company low bid be accepted.

Re-bids for rewiring the City Garage to include certain rewiring of the City Building were presented as follows:

Idaho Falls Electric Company	\$3,250.00
Babbitt Electric Company	2,847.75

It was agreed that the low bid from Babbitt Electric be accepted.

Six City redemption tax deeds were presented in the names of:

Burniece Hansen (2)
Thomas Nessen
Equitable Life Assurance Society of America
D. V. Groberg Company
T. L. Spaulding

It was moved by Councilman Petersen, seconded by Johnson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

February 8, 1960

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

Attention: Mr. Barnes

Gentlemen:

FEBRUARY 8, 1960

We wish to request the closing of the alley on the east side of Yellowstone Avenue, Block 16, of the Mayflower Addition. We give as our purpose in closing this alley that it has not been in use.

Very truly yours,
Max Ker & Son Lumber Co.
s/ Max E. Ker

The foregoing letter was read and this was referred to the City Engineer for study and recommendation.

Two amendment provisions for Federal Aviation Agency agreements, providing for automatic renewal to certain dates were presented as follows:

<u>FAA Contract No.</u>	<u>Facility</u>	<u>Automatic Renewal to</u>
C4CA-1829 A	Bldg Site for ATFO Storage	6/30/69
C4CA-4199A	GATFO Hdqtrs. & Shop	6/30/67

It was moved by Councilman Foote, seconded by Creek, that the Mayor be authorized to sign. 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
