

JANUARY 7, 1960

The City Council of the City of Idaho Falls met in recessed Meeting Thursday, January 7, 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 Creek, Foote, Petersen, Johnson. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Lloyd, City Engineer; Alva Harris, Building Official; Boyd Wright, Purchasing Agent.

Minutes of the last Regular Meeting held December 18th, 1959, and Special Meetings held December 22nd, and December 30th, 1959 and January 4th, 1960 were read and approved.

Mr. Dale Isley, Secretary-Treasurer of the Rogers Brothers Seed Company, appeared before the Council, explaining that his Company had recently acquired property on the N.W. corner of Sunnyside and Rollandet for administrative offices and indicated, in behalf of his Company, a desire to have the property annexed. He said he had heard that lack of water poses a problem and explained that one solution would be for Rogers Brothers to drill a well, which they would be willing to do, and work out an arrangement if necessary, to sell any excess water to the City; or they would stand the immediate cost of piping water to the location if a monthly credit arrangement could be worked out for water consumption on their water bill. The Mayor thanked Mr. Isley for the various alternate propositions and assured him that they would be taken under advisement.

The Mayor announced that this was the time and the place for the opening of sealed bids on bulk gasoline and related products for use by City motor equipment and instructed the City Clerk to proceed. The following were revealed:

	Premium Gas-Gallon	Motor Oil-Gallon	Diesel Oil-Gallon	Antifreeze-Gallon
J. H. Boozer Oil Company	.2445	.78	.77	
Forde Johnson Oil Company	.2436			
Bair's Trucking, Incorporated	.28135 .24135 Excluding Federal Excise Tax			
Richfield Oil Corporation	.2638	.85	.1629	
Conrad and Bischoff	.2755	.77 (HD) .85 (HDS)		
Utah Oil Refining	.2615	.82	.78	1.88 (6/1) 1.99 (24/1 Qts.)
Carter Oil	.2445		.1395	
Standard Oil Company	.2795	.832		
Westcott Oil Corporation	.2474	.74 (Tracon) .79 (HD)		1.79 (6/1) 1.89 (24/1 Qts.) 1.72 (Drum)

These were referred to the Purchasing Agent and the Finance Committee.

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Mr. William Osborn, Pfaff Sewing Machine Center, appeared before the Council, requesting that a loading zone be made available to his store at 552 Park Avenue. This was referred to the Police Chief and the Traffic Department.

Bills against the City for the month of December, 1959, having been properly audited by the Finance Committee were presented as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$79,040.61	\$52,685.66	\$131,726.27
Fire Fund	18,607.61	354.34	18,961.95
Electric Light Fund	17,440.00	47,741.52	65,182.76
Water & Sewer Fund	11,158.70	24,511.13	35,669.83
Police Retirement	<u>1,616.24</u>	<u>.00</u>	<u>1,616.24</u>
Total			\$251,540.81
Police Retirement			\$1,616.24

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

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

License applications were presented as follows: BARTENDER: Lyle Enloe; SOFT DRINK: 191 Club, Iffi's Pizza, Fred's Café, J. J. Newberry Store. MASTER PLUMBER: Wendell Anderson, D. E. Fairless, Audlen R. Kerr, F. L. Pendleton. JOURNEYMAN PLUMBER: Dean C. Kirkham. It was moved by Councilman Johnson, seconded by Creek, that the permit and licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License applications for CAB DRIVERS: Gale Young, Gary Lewis, Harold Clark, Arthur Hammer, Dan Fouts. ROOMING HOUSE: Phippen Motel, Marion Hotel. BEER, CANNED, BOTTLED AND DRAFT, TBCOP: 191 Club. 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, 4; No, None; carried.

Applications were presented as follows for GAS CONTRACTORS: Fairless Plumbing & Heating, H-L Electric, Roger Brothers Seed Company, Kerr Plumbing & Heating, Acme Mechanical, Holland Furnace Company, American Plumbing & Heating. JOURNEYMEN GAS FITTER: Claude L. Smith, Don L. Kerr, Audlen R. Kerr, Wesley Dale Ennis, Harold W. Bates, George L. Hardenbrook. APPRENTICE GAS FITTERS: Daniel E. Fairless. It was moved by Councilman Johnson, seconded by Creek, 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: ELECTRICAL CONTRACTORS: Riveon Sign Company, H. L. Babbitt, Blackfoot Electric Service, A. L. Brown Electric, Baldtree Electric, Alva Lewis Electric. JOURNEYMEN ELECTRICIANS: Heber Hadlock, Winford Taylor, Max Cobbley, Alva Lewis, Claude Lewis, Wayne Van Orden, Larry Jensen, A. L. Brown, Golden E. Hiatt, Walter A.

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Hansen. It was moved by Councilman Johnson, seconded by Petersen, that the licenses be granted subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

DANCE HALL license applications were presented as follows: Lobby Bar, Topper Supper Club, Mint Bar, Jack's Club. It was moved by Councilman Johnson, seconded by Creek, that the licenses be granted, subject to the approval of the Chief of Police and the Police Committee. Roll call as follows: Ayes, 4; No, None, carried.

RETAIL LIQUOR license applications were presented as follows: Bonneville Lounge, Topper Supper Club, Ford's Cigar Store, New Grand Bar, Jack's Club. It was moved by Councilman Petersen, seconded by Johnson, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

January 6, 1959

City Clerk
City of Idaho Falls
Idaho Falls, Idaho

Dear Sir:

Yesterday, January 5th, one of the meter readers for the City accidentally killed a Border Collie dog belonging to Mr. Merrill Havens of this City.

This dog was a very valuable one, having been trained (and was in the process of further training) as a sheep dog. I am informed that a conservative estimate as to its present value would be \$150.00.

The dog had a reputation of being a rather friendly dog, and it is evident that when the City meter reader struck the dog it was not with the intention of bringing about its death.

May I, in behalf of Mr. Havens, formally by this letter present a claim to the City for reimbursement to Mr. Havens of the value of the dog. It is the purpose of this letter to comply with the law regarding the presentation of written claims to the City in matters such as this.

Very truly yours,
s/ Boyd R. Thomas

This claim was read by the City Clerk and referred to the City insurance carrier.

A memorandum was presented over the joint signatures of the City Engineer and the City Clerk, explaining the need and the advisability, in their opinion, of an employee's retirement plan. The memorandum was concluded by a request that the writers be named as a committee to investigate such a program with authorization to recruit help which might be needed, and finally to present a written report with recommendations to the Council at an early date. It was moved by Councilman Creek, seconded by Johnson, that permission be granted to proceed as indicated. Roll call as follows: Ayes, 4; No, None; carried.

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The Mayor noted that Mr. Mervin Crandall, head of the Sanitation Department, has indicated a need for on the spot policing of garbage and refuse. It was moved by Councilman Petersen, seconded by Creek, that he be authorized to investigate complaints made by citizens or workers in the Department and to issue citations and make arrests if necessary. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor presented "Change Order B" involving a change from the original specifications on the airport administration building. It was moved by Councilman Foote, seconded by Johnson, that said Change Order be approved. Roll call as follows: Ayes, 4; No, None; carried.

A right of way easement was presented, dated September 23rd, 1958 between the City of Idaho Falls and the Pacific National Life Assurance Company, properly signed by that Company's officers but without the Mayor's signature. It was moved by Councilman Johnson, seconded by Foote, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried. A question was raised pertaining to the many penned changes on the instrument. The City Attorney advised that this in no way changed the validity thereof.

The minutes of the Board of Adjustment meeting, held January 6, 1960, were presented and it was noted that they contained certain recommendations which should be acted upon by the Council. First to be considered was the following:

The first request was an appeal by Stanley D. and Vera E. Ward, 945 Maplewood Drive; Lot 1 in Block 10 Maplewood Addition.

Due to the odd shape of the lot they asked if they could build closer than the required 30 feet setback on the one corner of the garage. All other requirements complied. The Board moved and passed that this request be granted.

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

Next to be considered was the following:

The second was a request for a change of zoning from R-1 to R-3 on a plot of property approximately 10 and $\frac{3}{4}$ acres in a metes and bounds description on First Street. Located north of First Street, in about the 900 and 1000 Block, owned by Mr. J. M. Brady and Mr. Jesse Wages, also a plot of ground located south of First Street 163' by 203' owned by Mr. Charles E. Rigby. After much discussion it was moved and passed that the Rigby property remain in its present R-1 zone due to the fact that it was bordered on three sides by R-1 zoning.

It was recommended that the Wages, Brady property be changed to R-3 zone and also platted to permit the opening and continuation of Fanning Avenue. On the north and east it is bordered by school property, on the west by church property and on the south by First Street. This recommendation was moved and passed, subject to the restrictive covenants, submitted by the owners.

It was moved by Councilman Foote, seconded by Creek, that the Board of Adjustments recommendation be followed and the Charles E. Rigby request for rezoning be denied; also, that the

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Brady & Wages rezoning request be included at the next public zoning hearing meeting to be held February 8, 1960. Roll call as follows: Ayes, 4; No, None; carried.

Excerpts from the minutes was next on the Peter Agren request for rezoning as follows:

Next was an appeal presented by Mr. Peter H. Agren, 2147 S. Emerson Street; South ½ of Lot 21 and Lots 22, 23, and 24 in Block 18, Brodbeck's Addition. The purpose of this appeal to construct an apartment in the basement of his home. It was moved and seconded that this request be denied due to the fact that this property and all adjacent property are now R-1 zoning and this would require R-3 zoning and spot zoning was not advisable.

Concurring with the Board, it was moved by Councilman Johnson, seconded by Foote, that the request be denied. Roll call as follows: Ayes, 4; No, None; carried.

Next to be read was the portion of the minutes relative to the Leonard Foster request as follows:

Presented next was a request for a change of zoning presented by Leonard Foster, 1457 Mound Avenue; Lots 13, 14, 15 and east 22' of Lot 16 in Block C, Elg Addition, for the purpose of changing the zoning from R-2 to R-3 to permit a living unit in an existing garage. The Board moved and passed that the R-2 zone be changed to R-3, due to the already existing commercial zoning on the south and north, this request was granted.

It was moved by Councilman Johnson, seconded by Petersen, that this be included in the next public zoning hearing meeting, to be held February 8, 1960. Roll call as follows: Ayes, 4; No, None; carried.

Last for consideration was the following:

An appeal was then presented by Dr. Dale L. Lee, 205 West 17th Street, Lots 4 and 5, in Block 18 of the Original Townsite. The purpose of his appeal was to build in line with the existing buildings along Oak Street. It was moved and passed that this appeal be granted.

It was moved by Councilman Johnson, seconded by Petersen, that Dr. Lee's request be granted. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 960

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A UNIFORM SIGN CODE FOR THE CITY OF IDAHO FALLS; DEFINING CERTAIN WORDS AND PHRASES; REQUIRING THE ISSUING OF PERMITS FOR SIGNS AND PROVIDING FOR A FEE TO BE PAID FOR SUCH PERMITS; PROVIDING SPECIFICATIONS FOR SIGNS; AND PROVIDING PENALTIES FOR VIOLATION.

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The Clark Concrete exchange of property vs. an easement was again presented. It was moved by Councilman Johnson, seconded by Creek, that the City Attorney be instructed to prepare a deed in favor of Clark Concrete, subject to his being satisfied with the easement which the City is to in turn receive. Roll call as follows: Ayes, Petersen, Johnson, Creek. Silent, Councilman Foote; carried.

The City Attorney explained the need for a plat moving a portion of Fielding Memorial Cemetery and the fact that the Engineering Department had one prepared which appeared to be in order. It was moved by Councilman Creek, seconded by Foote, that the Mayor and City Clerk be authorized to sign the plat after which it should be recorded. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer requested authority to advertise for bids covering the Skyline Trunk Sewer. It was moved by Councilman Petersen, seconded by Johnson, that approval be granted accordingly. Roll call as follows: Ayes, 4; No, None; carried.

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

A bid was presented from Itex for the maintenance of City owned calculators in the amount of \$94.00 annually. It was moved by Councilman Johnson, seconded by Foote, that the bid be accepted. Roll call as follows: Ayes, 4; No, None; carried.

Certain renovation proposals were presented for the City Building; namely, the ladies restroom to be converted for use by the Police Department and an office located over the back office of the Police Department egress of which would be through a south wall and thus make a passageway from the outer office adjoining that of the City Clerk, for use by the Controller. It was moved by Councilman Johnson, seconded by Creek, that the City carpenter crews be instructed to proceed. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney noted that Davis Construction was delinquent in the completion of the sewer contract in excess of thirty days and recommend that they be charged liquidating damages, according to the terms of their contract, in the amount of \$100.00 a day for thirty days. It was moved by Councilman Foote, seconded by Johnson, that a total of \$3000.00 be withheld from final settlement in this regard. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer advised that Davis Construction has now completed their work covered under their sewer contract and a certificate of acceptance was presented accordingly. It was moved by Councilman Foote, seconded by Johnson, that said certificate be accepted, that the project be officially accepted as completed and the City Clerk be authorized to publish a Notice of Completion of public works. 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
