

DECEMBER 18, 1959

The City Council of the City of Idaho Falls met in Regular Session, Friday December 18, 1959 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 Johnson, Creek, Foote, Petersen. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Donald F. Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; John Putnam, Chief of Police; Boyd Wright, Assistant Purchasing Agent.

The Minutes of the last Recessed Meeting held December 8th, 1959 and a Special Meeting held December 14th, 1959 were read and approved.

Mr. L. E. Andelin, 394 West 19th, appeared before the Council, protesting the suggested 35 miles per hour speed limit on 17th Street west of Boulevard because of school children, the curve in the Street and the incline just east of the underpass. This was referred to Howard Davis, Chairman of the Traffic Safety Committee.

Messrs. Walter Asper, 1037 East 17th, and Mr. William McKinley, operator of the Wise Bi Food Center, appeared before the Council. Mr. Asper explained that he owns property adjoining the store which Mr. McKinley wishes to acquire to be used as a store addition but that the R-3 zoning would not permit same. He requested consideration of rezoning to C-Limited. The Mayor suggested that this problem be presented to the Building Official and, through him, to the Board of Adjustments.

Protests or other comments were invited on the Milk Ordinance. Mr. Ivan Miller, representing the Upper Snake River Valley Dairymen's Association, appeared and congratulated the Council on the Ordinance and said that his Company wanted to go on record as endorsing it. He said he was aware that there would be some opposition to the ordinance from those who would prefer mandatory pasteurization. He wanted it made clear that his Company has no objection to and, in fact, favors pasteurization but that, in his opinion, this was a proper step in the right direction.

Mr. Owen Wallace of the Wallace Dairy protested the Ordinance, favoring an ordinance which would provide for pasteurizing.

Mr. Andelin reappeared and explained he would like more time to study the Ordinance. He said he felt the dairymen at large would prefer an ordinance that would provide pasteurizing and that, in his opinion, the health problem is greater with raw milk than with pasteurized.

Councilman Johnson commented that in his opinion, the Councilmen's duty in this regard is limited to one of insuring clean healthy milk which has been properly inspected. Mayor O'Bryant explained that, in the minds of the Councilmen, this Ordinance would meet with less opposition without provision for pasteurizing. Then perhaps at a later date, an amendment to the Ordinance might be considered, providing for same.

Mr. Seth Jenkins, representing the Public Health Committee of the Chamber of Commerce, appeared to say that his organization wished to endorse the Ordinance on the theory that it would improve the quality of the milk which is being brought into the City and consumed.

Mr. Wm. McKinley reappeared and voiced an opinion that pasteurization might well crowd the small dairy farmer out of business and that it would only be the large operator who could afford to convert.

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Mr. Stewart Pugmire of the Eastern Idaho Dairy appeared to state that, in his opinion, the present status of the milk industry, locally, is entirely out of control and that while pasteurization should be the ultimate goal, this Ordinance is a step in the right direction.

The Mayor thanked those present for their interest and said that, in view of the foregoing enlightening assistance, that the Council was now in a position to consider the final reading of the Milk Ordinance.

ORDINANCE NO. 956

AN ORDINANCE DEFINING THE MILK AND CERTAIN MILK PRODUCTS, MILK PRODUCER, PASTEURIZATION, ETC.; PROHIBITING THE SALE OF ADULTERATED AND MISBRANDED MILK AND MILK PRODUCTS; REQUIRING PERMITS FOR THE SALE OF MILK AND MILK PRODUCTS; REGULATING THE INSPECTION OF DAIRY FARMS AND MILK PLANTS, AND THE EXAMINATION, GRADING, LABELING, PASTEURIZATION, REGARDING, DISTRIBUTION, AND SALE OF MILK AND MILK PRODUCTS; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE, AND THE FIXING OF PENALTIES.

It was moved by Councilman Foote, seconded by Johnson, that this Ordinance be passed on its third and final reading. Roll call as follows: Ayes, 4; No, None; carried.

License applications were presented for SOFT DRINK: Keith's Food Market, 301 E. 18th Street; Topper Club, South Yellowstone Highway; Samoa Club, 339 Park Avenue; Skyline Market, 655 Skyline Drive; Turf Club, 498 A Street; Dusty's, 195 South Eastern Avenue; Glenn's Cold Storage, 241 Cliff Street; Hub Bar, 398 Broadway; Earl's Foodliner, 424 1st Street; Earl's Foodliner, 900 John Adams Parkway. JOURNEYMAN PLUMBER: Don C. Wilson, Fairless Plumbing. NON-COMMERCIAL KENNEL: H. W. Hill, Fanning Field. It was moved by Councilman Johnson, seconded by Petersen, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License applications were presented as follows for GAS CONTRACTOR: Clark's Heating Co., 720 N. Wabash. JOURNEYMEN GAS FITTERS: Don C. Wilson, Orville W. Clark. It was moved by Councilman Petersen, seconded by Foote, that these licenses be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 4; No, None; carried.

A license application for an ELECTRICAL CONTRACTOR was presented in the name of Gene Hess. It was moved by Councilman Johnson, seconded by Creek, that this license be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

MEAT MARKET license applications were presented as follows: Skyline Market, 655 Skyline Drive, Earl's Foodliner, 424 1st Street and also 900 John Adams Parkway, Glenn's Cold Storage, 241 Cliff Street, Keith's Food Market, 301 E 18th Street. It was moved by Councilman Johnson, seconded

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by Petersen, 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: ROOMING HOUSE: Miles Hotel, Park Rooms, Oregon Rooms. CANNED & BOTTLED BEER, NTBCOP: Keith's Food Market, Skyline Market, Glenn's Cold Storage, Earl's Foodliner (2). CANNED & BOTTLED BEER, TBCOP: Samoa Club, Topper Club, Dusty's, Hub Bar. BOTTLED, CANNED, AND DRAFT BEER, TBCOP: Turf Café. It was moved by Councilman Johnson, seconded by Creek, that these licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

The following LIQUOR license applications were presented. Stockman's Bar, Turf Club. It was moved by Councilman Johnson, seconded by Foote, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

NOTICE OF COMPLETION OF PUBLIC WORKS

NOTICE IS HEREBY GIVEN that the contract with Pickett and Nelson Construction Co., Idaho Falls, Idaho, dated July 31, 1957 for the construction of Local Improvement District No. 25, consisting of installation of various street improvements together with the necessary appurtenances, was completed on November 30, 1959.

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: 12/20, 12/27/1959.

This notice was presented by the City Clerk. It was moved by Councilman Johnson, seconded by Foote, that the Pickett & Nelson L. I. D. #25 construction contract be officially accepted as being completed and accepted and that the City Clerk be authorized to publish the notice as indicated. Roll call as follows: Ayes, 4; No, None; carried.

June 23, 1959
Acct. No. 3D-2

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Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

On June 8th the City Council referred to this Department a list of properties which are available to the City by reason of delinquent assessments.

We have reviewed this attached list and are recommending to the Council that the following properties be purchased for the County Taxes as shown by the City.

| | <u>City Assessment</u> | <u>County Taxes</u> |
|--|------------------------|---------------------|
| 1. Charles Haddon, 330 E. 19 th Street, I. F. Lots 15-16, Block 51, Highland Park Add. | \$697.63 | \$25.83 |
| 2. Ethel Smith, 288 Maple Street, I. F. Lots 37-48, Block 62, Crows Addition | \$820.26 | \$46.06 |

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

Encl.

This memorandum was read by the City Clerk who apologized for the stale date by explaining that the memo had been temporarily mislaid in his office. It was moved by Councilman Johnson, seconded by Petersen, that the City Engineers' recommendation be followed and the property in question be purchased for County Taxes. Roll call as follows: Ayes, 4; No, None; carried.

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To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

You may remember that, shortly after your City Clerk was originally appointed to his position, he received verbal permission from the Council to use his own discretion in matters of referring utility accounts to professional collectors, making credit adjustments, etc. At that time the City Clerk gave the Council his pledge that if the account was in his opinion, of

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substantial enough size or if there were any extenuating circumstances involved that would suggest unusual handling, any or all of these would be so referred.

It is the opinion of our City Auditor that this aforementioned Council approval should be made a matter of record. The purpose of this memorandum, then, is to request that this be done.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

The City Clerk presented the foregoing. It was moved by Councilman Johnson, seconded by Petersen, that the Council, as a matter of record, give their approval and endorsement to the City Clerk assuming the discretionary authority as described in the memo but that all charge-off's should, likewise as a matter of record, be presented to the Council for their consideration. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk presented a memorandum recommending a changed policy of figuring final utility billings in his Department; namely, that, where necessary and when time is of the essence, these be computed on an estimated basis, using last years' billing or, when not available, the last months billing as a guide. It was moved by Councilman Johnson, seconded by Creek, that this policy be approved. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 957

AN ORDINANCE CREATING THE OFFICE OF CONTROLLER FOR THE CITY OF IDAHO FALLS; PROVIDING FOR THE APPOINTMENT OF A CONTROLLER TO FILL SUCH OFFICE; PRESCRIBING THE DUTIES OF SUCH OFFICE AND THE COMPENSATION TO BE PAID TO THE CONTROLLER.

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

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A lease and concession agreement was presented between the City of Idaho Falls as Lessor and Ted Le Baron as Lessee providing for the Lessee to operate the restaurant and lounge facilities at the new airport administration building, based upon 5% of the gross with minimum rental of \$200.00 per month. It was moved by Councilman Johnson, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 958

AN ORDINANCE PROVIDING FOR THE CLOSING AND VACATING OF AN ALLEY IN BLOCK NINE (9) OF MAYFLOWER ADDITION TO THE CITY OF IDAHO FALLS.

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.

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

The foregoing Uniform Sign Code Ordinance was presented. Some of the Councilmen indicated their desire to study same before final passage. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 959

AN ORDINANCE AMENDING ORDINANCE NO. 852 OF THE CITY OF IDAHO FALLS, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION II (A), PROVIDING FOR THE CHANGING OF

THE ORIGINAL BOUNDARIES OF CERTAIN DISTRICTS BY THE INCLUSION OR EXCLUSION OR CERTAIN TRACTS OF LAND; PARTICULARLY DESCRIBING SUCH TRACTS; DESIGNATING THE DISTRICTS IN WHICH THEY SHALL HEREAFTER BE INCLUDED; AND PROVIDING THAT THE BUILDING INSPECTOR SHALL CAUSE THE DISTRICT MAP TO CONFORM TO THE PROVISIONS OF ORDINANCE NO. 852, AS HEREBY AMENDED; AND PROVIDING WHEN THE PROVISIONS OF THIS ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was read 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.

AN ORDINANCE AMENDING ORDINANCE NO. 727 OF THE CITY OF IDAHO FALLS, REGULATING TRAFFIC THEREIN; DEFINING CERTAIN WORKS 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 VIOLATIONS OF THE TRAFFIC RULES AND REGULATIONS.

The Councilmen indicated their desire to study this ordinance, prior to final passage. It was moved by Councilman Creek, seconded by Petersen, that it be passed on its first two readings. Roll call as follows: Ayes, 4; No, None; carried.

An agreement was presented between the Utah Idaho Sugar Company and the City of Idaho Falls covering the portion of that Company's sewer line that affects the boundaries of the City limits. It was agreed that no action should be taken on this instrument until the City Engineer has completed his study on the matter.

Minutes of the December 9, 1959 Planning Commission meeting were presented and it was noted that there were certain recommendations included, directed to the City Council. First to be considered was the following:

BRADY-WAGES-RIGBY PROPERTY

On February 12, 1959, the Commission approved a proposal for R-3 zoning of the Brady-Wages-Rigby property on First Street in the vicinity of Chatham Drive, subject to the completion of satisfactory protective covenants. The covenants were presented tonight and were approved without objection. Therefore, it is the recommendation of the Planning Commission that the Mayor and Council approve R-3 zoning for the Brady-Wages-Rigby property consisting of 11 acres as shown on the accompanying plat.

On this the Council withheld action, until the property is platted and pending a public zoning hearing.

Next to be considered was

CONGREGATIONAL CHURCH (LINDEN PARK ADDITION, DIVISION 1 REVISED)

A final plat of the Congregational Church property, identified as the First Amended Plat of Linden Park Addition, Division 1, was presented.

Commissioner Bandel moved, seconded by Commissioner Parish, to approve the final plat of the Congregational Church property, Carried.

The Council then studied this plat. It was moved by Councilman Johnson, seconded by Foote, that the plat be approved. Roll call as follows: Ayes, 4; No, None; carried.

Last portion of the Planning Commission's recommendations were as follows:

UNIVERSAL SHOPPING CENTER

The Commission returned to consideration of University Shopping Center. After general discussion:

Commissioner Leahy moved, seconded by Commissioner Kyle, to recommend that the plat be revised to provide an R-2 buffer zone 150 feet deep running east from Holmes Avenue. The full width of the proposed commercial development, a 20 foot alley bordering the R-2 strip on the south thereof and the commercial area to be south of said alley; it is further recommended that the proposed shopping center face on Holmes Avenue, and that there be access to the shopping center off 17th Street by one street to be located approximately 500 feet east of Holmes Avenue. Carried.

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The Council agreed that this presents many ramifications and felt that this should be tabled for further study.

It was noted that the Planning Commission has recommended that future vacancies in their group be filled by a member of the Traffic Safety Committee and a representative from the Board of School District Number 91. To this the Council concurred.

December 8, 1959

Honorable Mayor and City Council
I. F. Civil Service Commission

Gentlemen:

The Idaho Falls Civil Service Commission submit their annual report. Members of the Commission are: Chairman - E. F. McDermott, Members - H. B. Craggs and J. Joe Poitevin, and Commission Secretary, Louise Anderson.

In March of 1959 the Commission conducted an examination for positions in the Police and Fire Departments and also competitive examinations for the position of Captain in the Police Department. Eight men were there for the beginning Policeman's examination, four from the Department for the Captain exam and seven took the exam for beginning Fireman.

On May 1, 1959, Mr. Joe Poitevin was appointed by the Mayor and Council to fill the vacancy on the Commission Board, created by Mr. J. Ed Browning's resignation.

May 21, 1959, the Civil Service Commission presided over a hearing on the suspension of Office Bert H. Holverson, for 15 days effective April 23, 1959. The results of said hearing were mailed to the interested parties.

On October 6, 1959, the Civil Service Commission presided over a hearing on Stacye Bliss who had previously been dismissed from the Department. After the hearing on this same date the Commission set the date for the next Civil Service Examination. This date was October 20, 1959.

On October 20, 1959, a Civil Service Examination for positions of beginning Policeman and Fireman, were conducted by the Commission with 22 men taking the examination.

November 19, 1959, Mr. Le Roy Nelson, Patrolman on the I. F. Police Department, requested a leave of absence from November 27, 1959 until June 1, 1960 to enter the service. This leave of absence was granted by the Commission noting that the man's seniority status was protected while he was in the service.

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No other activities were conducted during the year.

Yours very truly,
I. F. Civil Service Commission
s/ Louise Anderson
Secretary

The preceding annual report from the Idaho Falls Civil Service Commission was presented. No action was considered necessary.

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
