

AUGUST 21, 1959

The City Council of the City of Idaho Falls met in Regular Session Friday, August 21, 1959, 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, Johnson, Creek. Also present: Roy C. Barnes, City Clerk; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; R. Vern Kidwell, City Attorney; John Putnam, Chief of Police; Alva Harris, Building Official.

Minutes of the last Regular Meeting held August 7th, 1959 and a continuation of the same adjourned Meeting held August 10th, 1959 were read and approved.

Dr. Harvey Hatch, 149 12th Street, appeared before the Council with a preliminary plat of a new home yet to be constructed on the corner of 9th and Cranmer and it was noted that said plat had been rejected by the Board of Adjustments and the Building Inspector, due to insufficient setbacks on Cranmer, as well as back yard space. It was pointed out to the doctor that the lot would be ample for an average size home but this was too large a home for the lot. After some discussion, this matter was tabled and taken under advisement.

Mr. Freeman Pack, 2085 Sequoia Drive, appeared before the Council and acted as spokesman for a small group requesting that the Council give consideration to the building of a bridge or culvert across Willow Creek at the extreme north end of North Boulevard so that lots in that area could be made accessible. It was explained by Councilman Foote that there are no funds for that purpose but it was suggested that this, as well as the improvement of North Boulevard beyond this point, be requested to be included in the Local Improvement District, likely to be formed next year.

License applications were presented as follows: PHOTOGRAPHERS: Jensen's Glamour Studio, Carl J. Jensen; Bacon Studio, L. W. Bacon. SUNDAY MOTION PICTURES: Rio Theatre; Falls Theatre; Paramount Theatre. JUNK DEALER: McCarty's Inc. JOURNEYMAN PLUMBER: Karl W. Harris. BOWLING ALLEY: Bowl-Ero. 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 for JOURNEYMAN GAS FITTERS: Vincent A. Hensey; Wayne K. Bunden. APPRENTICE GAS FITTER: Charles Buchanan; Fred Bergstrom. GAS CONTRACTOR: (replacement of the individual in whose name gas contractor's license was issued by a properly licensed Gas Contracting Firm) Thomas F. Snouffer, A.B.C. Appliances & Heating Inc. It was moved by Councilman Johnson, seconded by Petersen, 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 CAB DRIVERS: Larry C. Jenne, Jay Fisher. It was moved by Councilman Johnson, seconded by Foote, 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 memo was read:

August 21, 1959
Acct. No. 3B-68
3B-73
3B-105
3B-74

Honorable Mayor and City Council
City of Idaho Falls, Idaho

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Gentlemen:

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

Orlin Park Division #5
Highland Garden Center Addition
Amended Plat of Lot 13, Gustafson Park Addition, Division No. 1
Amended Plat of Block 10, South Park Addition
Orlin Park Addition Division No. 4.

All of the above named plats are presently within the City limits, and have been reviewed in detail by the Planning Commission.

We would recommend that Council authorize the Mayor to sign these plats subject to the final review by the Planning Commission and the Engineering Department.

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

Enclosure

It was moved by Councilman Johnson, seconded by Petersen, that the Mayor and City Clerk be authorized to sign these plats, subject to the final review by the Planning Commission and the Engineering Department. Roll call as follows: Ayes, 4; No, None; carried.

August 21, 1959
Acct. No. 6B-1
Signalization of Broadway

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

On May 15, 1959 the Council authorized City participation in the installation of a triple offset feature for the traffic signals on Broadway.

In response to our request, the Highway Department has submitted a detailed cost estimate showing our share to be \$269.20. In addition, we have previously agreed that all modifications to the signals east of Broadway Bridge, including the additional conductor for the interconnect circuit, are to be handled by the City.

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If this project meets with Council approval, we will make arrangements with the Highway Department and our Electrical Department to complete the work.

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

The foregoing memorandum was presented and it was moved by Councilman Creek, seconded by Foote, that the work be completed as indicated. Roll call as follows: Ayes, 4; No, None; carried.

NOTICE OF AND CLAIM FOR DAMAGES

TO MR. ROY BARNES, CITY CLERK, CITY OF IDAHO FALLS:

Your are hereby notified that I, Faber F. Tway, residing at 800 9th Street in the City of Idaho Falls, State of Idaho, sustained damage to my personal property at my premises located at 520 Legion Drive in the City of Idaho Falls, State of Idaho, on or about the 21st day of July, 1959, at about 5 P.M. in the afternoon of said day. The manner in which the damage occurred was as follows:

It had been raining earlier in the afternoon of the 21st day of July, 1959, and runoff from said rainstorm backed up through the sewer system in the area of 520 Legion Drive, Idaho Falls, Idaho, and coming through the floor drain in said premises, flooded the entire basement of the office building located at said address causing extensive damage to books in the law library of this claimant.

Because of this the circumstances aforementioned, I claim damages against the City of Idaho Falls in the amount of \$61.00, said sum being the reasonable and actual cost to replace and restore the property thus damaged.

s/ Faber F. Tway

STATE OF IDAHO)
 : ss.
County of Bonneville)

FABER F. TWAY, being first duly sworn, deposes and says: that he has read the above notice of claim for damages, that he knows the contents thereof, and verily believes the same to be true.

s/ Faber F. Tway

AUGUST 21, 1959

Subscribed and sworn to before me this 12th day of August, 1959.

s/ Jack G. Voshell
Notary Public for the State of ID.
Residing at Idaho Falls, Idaho

(SEAL)

NOTICE OF CLAIM FOR DAMAGE

To the City Clerk of the City of Idaho Falls, a Municipal Corporation, Idaho Falls, Idaho:

NOTICE IS HEREBY GIVEN that as a result of blasting and other operations carried on by or on behalf of the City of Idaho Falls in connection with the construction and installation of a sewer line in the vicinity of the corner of Broadway and North Capital Avenue in the City of Idaho Falls, Idaho, damage was caused to certain buildings situate on the following described property, to-wit:

Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7) in Block One (1) of Anderson's Subdivision of Block Seventy-seven (77), of the Original Town of Eagle Rock, now the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof.

Said buildings were damaged as follows: cracks developed in the buildings; plaster was damaged; windows and doors were broken; curbing and driveways were broken and pushed out of line. The operations which caused the said damages commenced on or about July 17, 1959, and continued intermittently thereafter until approximately July 27, 1959.

Damages to the aforesaid buildings which have thus far developed and become apparent as a result of the aforesaid operations are estimated to be in the approximate amount of \$4,000.00. It is believed that additional damage to said buildings as a result of the aforesaid operations which is not now apparent will become apparent in the future.

This notice is given in accordance with the provisions of Idaho Code, Section 50-162.

Dated this 14th day of August, 1959.

s/ Eugene R. Trowbridge

STATE OF IDAHO)
 : ss.
County of Bonneville)

EUGENE R. TROWBRIDGE, being first duly sworn upon his oath, deposes and says:

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That he is the owner of the property referred to in the foregoing Notice of Claim for Damage, that he has read the said Notice of Claim for Damage and that he verily believes the facts therein stated to be true.

s/ Eugene R. Trowbridge

Subscribed and sworn to before me this 14th day of August, 1959.

s/ Paul T. Peterson
Notary Public for Idaho
Residing at Idaho Falls, Idaho

Receipt of the original of the within and foregoing Notice of Claim for damage is hereby acknowledged this ____ day of August, 1959.

s/ _____
City Clerk of Idaho Falls, Idaho

NOTICE OF CLAIM FOR DAMAGE

To the City Clerk of the City of Idaho Falls, a Municipal Corporation, Idaho Falls, Idaho:

NOTICE IS HEREBY GIVEN that as a result of blasting and using the premises of the undersigned for the purpose of piling gravel and other materials, and as a result of other operations carried on by or on behalf of the City of Idaho Falls in connection with the construction and installation of a sewer line where it adjoins the property hereinafter described along the west side of North Capital Avenue in the City of Idaho Falls, Idaho, damage was caused to the sidewalks, curbing and to the buildings situate on the following described property, to-wit:

Lots One (1) and Two (2), in Block Three (3) of Anderson's Subdivision of Block Seventy-seven (77), of the Original Town of Eagle Rock, now the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof, which premises area occupied by Pacific Gamble Robinson Corporation, also known as Pacific Fruit and Produce Company, and by an adjoining building known as the Miller-Cahoon Building, now known as the Ferebee Building.

The said damage resulting from the aforesaid operations was as follows: Windows were broken, sidewalks, curbing and driveways were broken and pushed out of line and extensive damage was caused to the blacktop in front of the Pacific Fruit and Produce Building.

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The operations causing the damage commenced on or about July 17th, 1959, and continued intermittently thereafter until July 27, 1959, but the entire operations has not as yet been completed as the streets still remain unpaved.

At this time it is not possible to estimate the damage as there may be cracks and other damage to the buildings which have not been determined to date. It is estimated that the damage to the sidewalks, curbing and blacktop will amount to over \$1,000.00. The additional damage, if any, will all probably become apparent in the near future.

This notice is given in accordance with the provisions of Idaho Code, Section 50-162.

Dated this 21st day of August, 1959.

J. WILEY FEREBEE, Owner
By: s/ Gilbert St. Clair
A Member of the firm of
ST. CLAIR, ST. CLAIR, HANSEN
Attorneys for Owner, Residence
and P.O. Address-Idaho Falls, ID.

STATE OF IDAHO)
 : ss.
County of Bonneville)

GILBERT C. ST. CLAIR, being first duly sworn upon his oath, deposes and says:

That he is one of the attorneys for the owner of the property referred to in the foregoing Notice of Claim for Damage, that he has read the said Notice of Claim for damage and that he verily believes the facts therein stated to be true.

s/ Gilbert St. Clair

Subscribed and sworn to before me this 21st day of August, 1959.

(SEAL)

s/ J. N. Marshall
Notary Public for Idaho
Residing at Idaho Falls, Idaho

Receipt of the original of the within and foregoing Notice of Claim for Damage is hereby acknowledged this 21st day of August, 1959.

s/ _____
City Clerk of the City of Idaho
Falls, Idaho

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

The City Clerk presented a signed agreement from Walter Asper with reference to an open ditch in the Asper Addition. Minutes in this book of record dated, August 7th, 1959 reveal that the Asper plat was approved subject to the receipt of this agreement. The only purpose in presenting this agreement was for the record.

An agreement was presented between Pacific Nik-O-Lok Company and the City of Idaho Falls covering automatic coin locks in the restrooms at the new administration building at the airport. It was noted that this was signed by the Mayor on August 17, 1959. It was moved by Councilman Petersen, seconded by Johnson, that Council ratification be given in the signing of this instrument on that date. Roll call as follows: Ayes, 4; No, None; carried.

Another agreement was presented, bearing the signature of the Mayor and City Clerk as of August 17th, 1959, between the American Locker Company and the City of Idaho Falls, covering locker service in the new administration building at the airport. It was moved by Councilman Creek, seconded by Johnson, that the action of the Mayor and City Clerk in the signing of this agreement be ratified. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk presented the following:

8/20/59

To the Mayor and Council
Idaho Falls, Idaho

Gentlemen:

In checking our records we find the following City officials should, either by order of the Official Code of 1950 or by Ordinance #770, be bonded as indicated, but to date these bonds have not been delivered to the City Clerk for safekeeping:

City Engineer	Don Lloyd	\$1,000.00
Street Commissioner	Grover Bennett	1,000.00
Purchasing Agent	George Aupperle	5,000.00
Parking Meter Collector	Clive Short	5,000.00
Parking Meter Collector	Marion Rosen	5,000.00

Your instructions on this matter are requested.

Yours very truly,
s/ Roy C. Barnes
City Clerk

The Mayor was authorized to make contact with responsible bonding companies and have these issued.

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This letter addressed to the New Sweden Irrigation District was read:

August 21, 1959

New Sweden Irrigation District
Idaho Falls, Idaho

Gentlemen:

This letter will confirm our verbal understanding with respect to the construction and maintenance of that canal of the New Sweden Irrigation District which has been placed in CONDUIT across one of the runways of the Idaho Falls Airport, of the City of Idaho Falls, Idaho.

This letter will confirm, warrant and guarantee that the City of Idaho Falls will install this canal in CONDUIT at its expense and will thereafter maintain the said CONDUIT at the cost and expense of the City of Idaho Falls, Idaho, and said City of Idaho Falls will at all times maintain at its expense the CONDUIT and the operation thereof so as to not interfere with the flow of the canal capacity of water through same at all times.

Nothing herein shall be construed to abrogate or waive the general law or the statutory provisions of the State of Idaho affecting like situations, and all water, ditch, and irrigation matters.

ATTEST: s/ _____
CITY CLERK

Very truly yours,
CITY OF IDAHO FALLS
s/ _____
MAYOR

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.

355 "F" Street
Idaho Falls, Idaho
July 29, 1959

The City of Idaho Falls
Idaho Falls, Idaho

RE: Claimant - Dallas R. Hales
D/L June 8, 1959
Source of Claim - Backing up on the Sanitary Sewer Lines

ATTENTION: City Attorney

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Gentlemen:

This is to advise you after our investigation that your insurance company, The Western Casualty & Surety Co., feel that the above caption claim should be denied.

Would you please make the necessary arrangements to deny to Mr. Dallas R. Hales of 1020 Alameda Street, Idaho Falls, Idaho and note it on your City Council records as being denied.

Yours very truly,
s/ Gray I. Clawson
Adjustor

August 21, 1959

Mr. Dallas R. Hales
1020 Alameda Street
Idaho Falls, Idaho

Dear Mr. Hales:

Reference is made to your claim for backing up on the sanitary sewer lines on June 8, 1959. The matter has been reviewed by the City Council and you are advised that the City Council has denied this claim.

Yours very truly,
CITY OF IDAHO FALLS
s/ R. Vern Kidwell, Attorney

The foregoing was presented. No action was considered necessary.

RESOLUTION (Resolution No. 1959-14)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 1st day of September, 1958, recorded in Book 116 of Deeds at Page 295, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots Five (5), Six (6), Seven (7) and Eight (8) inclusive in Block Sixty-four (64) of Crow's Addition to the City of Idaho Falls, Idaho, according to the recorded plat thereof.

WHEREAS, LESTER BECK has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments

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subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said LESTER BECK a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 21st day of August, 1959.

APPROVED BY THE MAYOR this 21st day of August, 1959.

s/ W. J. O'Bryant
MAYOR

(SEAL)

ATTEST: s/ Roy C. Barnes
CITY CLERK

R E S O L U T I O N (Resolution No. 1959-15)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 16th day of January, 1956, recorded in Book 111 of Deeds at Page 53, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots Sixteen (16) and Seventeen (17) in Block Sixteen (16) of Capitol Hill Addition to the City of Idaho Falls, Bonneville County, Idaho according to the recorded pat thereof.

WHEREAS, ALLEN I. HARMON has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be and they hereby are authorized and directed, upon the payment of said sum of money by said purchaser, to make, execute and deliver to the said ALLEN I. HARMON a deed to said property, pursuant to the provisions of Section 50-2951 Idaho Code.

PASSED BY THE COUNCIL THIS 21st day of August, 1959.

APPROVED BY THE MAYOR THIS 21st day of August, 1959.

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(SEAL)

s/ W. J. O'Bryant
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

RESOLUTION (Resolution No. 1959-16)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 9th day of January, 1958, recorded in Book 112 of Deeds at Page 45, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lot One (1) in Block Fifteen (15) of Bel-Aire Addition to the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof.

WHEREAS, HARRY BALDWIN has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be and they hereby are authorized and directed, upon the payment of said sum of money by said purchaser, to make, execute and deliver to the said HARRY BALDWIN a deed to said property, pursuant to the provisions of Section 50-2951 Idaho Code.

PASSED BY THE COUNCIL THIS 21st day of August, 1959.

APPROVED BY THE MAYOR this 21st day of August, 1959.

s/ W. J. O'Bryant
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

The foregoing resolutions accompanied by City redemption Tax deeds, were presented. It was moved by Councilman Johnson, seconded by Petersen, that in each case, the mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

A City redemption tax deed in the name of Joseph W. Crown was presented, original of which was issued October 16, 1957 but apparently lost. It was moved by Councilman Foote, seconded by Johnson, that a replacement be issued and the Mayor and City Clerk be authorized to sign same. Roll call as follows: Ayes, 4; No, None; carried.

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RESOLUTION (Resolution No. 1959-17)

WHEREAS, by resolution duly passed and approved the 17th day of July, 1959, the City Council of Idaho Falls, Idaho ordered that the following described buildings situate, lying and being within the limits of the City of Idaho Falls, Bonneville County, Idaho, be sold at public auction, to-wit: Two one story frame houses, one two story frame house situated on property acquired by the City of Idaho Falls in conjunction with the expansion of the Idaho Falls Municipal Airport.

WHEREAS, said houses have been sold as ordered and in conformity with law;

NOW THEREFORE, be it resolved by the Mayor and City Council of the City of Idaho Falls, Idaho, as follows:

That the following proceedings had in connection with the sale of said property, to-wit: The appointment of Charles Thompson, Don Thompson, and Worth Wright, disinterested freeholders of said City, as appraisers; and said appraisers having on the 7th day of August, 1959, appraised said property as follows, to-wit: the house on the Hansen property at No Dollars; the house on the Mori property at \$250.00 and the house on the Follett property at \$1,600.00 and the garage on the Follett property at No Dollars. The City Clerk caused a notice of the time and place set for said sale and a description to be published in the Post Register for ten days prior to said sale; that at said sale Delbert Clark purchased the Hansen house for \$25.00; that Merland Prestwich purchased the Mori house for \$250.00; the Delmar Snarr purchased the Follette house for \$2,300.00; that Delbert Clark purchased the Follett garage for the sum of \$20.00; all of which sums have been paid to the City.

IT IS FURTHER RESOLVED, that the said sale be, and the same hereby is confirmed; that the Mayor and City Clerk are authorized and directed to execute and deliver to the purchasers "Bills of Sale" conveying said property.

Passed by the Council and approved by the Mayor this 21st day of August, 1959.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR

STATE OF IDAHO)
)ss.
County of Bonneville)

I, Roy C. Barnes, City Clerk of the City of Idaho Falls, Idaho, hereby certify that the above and foregoing in a full, true and correct copy of a resolution filed this 21st day of August, 1959, and now on file in my office in said City.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City in Idaho Falls, Idaho, this 21st day of August, 1959.

(SEAL)

s/ Roy C. Barnes
CITY CLERK

The foregoing resolution was presented. 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 forms were presented, entitled "Requests of Aid---Federal Aid Airport Program" representing estimates of work being done at the airport in the amount of \$246,500 for the period ending May 1, 1960 and \$155,000 for May 1, 1961. It was moved by Councilman Johnson, seconded by Creek, that the Mayor be authorized to sign and it was understood that there was nothing binding to the City in the signing of these instruments but rather an indication to the Government of the status of the airport project. Roll call as follows: Ayes, 4; No, None; carried.

The Dr. Hatch plat was again presented, it having been introduced earlier in this meeting. It was moved by Councilman Foote, seconded by Johnson, that the Board of Adjustments recommendations be upheld and the request be denied. Roll call as follows: Ayes, 3; No, None; Councilman Petersen refrained from voting; carried.

The Meeting was then declared recessed by the Mayor, to reconvene at 10:00 A.M. Monday morning, August 24th, 1959.
