

JULY 8, 1959

---

The City Council of the City of Idaho Falls met in Recessed Session Wednesday, July 8, 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 Creek, Foote, Petersen. Absent: Councilman Johnson. Also present: Roy C. Barnes, City Clerk; R. Vern Kidwell, City Attorney; George Aupperle, Purchasing Agent; Alva Harris, Building Official; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; John Putnam, Chief of Police.

The minutes of a Special Meeting held on the afternoon of June 22<sup>nd</sup>, 1959, a Recessed Session held the evening of the same day which amounted to a continuation of the afternoon Session and a Special Meeting held June 25<sup>th</sup>, 1959 were read and approved.

The bills against the City for the month of June, having been audited by the Finance Committee, were presented as follows; to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$93,075.45	\$87,246.37	\$180,321.37
Fire Fund	18,898.90	714.00	19,012.90
Electric Light Fund	16,397.02	47,239.20	63,636.22
Water & Sewer Fund	10,870.99	28,610.72	39,481.71
Police Retirement	<u>12,011.24</u>	<u>.00</u>	<u>12,011.24</u>
<b>TOTAL</b>		<b>Police Retirement</b>	<b>\$302,452.20</b> <b>\$12,011.24</b>

It was moved by Councilman Petersen, seconded by Foote, that the bills be allowed and the City Clerk be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 3; No, None; carried.

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

Applications for SOFT DRINKS: Pronto-Pup; MILK DELIVERY: (previously approved by the City Sanitarian), Dale Schneider; EATING AND DRINKING ESTABLISHMENTS: (previously approved by the City Sanitarian), Marv's Nook, 235 "E" Street; The Den, 265 Broadway; 191 Club, 1298 N. Yellowstone. It was moved by Councilman Foote, seconded by Creek, that these licenses be granted. Roll call as follows: Ayes, 3; No, None; carried.

License applications for JOURNEYMAN GAS FITTERS: George L. Hardenbrook, Hood Northwest Sheet Metal; Robert Schriener, H. L. Electric; APPRENTICE GAS FITTER: Daniel Fairless, Northwest Sheet Metal. 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, 3; No, None; carried.

An application for ELECTRICAL INSPECTOR for Anderson Electric Corporation, Bellevue, Washington, was presented. It was moved by Councilman Creek, seconded by Petersen, that the licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 3; No, None; carried.

JULY 8, 1959

---

License applications for CANNED & BOTTLED BEER TO BE CONSUMED ON THE PREMISES: Airport Lounge; CAB DRIVER: Ray H. Walker, Yellow Cab Company; Arthur Hammer, Falls Valley Cab Co. It was moved by Councilman Foote, 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.

VERNARD D. COX and JOYCE COX ) husband and wife,	)	
	)	
Claimants,	)	CLAIM FOR DAMAGES
	)	
VS	)	
CITY OF IDAHO FALLS, a municipal )	)	<u>\$35,650.39</u>
corporation.	)	

---

TO THE CITY OF IDAHO FALLS, COUNTY OF BONNEVILLE, STATE OF IDAHO, a municipal corporation and City of the first class:

You will please take notice that the undersigned, Vernard D. Cox and Joyce Cox, husband and wife, hereby make a claim for damages against the City of Idaho Falls, County of Bonneville, State of Idaho, as is hereinafter more particularly set forth.

This claim for damages arises out of an accident which occurred on the 19<sup>th</sup> day of June, 1959 at approximately 1:45 P.M. of said day in front of a residence situate at 1285 Royal Avenue near the intersection of Royal Avenue and Wheeler Street in the City of Idaho Falls, Bonneville County, State of Idaho.

That the cause of said damages was the negligent backing of a City garbage truck, owned by the City of Idaho Falls, a municipal corporation and City of the first class, County of Bonneville, State of Idaho, being then and there operated by employees of the said City of Idaho Falls, County of Bonneville, State of Idaho, over the infant daughter of Vernard D. Cox and Joyce Cox, husband and wife, the claimants herein; that the negligent backing of said garbage truck over the said Pauline Cox caused the death of the said Pauline Cox.

That this claim for damages is in the nature of an action for damages as a result of the wrongful death of said Pauline Cox and for money expended by your claimants for the care of the body of the said Pauline Cox, the infant daughter of your claimants.

That by reason of said wrongful death, your claimants have suffered special damages in the sum of \$650.39 for the funeral expenses in the burial of the body of said Pauline Cox and general damages in the sum of \$35,000.00 claim for which is hereby made against the City of Idaho Falls, a municipal corporation and City of the first class, County of Bonneville, State of Idaho.



JULY 8, 1959

---

Sincerely yours,  
s/ DeVan N. Brough

880 Skyline Drive  
Idaho Falls, Idaho  
July 4, 1959

Mayor W. J. O'Bryant and City of Idaho Falls Councilmen  
Idaho Falls, Idaho

During the past three months we have had constant work and worry over high water pressure. Due to frequent bursts of abnormally high pressure, upwards from 120 pounds, the relieve valve of our four year old Homart 80 gallon hot water tank has been forced open numerous times causing water damage and hours of labor in cleaning each time. This has been the case of a large percentage of homes in the Temple View area. On one such occasion, May 29, water forced the pipes loose under the wash basin in our main bathroom, soaking the linen supply, and covering the floor with one-half inch of water and running through to the basement before we could get the main valve closed. This happened one-half hour before receiving out-of-town guests, a family of five.

During the period June 23 to 28, we were out of town and in our absence the relief valve was forced open by high water pressure, causing the heating coils to be partially shorted out and permitting the tank to overheat, this melting the plug in the high temperature relief valve. This allowed the water to continue to run in the basement until discovered by our neighbors the following day. We came home Sunday evening from a five-day camping trip to find no water which is obviously more than an annoying inconvenience.

As a result of this constant abuse of the water heater, we are having to install new heating elements, which are still on order, plus a thermostat and possibly other items may be required. To date, we are deprived of automatic control of hot water which is a great inconvenience for laundry facilities, dishwasher and general use. We believe this to be directly caused by inadequate control of water pressure by the Idaho Falls Water Department. Mr. Rushton and an associate came out, viewed the case and said there would be the same pressure problem for some months to come and offered no solution to the problem.

As an employee of Westinghouse Electric Corporation I am required to travel out of town at frequent intervals and the situation, as it has been, cannot go on. For future peace of mind we are installing a pressure regulator on our main line coming into the house. Our house and property insurance does not cover this. We hereby present this claim against the City of Idaho Falls in the amount of \$220.90. We are at a loss to understand why it is not justifiable to install an adequate pressure control system on the pump itself.

Itemized claim attached:

JULY 8, 1959

---

July 4, 1959

Thermostat	6.27
Two heating elements (still in order)	17.84
One pressure regulating valve	15.25
Necessary pipe fittings to install regulator	7.54
Relief valve and necessary fittings to vent system after installation of regulator valve	5.00
Estimated labor in cleaning over the past 3 months	24.00
Labor to overhaul tank	10.00
Labor to install relief valve and regulator	10.00
Inconvenience of lack of hot water	25.00
Compensation for mental distress	50.00
Damage to contents of basement and wooden partitions of basement	<u>50.00</u>
	\$220.90

Respectfully,  
s/ Derald W. Wright  
s/ Betty Jo Wright

201 East 19<sup>th</sup> Street  
Idaho Falls, Idaho  
July 5, 1959

The Honorable W. J. O'Bryant  
Mayor of the City of Idaho Falls  
Idaho Falls, Idaho

Dear Sir:

On May 12, 1959, my son, Mark E. Hauge, 7 years old, fell and broke his left clavicle on a patch of broken sidewalk at our rented residence at 201 East 19<sup>th</sup> Street. This is a corner lot bordering Lee Street and the neglected sidewalk extends almost to the corner of Lee and 19<sup>th</sup>. Dr. T. H. Carr took an X-ray and put him in a cast on May 15. On May 22, the cast was removed and a clavicle strap was put on as the child was suffering from the uncomfortable bulkiness of the cast.

I notified the City Attorney, Mr. Kidwell, of the accident and he advised me to bill the homeowner, Mr. J. S. Edwards of California. However, upon advise of a lawyer, I have been led to believe that neglect of sidewalks is City responsibility despite what Mr. Kidwell told me. This letter is to serve as official notice of the accident to the City of Idaho Falls, within the noted 30 day grace period.

JULY 8, 1959

---

We had an additional X-ray taken on June 2, by Dr. Carr to review the healing of the fracture and as yet my husband and I are not quite satisfied as to its progress.

The property owner, Mr. Edwards, contends it also is the City's responsibility and has retained a lawyer here in Idaho Falls to protect his interest.

We will advise the City as to our intentions as soon as any possible crippling deformity has been completely ruled out.

Sincerely,  
s/Mrs. Oliver M. Hauge

The foregoing three claims and a letter indicating a claim to eventually follow, were presented. It was moved by Councilman Foote, seconded by Creek, that all of these be referred to the City Insurance Adjustor. Roll call as follows: Ayes, 3; No, None; carried.

The City Engineer presented plats on the following: Westland Heights Addition, Division #4; University Manors, Division #1; Melbourne Park Addition, Division #4. It was moved by Councilman Foote, seconded by Petersen, that the Mayor and City Clerk be authorized to sign the plats, subject to the final review of the Planning Commission and Engineering Department. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 946

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 Foote, 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, 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.

July 8, 1959

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

JULY 8, 1959

---

The purpose of this memorandum is to present to you the findings and the recommendation of Councilman Petersen with regard to two utility accounts, which he has investigated with the thought in mind of determining the degree of need and assistance, if any, to which they are entitled.

Cecil Hall, 490 D Street: It is the Councilman's recommendation that this customer be permitted to remit a flat monthly amount of \$10.00.

Roy (Martha) Pickett, 124½ 7<sup>th</sup> Street: It is the Councilman's recommendation that the water charge on this account be lowered to \$1.65, the apartment rate, instead of the residence rate and the sewer rate be lowered accordingly.

If there are any question, Mr. Petersen is in a position to comment on the above, having had a recent interview with these people.

s/ Roy C. Barnes  
CITY CLERK

The City Clerk presented the foregoing memo. It was moved by Councilman Petersen, seconded by Creek, that the provisions thereof be authorized and that in the case of Mr. Hall, the old unpaid balance be charged off as well. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk presented an old billing due from the Junior Chamber of Commerce, occasioned by Civic Auditorium rental for a performance in June of 1958 by a group known as the Sagebrush Jubilee. It was explained that said rental was paid by the leader of the group with a "no account" check and that the whereabouts of said leader is unknown. It was explained further, that the Junior Chamber of Commerce is still, technically, responsible for payment of this obligation. It was moved by Councilman Creek, seconded by Foote, that this be charged off and that a letter be written to the Junior Chamber of Commerce explaining that this should be considered in the form of a donation, recognizing the fact that the City appreciates their rather aggressive Civic enterprises. Roll call as follows: Ayes, 3; No, None; carried.

A fifteen year lease was presented between the City of Idaho Falls and the Elks Lodge #1087 whereby the City gains free use of their parking facilities in consideration for laying out, grading, surfacing and maintaining the lot. It was moved by Councilman Petersen, seconded by Creek, that the Mayor be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

**RESOLUTION (Resolution No. 1959-11)**

WHEREAS, the Idaho Falls Chamber of Commerce did, on the 20<sup>th</sup> day of March, 1959, request that the City of Idaho Falls, Idaho, go on record as supporting a request for the location of proposed radiological emission towers within the Idaho Falls area, and

WHEREAS, the City of Idaho Falls, Idaho, has made its investigation of the situation and concurs in the position taken by the Idaho Falls Chamber of Commerce with respect to the location of such radiological emission towers within the Idaho Falls area:

JULY 8, 1959

---

BE IT THEREFORE RESOLVED, that the City of Idaho Falls be placed on record as having no objection to construction of radiological emission towers in the area of one to two miles northeast of Idaho Falls. The latitude and longitude coordinates of the area are as follows:

43 degrees, 29 minutes north latitude to 43 degrees  
35 minutes, 30 seconds north latitude  
111 degree, 50 minutes west longitude, to 111 degrees  
56 minutes, 30 seconds west longitude

The same area is located within the following described subdivisions of Bonneville County, Idaho, to-wit:

Sections 25 and 36, Township 3N, Range 38, EBM  
Sections 27, 28, 29, 30, 31, 32, 33 and 34, Township 3N, Range 39, EBM  
Sections 1, 12, 13, and 24, Township 2N, Range 38, EBM  
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21 and 22, Township 2N, Range 39, EBM

BE IT FURTHER RESOLVED that copies of this resolution be submitted to FAA Western Regional Administrator; Seattle Regional Airspace Subcommittee; Idaho Falls Planning Commission; and Bonneville County Planning Commission.

PASSED by the Council and approved by the Mayor this 8<sup>th</sup> day of July, 1959.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ W. J. O'Bryant  
Mayor of the City of  
Idaho Falls, Idaho

CERTIFICATE

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 is a full, true and correct copy of a resolution passed the 8<sup>th</sup> day of July, 1959, now on file in my office in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City of Idaho Falls, Idaho, this 8<sup>th</sup> day of July, 1959.

s/ Roy C. Barnes  
CITY CLERK

(SEAL)

JULY 8, 1959

---

The above resolution was presented. It was moved by Councilman Foote, seconded by Petersen, that the Mayor and City Clerk be authorized to sign, subject to a final determination by the Engineering Department that the legal description is correct. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor again reminded the Council that Mr. L. G. Huntsman desires to lease all excess airport land, acquired for the clear zone. It was moved by Councilman Foote, seconded by Creek, that the City Attorney be instructed to draft a farm lease in his favor with appropriate terms, including a mutually agreeable arrangement for fencing. Roll call as follows: Ayes, 3; No, None; carried.

With respect to the above mentioned area it was agreed, pursuant to Councilman Foote's recommendation, that all dwellings involved be advertised and sold and/or dismantled.

The Mayor presented a memorandum from the City Building Official involving many areas and advising with regard to the Board of Adjustments, recommendations pertaining to zoning. It was moved by Councilman Petersen, seconded by Creek, that in each instance involving zoning and in each instance involving Board of Adjustment favorable recommendation for rezoning, the City Attorney be instructed to prepare a zoning hearing for August 7<sup>th</sup>, 1959 after which the City Clerk be authorized to publish same. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor reported that Mrs. Charles Doe, 865 Cranmer, has requested a fence be built by the City separating her property from the adjoining one indicating that, in her opinion, she is entitled to this because the City erred in permitting the particular type of construction which now exists there. It was moved by Councilman Petersen, seconded by Creek, that the request be denied. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor advised of a traffic hazard which reportedly exists at Tautphaus Park close to the stables involving speeding cars around the curve in the road. This was referred to the Chief of Police.

It had been brought to the attention of the Mayor that the City Building maintenance man and his wife feel that they should receive extra compensation, either from the City or from the group involved, for Sunday services being held in the Council Chambers; It was agreed that it would be in order for them to request reasonable compensation from the group that is using the facilities.

The Mayor reported a protest on certain 15 M.P.H. speed limits within the City. This was referred to the Chief of Police and the Police Committee with instructions that a complete study of all speed limits be studied and reviewed.

Chief of Police John Putnam appeared and suggested that the Traffic Safety Commission be reactivated. To this the Council concurred.

The pound master has complained to the Mayor that he is having trouble catching dogs and recommended the acquisition of a tranquilizer gun. Instead, the Council agreed that the Dog Ordinance should be more strictly enforced, relative to penalties for allowing dogs to be allowed to run loose.

The Mayor requested from the Council that he and Councilman Petersen be authorized to go to Boise on July 9<sup>th</sup>, 1959 to attend a Federal power meeting pertaining to reallocation of Palisades power. To this, the Council agreed.

Councilman Creek presented a recommended change of policy with regard to the manner in which street patching be charged, suggesting that it be by a square yard basis rather than per

JULY 8, 1959

---

hundred weight. The Council agreed at \$4.00 per yard would be equitable, subject to final consideration by Councilman Creek and Street Commissioner Grover Bennett.

Mr. George Jensen appeared before the Council explaining that Block 34, Highland Park Addition has no sewer facilities and that the residents involved are prepared to construct their own sewer, paying in each case their pro rata share, providing the City could make the sewer available to the block running it across Crowley Street. It was pointed out that the City has no funds available for this purpose and it was suggested that this be included in the west side sewer district which will probably be initiated within the next year.

The Mayor presented the following amendment to the Local #57 union agreement.

AMENDMENT TO AGREEMENT

Made and entered into this first day of May 1959, by the City of Idaho Falls and Local Union No. 57, I.B.E.W.

WHEREAS, there presently exists a permanent continuing collective bargaining agreement between the City of Idaho Falls and Local Union #57, International Brotherhood of Electrical Workers, bearing the date of June 18, 1959.

The following amendment is agreed upon to become effective on the first day of May, 1959:

1. A 4% increase on wage schedule as approved May 1, 1958, to become effective May 1, 1959.

Dated this 17<sup>th</sup> day of June, 1959.

Signed by:

City of Idaho Falls  
s/ W. J. O'Bryant  
MAYOR  
Title

International Brotherhood of  
Electrical Worker, Local #57  

---

President

s/ V. G. Pearson  
Business Manager

Subject to the approval of the  
International President of the  
International Brotherhood of  
Electrical Workers

It was moved by Councilman Foote, seconded by Creek, that the Mayor be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

JULY 8, 1959

---

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

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ W. J O'Bryant  
MAYOR

\*\*\*\*\*