

JUNE 22, 1959

Pursuant to a call by the Mayor the City Council met in Special Session in the City Hall Lounge on June 22, 1959 at 2:00 P.M. for the purpose of opening sealed bids on the pump house to be constructed at the Ninth Street well on the corner of Ninth Street and St. Clair Road and to consider regular business which would normally have been transacted on the third Friday of the month but which was postponed until this date, due to lack of a quorum. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Creek, Foote, Petersen, Johnson. Also present: Roy C. Barnes, City Clerk; R. Vern Kidwell, City Attorney; Don Lloyd, City Engineer; Claud Black, Consulting Engineer.

The Mayor announced that this was the time and the place for the opening of sealed bids on a pump house to be located at the Ninth Street Well on the corner of Ninth and St. Clair Road and instructed the City Clerk to proceed. The following bids were revealed:

Aiman Construction Co. Idaho Falls, Idaho	\$13,787.00
C. Reinhart & Sons Idaho Falls, Idaho	\$14,000.00

These were referred to the Engineering Department for study and recommendation.

Mr. John Wrigley of the Markham Advertising Company appeared before the Council explaining that his firm had acquired the sign rites to the off street parking lot on Yellowstone, A and B Streets and that he was requesting permission to erect a 40' X 13' sign over the east entrance. The Council felt they needed some time for considering this matter and advised Mr. Wrigley that they would have a decision for him this night when they reconvened.

Messrs. Orville Hansen, Burl Bandel and LaGrande Marchant appeared before the Council in the interests of the Planning Commission, explaining that for some time that group had favored the establishing of additional parks around the City. In this connection, they advised that the following had offered part of their property on East 17th as a park at a concession in price if the City was interested: Dr. Mark Baum, 1391 East 17th; Mrs. E. W. Bennett, 1385 East 17th and Mr. W. A. Bingham, 1397 East 17th. The area involved would approximate ten acres. The Mayor explained the City's financial plight and that probably no immediate action could be taken on this matter for that reason. Councilman Johnson said he favored the City's concentrating on a much larger area for park purposes. Councilman Creek presented the possibility of acquiring this property over a period of time by means of partial payments. It was suggested to these gentlemen that they feel out the three property owners to determine their feelings in this regard and if possible, bring back to the Council a firm offer and a suggested payment program.

Mr. Marchant then presented a suggested change in the Zoning Ordinance, explaining that the R-3 caption is not flexible enough. He recommended that thought be given to the establishing of an R-3 residence and an R-3 commercial category. He also commented on the plan now under way for City-County cooperation in matters of zoning so that when land is annexed into the City there would be no conflict. The Council thanked Mr. Marchant and expressed tentative favor toward his recommendation.

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It was moved by Councilman Foote, seconded by Johnson, that the City Attorney be instructed to draft an ordinance renumbering Yellowstone Avenue as recommended by the Engineering Department. Roll call as follows: Ayes, 4; No, None; carried.

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Acct. No. 4A-16

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

Please be advised that the bids for the resurfacing of Broadway between Yellowstone Avenue and Memorial Drive have been opened by the Highway Department.

There were two bidders for this work, being Carl E. Nelson Construction Company and Burggraf Construction Company. Carl E. Nelson submitted the low bid of \$16,265.00. With the 10% added for contingency, the City's share is \$8,945.75 as compared to \$6,600.00 originally estimated.

At our request, the Council has allowed \$8,000.00 in the budget for this work, including the improvement of curb radii at Yellowstone and Shoup. To fulfill the City's portion of this contract will require an additional \$950.00 appropriation, or to include curb radii improvements would require about \$1,950.00.

The Highway Department is prepared to award this contract to the low bidder as soon as the City indicates approval. Since we must notify the Urban Engineer immediately, we are requesting your early consideration of this matter.

Thank you kindly.

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

The foregoing memo from the City Engineer was presented. It was moved by Councilman Johnson, seconded by Creek, that the Highway Department be notified that the City approves of the low bid as indicated. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor then declared this Meeting recessed, to reconvene in the Council Chambers at 8:00 P. M. this night to transact the Regular Business Meeting of the month, postponed until this time because of lack of a quorum on the Regular Meeting of June 19th, 1959.

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June 22, 1959

The City Council of the City of Idaho Falls met in Recessed Session Monday, June 22, 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 Johnson, Creek, Foote, Petersen. Also present: Roy C. Barnes, City Clerk; Don Lloyd, City Engineer; R. Vern Kidwell, City Attorney; George Aupperle, Purchasing Agent.

The minutes of the last Regular Meeting held June 8, 1959 were read and approved.

Mr. Harold Collard, architect for the Ninth Street Well pump house, appeared before the Council to comment on the specifications for that project, occasioned by the fact that the lowest bid was some three to five thousand higher than the architects' estimate. The City Engineer appeared and said that he is reasonably convinced that the price is not out of line but instead, the estimate was simply to low.

It was moved by Councilman Foote, seconded by Johnson, that the low bid of Aiman Construction Company in the amount of \$13,787.00 be accepted, subject to the approval of the State Board of Health. Roll call as follows: Ayes, 4; No, None; carried.

Mr. Dewey Wilmot, representing the Junior Chamber of Commerce, appeared and requested \$150.00 for that group to cover the expenses of a fishing derby on Willow Creek for the youngsters on July 4th. This was denied in view of the fact that there is no budgeted amount for this purpose.

Mr. Donald Herman appeared before the Council representing a group which was present and which, in turn, represented all the various Veteran's groups in the area. He explained that the purpose of this meeting was to jointly request that after the new armory building is completed, the Council give consideration to turning the present Armory building over to the combined Veteran's groups, to be known as a Veterans Memorial Building. He then asked various men to speak and explain various facets of this proposal, including Messrs. Parley Rigby, Wallace Hansen, Frank Rysset, William Oliver, Paul Petersen and Mrs. Vic Kimmel. It was explained that City property could not be given away as suggested and the group then agreed a lease agreement would be acceptable. No action was taken and the Council agreed to take the matter under advisement.

Mr. W. A. Bingham appeared before the Council explaining that he had heard of this afternoon's meeting and correcting a misrepresentation of facts; namely, that this property is no longer available for park purposes except at \$3,500.00 an acre. The Council felt they should contact Mr. Bundel and Mr. Hansen in this regard and that he would have their decision by Wednesday June 24th.

Mr. Leo Clawson, Western Machinery Company, appeared before the Council with a proposal for offering the City two Packmore garbage hauling units as follows:

One Packmore	\$ 9,995.00	Total for two of the above package units.
One truck	<u>4,165.00</u>	
Total for one of the above package units	\$14,160.00	\$26,090.00

It was understood by the Councilmen that this proposal was in order, inasmuch as the actual sealed bids were opened many months ago and tabled, pending this new fiscal year. It was moved by Councilman Petersen, seconded by Johnson, that this proposal for two complete units be accepted,

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with the understanding that payment for the trucks be made now and the Packmore units be paid on a delayed payment program to be arranged. Roll call as follows: Ayes, 4; No, None; carried.

With regard to Mr. Wrigley's request of this afternoon's meeting pertaining to erecting a large sign on the off street parking lot, the Council agreed that Markham Advertising Company be permitted to proceed.

License applications for gas contractors and apprentice gas fitters were presented as follows: GAS CONTRACTOR: Holland Furnace Company; APPRENTICE GAS FITTERS: Marvin Donovan, Lionel Staggie, James Davis, Darrell Bennett, George Lee Hardenbrook. 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 for BEER, CANNED & BOTTLED, TO BE CONSUMED ON THE PREMISES, Curtis Drive Inn, Ellen Campbell; Transfer of ownership from Harry Miller to Millard M. Divine, Broadway Café & Tavern, 1255 W. Broadway. It was moved by Councilman Johnson, seconded by Petersen, that the licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

June 15, 1959

To Whom It May Concern:

This letter is in regard to the City sanitary sewer backing up in our basement on the 8th day of June. It backed up and soaked the bottom of a plywood wall around one room.

There are six sheets of ¼" X 4' X 8' around the room at the cost of \$24.96. It took my wife 12 ½ hours to clean up the mess & disinfect it. We figure for the plywood & labor of cleaning:

Plywood	6 sheets	\$24.96
Labor		<u>15.62</u>
		\$40.58

Thank you,
s/Dallas R. Hales
1020 Alameda

This letter was read and referred to the City Insurance Carrier.

The City Clerk asked Council approval for the Purchasing Agent to order a Brandt Coin sorting and counting machine in the amount of \$1,023.25, a budgeted item. It was moved by Councilman Johnson, seconded by Creek, that this be authorized. Roll call as follows: Ayes, 4; No, None; carried.

Application for a taxi driver license for Joseph V. Allen, Yellow Cab Company, was presented. It was moved by Councilman Johnson, seconded by Petersen, that the license be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk read the following memo from the City Attorney:

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June 18, 1959

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

Gentlemen:

At the Council Meeting held June 8, 1959, the application for five taxi cab permits are twenty taxi cab permits in the name of Fred Schmier was referred to me for my opinion.

Ordinance #879 of the City of Idaho Falls provides in substance and effect that there are twenty taxi cab permits to be issued. The Ordinance further provides that they will be issued to the various applicants as the Mayor and City Council determine public interest requires.

We understand that the twenty permits have already been issued—fifteen to Yellow Cab Company and five to Falls Cab Company. We have made investigation with the accountants for Yellow Cab Company and Falls Cab Company as to whether or not all of the permits that have been issued are in use. A copy of their letter is attached to this opinion.

We have also checked through the Court Files in the case of Schmier vs. Hendrickson and a second case entitled "Schmier vs. Falls Cab Company, Inc." As we interpret the Court files in the case of Schmier vs. Hendrickson, Schmier recovered a judgment against Hendrickson in the amount of \$10,210.10, which would appear to be a judgment for the value of Fred Schmier's interest in the Falls Cab Company. Fred Schmier then filed an action against Falls Cab Company, Inc., which action was dismissed.

In my opinion, based upon the present status of the court files, the effect of the judgment of Fred Schmier against Hendrickson would be Fred Schmier's interest in the Falls Cab Company. It would not appear to be advantageous from the City's point of view to become involved as a party in the determination between the original members of the Falls Cab Company as to the present ownership of the assets of the Company. In view of the fact that five permits are presently issued in the name of Falls Cab Company, I cannot see how the City would be in a position to issue additional permits, but would rather suggest the City require the applicant and the Falls Cab Company, and others claiming the right to the use of the cabs to determine among themselves who is the owner of the permits in question.

The only way in which I can see the City would be in a position to redistribute the cab licenses would be under the provisions of Ordinance #879, providing that the permits may be issued to various applicants as public interest requires. This would be a matter for the determination of the City Council; however, in the event this course were followed, it would be necessary to require five of the outstanding permits which have been issued to be returned and voided.

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Very truly yours,
s/ R. Vern Kidwell
City Attorney

Encl.

Following the City Attorney's recommendation it was moved by Councilman Johnson, seconded by Petersen, that the application for five taxi cab permits be denied. Roll call as follows: Ayes, 4; No, None; carried.

June 18, 1959

Mr. Roy C. Barnes, City Clerk
City Building
Idaho Falls, Idaho

Dear Mr. Barnes:

At a recent meeting of the City Council a request of Bob Wilson, Union Representative for Local #935, with respect to certain amendments in paragraph 12 of the Agreement between the City of Idaho Falls and City Employees' Local #935, was discussed. At that time the matter was referred to me as City Attorney for approval of the contemplated changes in paragraph 12 to provide in substance that if an employee is requested to show up and is not placed to work, then he shall be paid two hours show up time.

I have had returned to me the enclosed drafts of the amended contract. Paragraph 12 has been modified to include the provisions discussed by the City Council. I have no objection to the language used in paragraph 12.

The attention of the Council is directed to paragraph 4 on page 1, providing that each individual shall have a pay increase of \$15.00 per month, effective May 1, 1959. I am not familiar with the budgetary provisions for this specific increase. In the event there was not a blanket increase of \$15.00 per employee within the Street and Sanitation Department employees, then paragraph 4 is objectionable.

Will you also kindly call the attention of the City Council to paragraph 14, providing in substance and direct that when a holiday falls on an employee's day off, the employee shall have one other day off during the following week, or one day's pay in lieu thereof. We are advised by Mr. Wilson that Floyd Nelson and Abe Simpson and Jim Arehart of the Sanitation Department and Russell Turman and Joe Tolley of the Street Department did not work Memorial Day and went on vacation immediately following. They are now contending they are entitled to one day's pay in lieu of the holiday falling on their day off. Will you kindly take this up with the Councilman in charge of streets and sanitation and verify this information. If the information furnished us is correct, it would appear the employees would be entitled to the additional one day's pay provided by the existing Union Contract.

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Very truly yours,
s/ R. Vern Kidwell
City Attorney

Encl.

The foregoing memo from the City Attorney was presented pertaining to a revised agreement between the City and Local #935. It was moved by Councilman Petersen, seconded by Johnson, that the Mayor be authorized to sign the agreement as amended subject to a determination as to whether or not all the employees in question were receiving salaries of \$300.00 or more. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 943

AN ORDINANCE AMENDING SECTION II OF ORDINANCE NUMBER 852 OF THE CITY OF IDAHO FALLS, IDAHO; DIVIDING SAID CITY INTO DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; SETTING FORTH THE PURPOSES OF THE ZONING ACCOMPLISHED THEREBY AND THE REGULATIONS AND RESTRICTIONS IMPOSED WITHIN SAID DISTRICTS; CHANGING THE ORIGINAL BOUNDARIES OF CERTAIN DISTRICTS BY THE INCLUSION OR THE EXCLUSION THEREOF OR THERE FROM OF CERTAIN TRACTS OF LAND; PARTICULARLY DESCRIBING SAID TRACTS OF LAND; DESIGNATING THE DISTRICTS IN WHICH THEY SHALL THEREAFTER BE INCLUDED; PROVIDING THAT A DISTRICT MAP DESIGNATING SAID DISTRICT SHALL BE MAINTAINED IN THE OFFICE OF THE BUILDING INSPECTOR IN THE CITY HALL OF SAID CITY, AND FURTHER PROVIDING THAT THE BUILDING INSPECTOR SHALL CAUSE SAID DISTRICT MAP TO CONFORM WITH THE PROVISIONS OF ORDINANCE NO. 852 AS AMENDED HEREIN; PROVIDING THAT ORDINANCE NO. 852, EXCEPTING SECTION II THEREOF, SHALL REMAIN UNCHANGED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING THEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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.

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ORDINANCE NO. 944

AN ORDINANCE FIXING A SCHEDULE OF RATES AND CHARGES FOR SERVICES AFFORDED BY THE CITY WATER SYSTEM OF THE CITY OF IDAHO FALLS, IDAHO

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. 945

AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF IDAHO FALLS, IDAHO; ESTABLISHING A TWO-HOUR PARKING ZONE; DESIGNATING THE LIMITS OF THE TWO-HOUR PARKING ZONE; PROHIBITING THE PARKING OF ANY VEHICLE DURING OPERATING HOURS IN SUCH TWO-HOUR PARKING ZONE FOR A PERIOD IN EXCESS OF TWO HOURS; DESCRIBING OPERATING HOURS; PROVIDING THE DUTIES OF POLICE OFFICERS; ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

The thirty foot strip between the Teton Peaks Council Building and the Doctors' Clinic was again presented. It was moved by Councilman Johnson, seconded by Petersen, that the City Attorney be instructed to prepare a notice of intention to lease to the Teton Peaks Council, after which the City

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Clerk be authorized to publish same in the Post Register. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor presented a rental agreement from Smith Chevrolet Company covering an automobile for the Police Department, terms; \$100.00 per month for 18 months. No action was taken, as the Council favored a contract for \$110.00 for 12 months, due to high maintenance costs as the car depreciates.

The Mayor read a letter from the State Administrator of Health pertaining to Mr. William Cole's salary and explaining that, inasmuch as he has completed his probationary period he is entitled to a standard salary increase on which the City must stand its share. To this the Council agreed.

The City Sanitarian, through the Mayor, asked what should be done about livestock in the City. The Council issued instructions that they should be ordered out if they had been moved in after an area was properly zoned to prohibit, and especially if the animals had proven offensive to the area.

The problem of curb and gutter on the Melvin Hansen property on Anderson Street was again presented. This was originally discussed at a Council Meeting, August 7th, 1958. The Council agreed that this should be installed at no cost to Mr. Hansen.

The Mayor presented a request from the Local Symphony Association for \$100.00 which, supposedly, was promised but never materialized. The Council felt they should check into this further and so action on this matter was tabled.

The Mayor read a letter from the State Insurance Group pointing out the relatively high rate of casualties from the Idaho Falls employees, and containing an offer to send a representative here to indoctrinate employees in a safety program. To this the Council agreed.

It had come to the attention of the Council in the form of complaints that the caretaker at the City dump had recently instituted a ruling prohibiting private garbage hauling from the business district after 5:00 P.M. It was agreed that this should be corrected.

The Mayor reported that the contractor for the construction on the new Sears & Roebuck site had requested temporary power be furnished them which will require extra service from the City. The Council authorized the Mayor to instruct Ray Moore, Distribution Superintendent, to furnish the service details of which would be worked out by Mr. Moore.

June 19, 1959

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

Dear Mayor O'Bryant:

This is in reply to your telegram of June 16, requesting approval of Mr. J. L. Peterson to service radio equipment. No FCC approval is required to service equipment other than a first or second class operator license. If Mr. J. L. Peterson to whom you refer has such an operator permit, no further certificate from FCC is necessary. Our records show approximately 100

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such permits issued to operators of the name "J .L. Peterson". We would have to have information as to the date and place of birth to relate your man to any of the list in our file.

If the Mr. Peterson to whom you refer does not hold an operator's permit, it will be necessary for him to obtain one in order to engage in any operational activities with radio transmitters. The Commission has not found it appropriate to authorize waivers in such circumstances.

Sincerely yours,
s/ Rosel H. Hyde
Commissioner

Via Air Mail

The Mayor read the foregoing letter from the F.C.C. 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
