

JUNE 8, 1959

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The City Council of the City of Idaho Falls met in recessed Session Monday, June 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 Johnson, Creek, Foote, Petersen. Also present: Roy C. Barnes, City Clerk; R. Vern Kidwell, City Attorney; Alva Harris, Building Official; John Putman, Chief of Police; Don Lloyd, City Engineer.

The minutes of the last Regular Meeting, held May 15<sup>th</sup>, 1959, and Special Meetings held May 21<sup>st</sup>, May 28<sup>th</sup>, June 3<sup>rd</sup>, and June 4<sup>th</sup>, 1959 were read and approved.

The Mayor announced that this was the time and the place for a zoning hearing on various parcels of property as advertised in the Notice of Zoning Hearing in the Post Register May 17<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup>, 1959. First to be considered was the following:

Lots 7 through 10 inclusive, Block 1; Lots 3 through 10 inclusive, Block 4;  
Lots 3 through 10 inclusive, Block 6; Lots 3 through 10 inclusive, Block 7;  
Lots 3 through 10 inclusive, Block 9; Lots 2 through 5 inclusive, Block 11  
of Kelsey Estates Addition, Division No. 2 to the City of Idaho Falls, Idaho,  
according to the recorded plat thereof, proposed to be zoned R-1.

In the absence of protests it was moved by Councilman Petersen, seconded by Creek, that this be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Next to be considered was the following:

Lots 19 and 20 in Block 11 of Orlin Park Addition, Division No. 3  
to the City of Idaho Falls, Idaho, according to the recorded plat  
thereof, proposed to be zoned R-1.

There were no protests written or verbal. It was moved by Councilman Foote, seconded by Creek, that this area be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Last to be considered was the following:

Lot 10 in Block 2 of Falls Valley Addition, Subdivision No. 4 to the  
City of Idaho Falls, Idaho proposed to be zoned H-C Highway Limited  
Business District.

Lots 24 and 25 in Block 5 of Falls Valley Addition, Subdivision No. 4  
to the City of Idaho Falls, Idaho, proposed to be zoned R-3, Residence.

Lots 1 through 4 inclusive in Block 8 of Falls Valley Addition, Subdivision  
No. 4 to the City of Idaho Falls, Idaho, according to the recorded plat  
thereof, proposed to be zoned R-3, Residence.

No protests were registered. It was moved by Councilman Creek, seconded by Johnson, that Lot 10 in Block 2 be zoned HC and the balance R-3. Roll call as follows: Ayes, 4; No, None; carried.

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The City Attorney was then instructed to prepare a zoning ordinance incorporating the foregoing zoning action, as well as the rezoning action taken June 4<sup>th</sup>, 1959 on Lot 13, Block 1, and Lot 27, Block 2, Rose Park Addition.

Mr. James A. Shaw, 124 East Elva, appeared before the Council representing a group of residents from the 100 block of East Elva, also present, asking and verbally petitioning for the widening and paving of that block. The Council was reminded that this was included in a recent paving district but that work was never started, due to the fact that the City has never been successful in getting signed deeds from all the residents involved.

Mr. Henry Johannesen, 178 East Elva, appeared and protested, not so much the paving, as the fact that the plans for widening call for taking so much more off the south side than the north side. Councilman Petersen explained that this proposed angle was necessary to conform.

Of those present, the Mayor took a poll and it was found that eight were in favor of proceeding with the widening and paving, one was opposed, and Mr. Johannesen refrained from voting until he could confer with his wife. It was moved by Councilman Petersen, seconded by Foote, that the City proceed with condemnation proceedings if necessary but that in the meantime, a final effort be made to get signed deeds from all property owners. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer reported that Mr. Gillespie and Mr. Rushton are badly in need of transportation. It was noted that the former name had previously been considered but that the City is in no position, financially, to provide this service at the moment. Meanwhile, they were given permission to use City gas for their own private vehicles.

Mr. Harry Meppen, 331 East 22<sup>nd</sup>, appeared before the Council requesting flood lights for pony league play at Central Park. It was suggested that this would be a good project for a service group and that the City couldn't possibly consider this, as there are many parks which are just as entitled to this facility as Central Park.

Bills against the City for the month of May, 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	\$72,860.12	\$77,268.09	\$150,128.21
Waterworks Fund	9,507.81	22,150.56	31,658.37
Electric Light Fund	14,369.67	125,229.78	139,599.45
Police Retirement	1221.25	.00	1,221.25
Fire Fund	<u>16,469.49</u>	<u>487.46</u>	<u>16,896.95</u>
<b>TOTAL</b>			<b>\$338,282.98</b>
		Police Retirement:	\$1,221.25

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

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Applications for bartenders permits and soft drink licenses were presented as follows: BARTENDERS: Kenneth J. McCormick, Fred A. Schmier; SOFT DRINK: Marv's Nook, "191 Club". It was moved by Councilman Petersen, seconded by Foote, that the permits and licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

Applications for electrical contractor and journeyman electrician licenses were presented. ELECTRICAL CONTRACTOR: Scott L. Williams. JOURNEYMAN ELECTRICIAN: Scott L. Williams. It was moved by Councilman Johnson, seconded by Petersen, that these licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

CAB DRIVER'S license application for Frank Johnson was presented. It was moved by Councilman Petersen, seconded by Johnson, that the license be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

License application for journeyman gas fitter license was presented. JOURNEYMAN GAS FITTER: G.C. Bryant. It was moved by Councilman Foote, seconded by Creek, that the licenses be granted, subject to the approval of the Gas Inspector.

A license application from Fred Schmier was presented requesting five taxi permits. In view of the fact that there are now twenty permits issued and outstanding, the permissible maximum, this was referred to the City Attorney for recommendation.

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

6/8/59

To the Mayor and City Council  
Idaho Falls, Idaho

Re: Walt Searle's Conoco Service Station  
450 South Yellowstone

Gentlemen:

Since 1950 the above utility account has been computed in error in the City Clerk's office. The commercial power consumption has been classified and charged as commercial light; the commercial light as commercial power, resulting in the following:

	COMMERCIAL LIGHT
Charged	\$213.75
Should have been charged	<u>479.61</u>
Amount customer owes City	\$265.86
	COMMERCIAL POWER
Charged	\$2,419.38
Should have been charged	<u>1,074.06</u>
Amount City owes customer	\$1,345.32
Amount customer owes City	<u>- 265.86</u>
Net amount City owes customer	\$1,079.46

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One of the Councilman has questioned this account's consumption, not necessarily on the grounds that it has been improperly computed but that it looks low in relation to other service stations. In due respect to this approach, the Councilman recognized the fact that this is a poor basis for drawing conclusions, whether it be in a residence or a business, due to the difference in living or operating habits. However, a comparison was drawn and the results are attached which reveal that some stations' consumption were substantially higher, some lower, than the one in question.

Two of the City's servicemen have given this station a thorough examination. Everything seems to be in order. It would appear the claim is a legitimate one.

Mr. Searle had been advised that the City is probably not legally obligated to make restitution for any longer period than four years. He has verbally indicated that he would be satisfied with seven years. This would result in a cash refund of \$839.53. It is the writer's recommendation that this refund be made as a means of satisfying the City's obligation to this customer.

s/ Roy C. Barnes  
City Clerk

The foregoing memorandum from the City Clerk was read. The Councilmen felt that it would be a dangerous precedent to recognize any obligation beyond the statutory limitation. It was moved by Councilman Petersen, seconded by Foote, that Mr. Searle be reimbursed for four years overpayment, as indicated. Roll call as follows: Ayes, 4; No, None; carried.

A memorandum from the City Treasurer was presented requesting authorization to open a special reserve fund account with reference to the Water and Sewer revenue bond issue. It was moved by Councilman Petersen, seconded by Johnson, that this be authorized and that the Mayor, other than the Treasurer, be directed to sign the account cards and any checks written on the account. Roll call as follows: Ayes, 4; No, None; carried.

**RESOLUTION (Resolution No. 1959-10)**

WHEREAS, Ordinance No. 919 of the City of Idaho Falls provided in Section 7 thereof, that revenues from the operation of the system shall be paid first into the Bond Fund and secondly, into the Revenue Fund, until there shall have been accumulated in cash, the sum of Sixty-thousand Dollars (\$60,000) to be maintained solely for the purpose of paying principal and interest on Bonds payable falling due in any year in which there would otherwise be default, and

WHEREAS, said Ordinance No. 919 provides that the money in the reserve fund shall be kept on deposit with the First Security Bank of Idaho, Idaho Falls, Idaho branch, but said ordinance provides in the discretion of the Council, it may be invested in direct obligations of the United States of America, maturing not more than three years from the date of the making of the investment.

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WHEREAS, the City has money in said reserve fund and desires to invest said funds from time to time in direct obligations of the United States of America as in said Ordinance No. 919 provided,

BE IT RESOLVED by the Mayor and City Council of the City of Idaho Falls, Idaho, that the moneys in the reserve fund be invested in direct obligations of the United States of America, maturing not more than three years from the date of making the investment.

BE IT FURTHER RESOLVED, that said City Treasurer shall purchase such type direct obligations of the United States as shall be recommended by the Finance Committee, providing the term of maturity is not in excess of three years.

BE IT FURTHER RESOLVED, that the First Security Bank of Idaho be, and the same is hereby authorized without further instructions from the City of Idaho Falls, Idaho, to liquidate as many of said Government obligations may be necessary in the event the money in the reserve fund so invested shall be needed for the payment principal or interest of said bonds.

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

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ W. J. O'Bryant  
MAYOR

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 June, 1959, and 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 in Idaho Falls, Idaho, this 8<sup>th</sup> day of June, 1959.

(SEAL)

s/ Roy C. Barnes  
CITY CLERK

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

An extension rider to Lease #L&T 15207 covering a sign board was presented from the Union Pacific Railroad. 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.

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A memo from the City Engineer was presented as follows:

June 3, 1959  
Acct. No. 4A-19

Honorable Mayor and City Council  
City of Idaho Falls, Idaho

Gentlemen:

Please find attached hereto a petition signed by six property owners requesting that the City of Idaho Falls survey, design, prepare plans and cost estimate for the improvement of that portion of South Boulevard between Morningside Drive and Sunnyside Road.

It is the intention of the signers of this petition to improve South Boulevard during this construction season, providing this cost is reasonable.

If it be the desire of the Mayor and Council, the Engineering Department can schedule and proceed with this work.

Respectfully submitted,  
ENGINEERING DEPARTMENT  
s/ Donald F. Lloyd  
CITY ENGINEER

Attach.

It was noted that the petition had six signers, all East Morningside Drive residents. It was moved by Councilman Creek, seconded by Johnson, that the City Engineer be authorized to proceed as indicated, and the City accept the proposition to have this portion of South Boulevard paved. Roll call as follows: Ayes, 4; No, None; carried.

**ORDINANCE NO. 941**

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF THE CITY OF IDAHO FALLS, IN THE STATE OF IDAHO, AND FOR THE APPROPRIATION OF THE SEVERAL FUNDS AND PURPOSES DURING THE FISCAL YEAR 1959-1960, AND PROVIDING THE NUMBER OF MILLS ON THE DOLLAR APPROPRIATED FOR EACH OF SAID FUNDS.

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

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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. 942**

AN ORDINANCE ESTABLISHING AND CREATING A COMMISSION TO BE KNOWN AND DESIGNATED AS THE RECREATION COMMISSION OF IDAHO FALLS, IDAHO, FOR THE PURPOSE OF PLANNING AND STUDYING THE ECONOMIC AND TECHNICAL CONDITIONS AND PROBLEMS IN CONNECTION WITH THE OPERATION, MANAGEMENT, REGULATION AND CONTROL OF PLAYGROUND AND RECREATIONAL FACILITIES, AND THE DEVELOPMENT, USE AND EXPENSE OF PLAYGROUND AND RECREATIONAL FACILITIES, PROVIDING FOR A TRUST FUND TO BE ADMINISTERED BY THE MAYOR AND COUNCIL OF IDAHO FALLS, IDAHO; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The revised Recreation Ordinance was presented. It was noted that the original had been passed on two readings but the Ordinance has since been amended. It was moved by Councilman Foote, seconded by Creek, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several day 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 AS AMENDED." Roll call as follows: Ayes, 4; No, None; carried.

**ORDINANCE NO.**

AN ORDINANCE VACATING AND CLOSING THE UNUSED PORTION OF A STREET IN THE CITY OF IDAHO FALLS, IDAHO, FOR THE SOLE AND EXCLUSIVE USE OF BONNEVILLE IMPROVEMENT COMPANY, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS; DESIGNATING THE PORTION OF SAID STREET THE TITLE TO WHICH IS VESTED IN THE SAID BONNEVILLE IMPROVEMENT COMPANY, INC.; PARTICULARLY DESCRIBING SAID LAND; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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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, 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.

(SEE NEXT PAGE FOR THE RESCINDING OF THIS ACTION R.C.B.)

**PROPERTIES TO BE SOLD BY BONNEVILLE COUNTY, AUGUST, 1959.**

The following are in Local Improvement Districts, as indicated, and are Tax Deeded by the City of Idaho Falls,

<u>L.I.D. NO.</u>	<u>NAME</u>	<u>TOTAL DELINQUENCY WITH ACCRUED INTEREST FOR 1959</u>	<u>PRINCIPAL BAL. AFTER DELINQUENCY</u>	<u>TOTAL</u>
22 & 24	Homer Koster Co., 244 Broadway; W 16' of Lot 16; all 17-27; less Tract #1; Block 26 Brodbeck Addition	\$1,946.81	\$1,245.95	\$3,192.76
19-21-24	Lester W. Clark, 288 E 15 <sup>th</sup> Street; Lots 1-3; Block 58; Crows Add.	1,492.49	382.63	1,875.12
22	Homer Koster, 244 Broadway; All Lot 1; E 14' of 2; Block 30; Brodbeck Add.	301.03	116.59	417.62
21	Arthur W. Schulz, 354 W 18 <sup>th</sup> Street; S 1/2 of Lot 30; All of Lots 31- 34; Less Tract #1; Block 16 S. Park Add.	180.95	10.36	191.31

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22 & 25	Mabel N. Draney, Freedom, Wyoming; W 84.87' of Lot 10; Block 3; Edgewater Heights Add.	919.78	351.87	1,271.65
21	A. W. Brunt, 1560 Canal Avenue; Lot 7; Block 99; Riverside Add.	151.16	9.90	161.06
19 & 21	Jessie Gjettrup, 295 E 16 <sup>th</sup> Street; Lots 19-24; Block 63; Crows Add.	2,455.12	96.89	2,552.01
23 & 24	Charles Haddon, 330 E 19 <sup>th</sup> Street; Lots 15-16; Block 51; Highland Park Add.	697.63	375.20	1,072.83
22	Virginia Bond, Billings, Montana; Tract #4-E; Sec. 18; TP2N; R. 38; EBM.	196.74	71.47	268.21
19	Ethel Smith, 288 Maple Street; Lots 37-48; Block 62; Crows Add.	820.26		820.26

The foregoing list of properties was presented with the explanation that these will be sold by the County for taxes in August, 1959, the question being, would it be a good investment in any or all the instances involved for the City to pay the taxes. This was referred to the Engineering Department for study and recommendation.

It was belatedly brought to the attention of the Council that the Vacating Ordinance, passed earlier this night, in favor of Bonneville Improvement Company, covered an area under which Crow Creek flows in conduit and for this reason the City has need for possible access. Therefore, it was moved by Councilman Foote, seconded by Johnson, that the earlier action, passing the Ordinance on all three readings, be rescinded. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor inquired as to whether or not the Council was prepared to act on a new radio repair and maintenance contract. Councilman Johnson said he would make contact with one other party who might wish to offer a proposal.

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The Mayor reported that there is a vacant lot back of KID TV station which has been offered as a baseball diamond, providing the City agrees to seed. It was decided that the City would offer only to dispose of the weeds and level the lot.

The Mayor reported that Mr. L. G. Huntsman desires to buy all excess recently acquired land at the airport not covered by the clear zone and also to lease the pasture land on the river front. This was referred to Councilman Foote.

There was considerable discussion on the rezoning of the Country Club property, taking into consideration the zoning hearing meeting of June 4<sup>th</sup>, 1959. Councilman Creek presented his views as to why, in his opinion, rezoning was in order and then moved that the property be rezoned R-3 with the understanding that construction be limited to a suitable motel, plans of which would be approved in advance by the Council and with the further provision that if not used for this purpose, zoning would revert back to its present status. This was seconded by Councilman Foote. Roll call as follows: Councilman Petersen, No; Councilman Johnson, No; Councilman Creek, Aye; Councilman Foote, Aye; resulting in a tie vote. City Attorney Kidwell had previously made reference to the State statute making no provision for the Mayor interceding in a vote of this nature as pertains to zoning matters but, instead, making it mandatory that there be a three-fourths Councilman vote in favor thereof. No further action, then was considered possible.

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

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