

JUNE 4, 1959

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Pursuant to a call by the Mayor the City Council met in Special Session in the Council Chambers on June 4, 1959 at 8:00 P.M. for the purpose of hearing protests on the rezoning of the Idaho Falls County Club property. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Petersen, Johnson, Creek, Foote. Also present: Roy C. Barnes, City Clerk; R. Vern Kidwell, City Attorney; Alva Harris, Bldg. Official; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; John Putman, Chief of Police.

The Mayor announced that this was the time and the place for hearing protests on the rezoning of the Country Club property as advertised in the Post Register May 19<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup>, 1959.

Mr. Rex Schwendiman, 560 Whittier, appeared before the Council and protested the rezoning on the grounds that this would permit construction of a type which would be detrimental to the immediate residential area. He presented a petition with eight signers in this regard. Others appearing to verbally protest were Mr. Paul Ahlstrom, 580 Whittier; Dr. Darrell Reeder, 540 E. Whittier; and Verl Jardine, 570 Whittier.

Mr. Gib Miller, President of the Country Club, then presented Mr. William Call, Club Secretary, who spoke in behalf of the Club Membership favoring rezoning. He asked for those present favoring rezoning to stand and there was a sizeable representation who responded. He then presented a petition with ten signers including the Elks Club, favoring rezoning. Mr. Call explained the Club's need for rezoning as a means of capturing the maximum utility value from the property. He then presented architects sketches on their new proposed location and proposed construction at the existing location. He reminded the Councilmen that the Board of Adjustments had gone on record as favoring the rezoning.

Mr. Schwendiman then reappeared and noted that those favoring rezoning represented a social group, whereas those protesting were actual residents. He said he had reason to believe that there were certain numbers of the Board of Adjustments who did not favor the rezoning but who were absent when that action was taken. Mr. Ahlstrom then noted that precautionary steps were taken by the Whittier Street residents prior to building in that location to check the zoning across the street, only to find that it was properly zoned R-1, complete with buffer zone. He said they had complete confidence that this would never be subject to change. Mr. Jardine then noted that the rezoning of this area would set a precedent and a trend of additional commercial zoning in the area.

Dr. Reeder observed that the residents had no guarantee, in the event of rezoning that a motel would be constructed and listed the many other business classifications that might conceivably be erected on the premises. Councilman Creek then asked Mr. Call about this. He answered that there was at one time a positively interested buyer but because of the time delay, this source was no longer available consequently, he has taken an option on the property and can personally guarantee that, if rezoned, a motel will be built that will be an asset to the area. It was then moved by Councilman Petersen, seconded by Creek, that the problem be taken under advisement, with due consideration for the various comments this night and that a Council decision would be forthcoming soon. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor then declared a five minute recess to clear the Council Chambers of those who wished to be excused.

Mr. Rulon Williams, 517 East 13<sup>th</sup>, appeared before the Council, noting the infraction of zoning on the southeast corner of Thirteenth and Holmes and asking when action might be expected. The City Attorney answered that this court case is scheduled within the next sixty days.

JUNE 4, 1959

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Mr. Roland Schellenberg, 1155 Kearney, appeared before the Council and asked if there were any plans for fencing the Idaho Canal. It was explained that this question had been presented to the people for a vote at an election a few years ago and was defeated. The Mayor suggested that if it was desired to fence a short portion of the Canal, arrangements should be made with the Canal Company.

Mrs. Frank Jensen, 970 S. Royal, appeared before the Council, protesting a junk yard across from the substation, adjoining her property. This was referred to the Sanitation Committee.

1095 Syringa Drive  
Idaho Falls, Idaho  
May 14, 1959

Mayor W. J. O'Bryant  
City Hall  
Idaho Falls, Idaho

Dear Mayor:

The First Congregational Church of Idaho Falls has submitted to the Idaho Falls Planning Commission the proposal described below. The Planning Commission approved the proposal and agreed to recommend it to the City Council subject to specific stipulations.

The Congregational Church owns the triangle formed by Lincoln Drive and Bonneville Drive lying south of Lots 3 and 22 in Block 5 of Linden Park Addition, No. 1 shown on the enclosed drawing. The Church proposes to dedicate a 60 foot right of way for the eastern extension of Russett Drive to Bonneville Drive providing the right of way for Bonneville Drive south of the Russett Drive Extension is vacated so that it may be used by the church.

The Church also requests that the small park shown as an island at the present intersection of Bonneville and Lincoln Drives be vacated so that the triangle shown on the attached drawing could be developed as a single piece of property. The Church further requests that the 10 feet easement along the south boundary of Lot 3 of Block 5, the 8 feet overhead easement from the south side of the proposed Russett Drive extension southward to the southwest corner of Lot 27 of Block 5, and the proposed right of way for the sewer in West Bonneville Drive be released subject to location of a suitable easement along the north side of our land for the power and telephone lines.

The F. R. McAbee Inc., 3040 Market Street, Seattle 7, Washington is in accord with the proposal to close Bonneville Drive providing Russett Drive is extended. I discussed this matter with Mr. McAbee during a recent visit to Idaho Falls. McAbee owns the property north of the church property along Bonneville Drive.

The Church agrees to have a survey completed and new description of the property prepared if the above plan is approved. We will work with the City's Engineers in developing the necessary street layout and location of easements required by the City for sewer, water, power and telephone lines.

JUNE 4, 1959

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Your favorable consideration of this proposal will be appreciated and is to the best interest of the first Congregational Church as it gives us a better piece of ground, also it will be beneficial to the City of Idaho Falls as it will eliminate what will otherwise be a dangerous intersection and will permit the development of a beautiful area along the canal bank which will be an asset to Idaho Falls.

Very truly yours,  
s/ Philip C. Leahy  
Member of Building Committee  
First Congregational Church of  
Idaho Falls, Idaho

June 4, 1959  
Acct. No. 3B-69

Honorable Mayor and City Council  
City of Idaho Falls, Idaho

Gentlemen:

Please find attached hereto a letter addressed to the Mayor and Council from the First Congregational Church of Idaho Falls pertaining to a proposed re-platting of an area at the corner of 9<sup>th</sup> and Lincoln.

Your Planning Commission had reviewed this proposed re-platting and has recommended to the Council that this proposal be accepted, and that a survey and description be prepared for the property. This Department has investigated the utilities located within this property and find the following changes will be necessary:

1. The existing power and telephone lines are carried on poles located within this property. It will be necessary to move these poles.
2. An existing sewer crosses this proposed property and will require a maintenance easement.
3. It will be necessary to move an existing fire hydrant from the present location to Lincoln Drive.
4. An existing water line will also require a maintenance easement.

We have reviewed this proposal in some detail and are of the opinion that it would be in the best interest of the City to accept this proposal and permit a resurvey.

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

JUNE 4, 1959

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After the foregoing letter and memo were presented, it was moved by Councilman Johnson, seconded by Petersen, that the Church be authorized to have the property in question re-platted, after which it be presented to the Council for their consideration and approval. Roll call as follows: Ayes, 4; No, None; carried.

Dr. Fred Porter appeared before the Council representing an inter-denominational group and presented a sketch of a monument which would have inscribed on it the Ten Commandments and informed the Council that his group would provide said monument if the City could find and provide a suitable location for it. The Council assured the doctor that this would be arranged and thanked him for his admirable project. This was referred to the Parks Committee.

Mr. John Sharp, local attorney, appeared before the Council on behalf of Mr. Dave Lemons who wishes to move two houses from the Oden Motel and the Catholic Church to the west side. The Mayor cautioned that this should be cleared with the local manager of the Telephone Company. It was moved by Councilman Foote, seconded by Johnson, that the moving permit be granted with the understanding that Mr. Lemons compensate the City for any wages of City employees needed, other than Policemen, and that he be held liable for any damages and that the suggested time of moving be very early Saturday morning, June 6<sup>th</sup>, 1959. Roll call as follows: Ayes, 4; No, None; carried.

Mr. Hal Shydler, N.W. Construction Company, appeared before the Council with reference to a zoning matter on Lot 13, Block 1, and Lot 27, Block 2, Rose Park Addition on which action was tabled after a zoning hearing on May 7<sup>th</sup>, 1959. It was explained that because of setback provisions in an R-P zone, finer homes could and will be constructed on these lots under R-1 zoning. It was moved by Councilman Foote, seconded by Creek, that the lots in question be rezoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer presented a Notice of Advertisement for bids for construction of pump house at the Ninth Street Well, corner of Ninth Street and St. Clair Road. It was moved by Councilman Johnson, seconded by Foote, that the City Clerk be authorized to publish same and the date of the bid opening be set for June 22<sup>nd</sup>, 1959 at the hour of 2:00 P.M. Roll call as follows: Ayes, 4; No, None; carried.

A lease for ATCS, Federal Aviation Agency, was presented covering second story floor space in the new administration building at Fanning Field, to expire June 30, 1960. 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.

The Mayor reported that Mr. Farrell Betz is building a home in the Hughes Imperial Addition and is asking special permission to use #4 lead in wire, on the grounds that that was all that was required of other homes in the area. The Council observed that, inasmuch as the new Electrical Ordinance calls for #2, no deviation should be allowed.

A letter was presented, prepared by the City Attorney, addressed to Frontier Air Lines, giving them temporary ninety day right to operate from the local airport, under terms and conditions similar to that now prevailing for West Coast Airlines. It was moved by Councilman Johnson, seconded by Petersen, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

June 4, 1959  
Acct. No. 4B-25

JUNE 4, 1959

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Honorable Mayor and City Council  
City of Idaho Falls, Idaho

Gentlemen:

We have been requested by Mr. Joseph Call to review an assessment made by the City for improvements under L.I.D. 25.

We find that the assessment against this property, located on Broadway, was established at \$130.90 and included the removal and replacement of a concrete driveway. Upon checking this complaint, we find that the driveway is not located on his property, and the proper assessment should be a total of \$55.00 which would cover the cost for removal and replacement of 50 lineal feet of concrete gutter.

Since an error has been made in this assessment, we would recommend to the Mayor and Council that authorization be given to the Treasurer to make the necessary adjustments.

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

The foregoing memo from the City Engineer was read. It was moved by Councilman Foote, seconded by Johnson, that the assessment in question be lowered to \$55.00. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor asked the Council who they wished to select as the authorized voting delegate at the Idaho Municipal League Convention. It was moved by Foote, seconded by Johnson, that the Mayor serve in this capacity. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor presented a claim from Albaugh, Bloem & Smith for additional filing fees in the amount of \$10.00. It was moved by Councilman Johnson, seconded by Creek, that this claim be approved for payment. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor presented a letter from Idaho Falls Electric in the form of a bid for replacing the lighting system in portions of the City Building, including the Police Courtroom. It was agreed that at least one other bid should be requested.

The Mayor read a letter from the Fire Chief recommending that Claud E. Cox be promoted to Lieutenant in the Fire Department, assigned to the Fire Prevention Bureau to replace Les Corcoran. It was moved by Councilman Johnson, seconded by Petersen, that this be approved. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor read a letter from Mr. Lloyd Hill advising that the Browning Garage would be available in about four months on either a rental or lease basis. It was agreed that the City has no interest in this offer.

The Mayor said he had a recent communication from O.E. Marcum, 1151 Bingham, indicating that the City had appropriated funds in 1952 for a bridge across Crow Creek on Bingham Street on the 1100 Block. The Council claimed no knowledge of such appropriations.

JUNE 4, 1959

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The Mayor noted that Mr. Wendell Gillespie, City employee engaged in checking and servicing pumps, is in need of transportation. The Council agreed that this can be arranged by retaining one of the older pickups instead of trading in when a new one is acquired.

Councilman Creek referred to a previous Council decision to allocate \$20,000.00 from the water and sewer construction fund to acquire water meters. He reported that after discussing this with the City Engineer it was found that this exceeds the amount of money needed for this purpose. He learned further that a comprehensive water survey could be made for about \$8,500.00 to determine in what manner the City might best affect water savings, economy and preservation. This would be a long range plan, said Creek, seconded by Johnson, that a contract be negotiated between the City and Cornell, Howes, Hayes & Merryfield in this regard. Roll call as follows: Councilman Creek, Aye; Foote, Aye; Petersen, No; Johnson, Aye; carried.

The Mayor read a letter from the American Municipal Association listing the benefits of a membership with that organization annual cost of which would be \$75.00. This was tabled for further study.

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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