

**MAY 7, 1959**

The City Council of the City of Idaho Falls met in Recessed Session Thursday, May 7<sup>th</sup>, 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 Petersen, Johnson, Creek, Foote. Also present: Roy C. Barnes, City Clerk; R. Vern Kidwell, City Attorney; Don Lloyd, City Engineer; Alva Harris, Building Official.

The minutes of the last Regular Meeting held April 17<sup>th</sup>, 1959, and Special Meetings held April 22<sup>nd</sup>, April 30<sup>th</sup>, and May 1<sup>st</sup>, 1959 were read and approved.

The Mayor announced that this was the time and the place for the opening of sealed bids on two projects at the airport, commonly known as the "Runway Extension" and the "Apron, Access Road and Related Facilities" projects, and instructed the City Clerk to proceed. The following bids were revealed:

	<b>Runway Extension</b>	<b>Apron Access Road &amp; Related Facilities</b>
Pickett & Nelson Idaho Falls, Idaho	\$163,387.24	\$251,793.90
Hoops Construction Company Twin Falls, Idaho	\$204,004.18	\$274,038.60
Carl E. Nelson Construction Co. Logan, Utah	\$151,006.28	\$222,377.85
Robert V. Burggraf Company	\$197,481.34	\$252,581.00

These were referred to the Engineering Department and the F.A.A. and the Mayor announced to the interested parties present that a decision on the successful bidder would be subject to approval from both these agencies.

The Mayor announced that this was the time and the place for a zoning hearing, preparatory to zoning or rezoning five parcels of property advertised in the Post Register April 19<sup>th</sup>, April 26<sup>th</sup>, and May 3<sup>rd</sup>, 1959. First to be considered was the Jennie Lee Subdivision #1. There were no protests, verbal or written. It was moved by Councilman Foote, seconded by Johnson, that this area be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

Next to be considered was Melbourne Park Division #3. There were no protests, verbal or written. It was moved by Councilman Foote, seconded by Johnson, that this area be zoned R-1. Roll call as follows: Ayes, 4; No, None; carried.

The Beulah Muncey request was then presented. There were no protests, verbal or written. It was moved by Councilman Johnson, seconded by Petersen, that this be rezoned from R-1 to R-2. Roll call as follows: Ayes, 4; No, None; carried.

Next, the Ray Hawker request. There were no protests written or verbal. It was moved by Councilman Johnson, seconded by Foote, that this property be rezoned from R-3 to C-2. Roll call as follows: Ayes, 4; No, None; carried.

Protests were then invited on two lots in the Rose Park Subdivision. Mr. John Latchum, 170 Lloyds Circle, appeared before the Council protesting the rezoning from R-P to R-1 on the grounds

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that there is little enough area within the City so zoned and that every effort should be made, particularly in this area, to maintain the status quo. Mr. Jim Buckham, 225 Lloyds Circle and Mr. Jesse Anderson, 125 Lloyds Circle, protested on the same grounds. In view of the protests it was moved by Councilman Petersen, seconded by Johnson, that any action on rezoning this area be tabled, subject to further study and review. Roll call as follows: Ayes, 4; No, None; carried.

Mr. Latchum then reappeared and reported, with regards to another area; that construction has commenced on Lot 1, Block 2, Rose Park Addition, contrary to restrictive covenants. It was explained by the Building Official that this problem must be met by the surrounding property owners or the Committee named for this purpose rather than be enforced by the City.

The Lawrence Page request, originally presented March 9, 1959, was again discussed. The Building Official reported that Mr. Garrett and Mr. Klingenberg had withdrawn their objections. It was moved by Councilman Foote, seconded by Petersen, that this property be rezoned from R-1 to H-C. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney was then instructed to prepare a zoning ordinance, incorporating the various foregoing zoning or zoning changes.

The Building Official then presented the following for zoning:

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Present the following additions to the Mayor and Council May 7<sup>th</sup>, 1959, for publication of zoning.

**KELSEY ESTATES DIVISION #2**

**ALL TO BE ZONED R-1**

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

**ORLIN PARK ADDITION, DIVISION #3**

**TO BE ZONED R-1**

Lots 19 and 20, Block 11

**FALLS VALLEY SUBDIVISION #4**

Lot 10, Block 2 to be zoned H.C. Limited Business  
Lots 24 and 25, Block 5, to be zoned R-3 Residence  
Lots 1 through 4 inclusive, Block 8, to be zoned R-3 Residence

It was moved by Councilman Foote, seconded by Creek, that the City Attorney be instructed to prepare a notice of zoning hearing, after which the City Clerk be authorized to publish same, date of which would be set by the Mayor. Roll call as follows: Ayes, 4; No, None; carried.

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Councilman Creek presented a prepared statement to the effect that he felt that he might have acted hastily in confirming the appointment of Mr. John Putnam as Chief of Police, judging from those who had contacted him in this regard. In the statement, he moved that the appointment be reconsidered and that he, with Mr. Kidwell's assistance, be permitted to interview the individual members of the Police force to ascertain their feeling on the matter. This motion was seconded by Councilman Foote. Roll call as follows: Councilman Creek, Aye; Councilman Foote, Aye; Councilman Petersen, No; Councilman Johnson, No; thus resulting in a tie vote. The Mayor then broke the tie vote by voting no and the motion was declared defeated.

Mr. Lathum again appeared, expressing his views that the City is lax with regard to restrictive covenants and that, in his case, he could resort to no person named in the Committee on his deed as none of them are any longer in the City. Mr. Dale Parish, local realtor, explained that a new Committee can be selected at anytime by the residents. He then protested the many holes in the streets, due to cutting for water and sewer lines.

Mr. Dale Parish, local realtor, appeared before the Council asking that they again consider reimbursement to Frontiers Construction Company for a sewer trunk line from First Street to Ninth Street, said line of which was installed to make the Falls Valley and other subdivisions available to the sewer. Previous reference to this problem appears in this record of minutes dated February 20<sup>th</sup>, March 9<sup>th</sup>, and April 30<sup>th</sup>, 1959. Councilman Johnson asked whether or not the sewer was capable in size to handle other areas as they develop. The City Engineer assured him that this was the case. The Building Official assured the Councilmen that hook on charges had been collected from all construction in the Falls Valley and Melbourne Park Subdivisions.

It was then moved by Councilman Foote, seconded by Johnson, that Frontiers Construction Company be reimbursed in the amount of \$34,310.64 with the understanding that said reimbursement would be derived from past, present, and future hook on charges from construction served by the sewer line and only as funds are made available from that source, pursuant to proof furnished by Frontiers Construction Company and excluding any interest reimbursement. Roll call as follows: Ayes, 4; No, None; carried. It was understood and agreed that said reimbursement would also be subject to any subsequent court ruling declaring the collection of hook on charges as being lawful.

Mr. Kenneth Dean, Bonneville Service Center, appeared before the Council in behalf of the gas contractors and dealers and presented a letter signed by sixteen tradesmen as follows:

Mayor-elect Mr. Jack O'Bryant:

Re: Change or Abandonment of City

Dear Mr. O'Bryant:

We appeal to you, not as a pressure group, but as a group of businessmen who feel that any decision can be more readily and fairly reached if all of the facts concerning it are available. We realize that you should not yet be burdened with these problems, however it has been brought to the attention of many of us over the past several weeks, and particularly, over the past few days, that various changes will be made in the City Gas Code as it now stands. Several of us helped the City write this Code and we feel that a Code is instituted and

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enforced to protect the public. There is no better way to establish the merits of a good Code than by the Safety Record which has been established here over the past two years, compared to other areas.

One of the main objections to the present Code, we are told, is that it requires certain standards be met and this tends to increase the cost of gas installations. But how can we establish a price on safety? What is the cost of a life or a serious burn?

We know that, as time passes and our City grows, there will be new problems arising. As our City progresses, let us build a better and safer Idaho Falls, not allow the demands of a few to tear down those standards of good workmanship and safety which the majority of contractors are striving to maintain. Therefore, we ask that no change be made on our City Gas Code without the expressed desires and opinions of the majority of the Gas Contractors.

We will be willing and happy to meet with you and the City Council at any time, as we did in the writing of the Code, and discuss any changes that anyone might deem necessary. We sincerely hope that you will feel free to call on any of us for any further information you may desire.

Sincerely,

AHRCO SALES & ENGINEERING	ARMSTRONG COMPANY
ABC APPLIANCE & HEATING	ROCKY MOUNTAIN GAS
CONAN & LANDON SHEET METAL	NORTHWEST PROPANE
KERR PLUMBING	LAKE PLUMBING & HEATING
NUGENT SHEET METAL	IDAHO HEATING
FIRST STREET PLUMBING	H-L ELECTRIC
ACME MECHANICAL	CLAWSEN RICHARDSEN
BINGHAM PLUMBING	CLYDE HESS & SONS

No action was considered necessary. The Mayor thanked Mr. Dean for this survey.

The bills against the City, for the month of April, having been properly audited by the Finance Committee, were presented as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES &amp; MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$94,146.57	\$74,802.52	\$168,949.09
Waterworks Fund	7,551.40	27,696.07	35,247.47
Electric Light Fund	21,124.05	38,625.02	59,749.07
Police Retirement	<u>1428.75</u>	<u>.00</u>	<u>1428.75</u>
<b>TOTAL</b>		<b>Police Retirement</b>	<b>\$263,945.63</b> <b>\$1,428.75</b>

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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.

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

License and permit applications were presented as follows: BARTENDERS: Christy Young, Mrs. Jack Hahn, Rosco C. Hix, Lyle W. Enloe, Frank C. Gibbons. SOFT DRINK: A & W Root Beer, Log Hut. MASTER PLUMBER: Sautter Plumbing and Heating. JOURNEYMAN PLUMBERS: E.C. Martin, Scott Bair. It was moved by Councilman Johnson, seconded by Petersen, that the permits and licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

License application for JOURNEYMAN GAS FITTER was presented as follows: Melvin E. Yorgensen. It was moved by Councilman Johnson, seconded by Petersen, that the license be granted, subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 4; No, None; carried.

A license application for a NON-COMMERCIAL KENNEL LICENSE was presented as follows: William G. Race, 1116 Irving (3 dogs). It was moved by Councilman Petersen, seconded by Foote, that the license be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

License applications for ELECTRICAL CONTRACTORS were presented as follows: C. L. Electric Company, District 91 School Board. JOURNEYMEN ELECTRICIANS: Wayne M. Harris, John H. Lovell, Rue Stears, Wayne Van Orden, Claude L. Lewis. It was moved by Councilman Johnson, seconded by Petersen, that the licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

### ORDINANCE NO. 939

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 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.

A lease agreement was presented from the Federal Aviation Agency which would permit that agency to install, operate and maintain - a T V O R facility at the airport. It was moved by Councilman Foote, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

A cooperative agreement was presented between the State of Idaho, Department of Highways and the City of Idaho Falls covering terms and conditions for sharing in the expense of resurfacing

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Broadway between the bridge and Cottage Avenue. Mr. Norman Crossley, Urban Engineer for the State, was present and explained that this was a standard form and that it called for the City and the State sharing 50% and that the City's share would be \$6,600.00. It was moved by Councilman Petersen, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

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Honorable Mayor and City Council  
City of Idaho Falls, Idaho

Gentlemen:

Mr. J. E. West of 1650 1<sup>st</sup> Street has requested a 1" water service be installed to his property from the water main now being constructed on 1<sup>st</sup> Street.

Chapter 14, Section 1-1442 of the Idaho Falls Ordinance requires that any connection with the municipal water system outside the City limits, requires a permit from the Mayor and City Council.

Since this Department can find no objection to furnishing water to Mr. West, we recommend that we be authorized to provide the connection as requested.

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

The foregoing from the City Engineer was presented. It was moved by Councilman Petersen, seconded by Johnson, that service be allowed but that a water meter be required. Roll call as follows: Ayes, 4; No, None; carried.

Reference was made to a letter from Reese Casperson, originally presented April 9<sup>th</sup>, 1959, pertaining to a sewer assessment due on Lot 30, Block 64, Highland Park Addition and referred to the City Engineer. Following is his recommendation:

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Honorable Mayor and City Council  
City of Idaho Falls, Idaho

Gentlemen:

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This letter is in answer to a letter to the Mayor from Mr. Casperson, dated March 31<sup>st</sup>, regarding a sewer assessment in Highland Park Addition which was referred to this Department.

At the time of this sewer construction, an inhabited dwelling existed on Lot 30, Block 64, Highland Park Addition, referred to in Mr. Casperson's letter. The original assessment in this improvement district was based upon \$425.00 per occupied building, and was not related in any manner to the property. No portion of this original assessment has ever been paid.

At the present time no building exists on this lot and we have no knowledge of when the building which originally existed was removed. This lot had only a 25 foot frontage, and it would therefore be unlawful to construct a residence on this property. Consequently, the sewer connection assessed against this lot could never be utilized without the purchase of additional adjacent property. Should this assessment be cancelled, any home constructed adjacent to this lot would require a \$425.00 assessment, so that the maximum loss to the City could be only the interest and penalty accrued by the current delinquency.

We have referred this matter to the City Treasurer for her comments and suggestions. The Treasurer's reply is attached hereto.

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

As indicated, he referred the problem to the City Treasurer and this is her written recommendation:

May 6, 1959

Honorable Mayor and Council

Re: Reese Casperson attached letter

Since I did not talk personally to Mr. Casperson, I am assuming he is attempting to have the sewer assessment on Lot 30; Block 64; Highland Park Addition, cancelled.

This office has checked Bonneville County records, and find Mr. Reese Casperson, the recorded owner since February, 1959, of Lot 30; Block 64; as well as Lots 31-35 inclusive. This compromises 2 or 3 building sites, with only Lot 30 assessed for sewer. If he plans addition building, sewer connections would be necessary for each one. In view of this I see no reason why the present assessment on Lot 30 should not be paid.

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The City at the present time has a Tax Deed on Lot 30, for the assessment, which is delinquent since 1953. It is my understanding the City could need to quiet title on this, or the delinquencies paid before clear title could be obtained by the present owner. Perhaps a legal opinion should be forth-coming. If I can further explain this situation, I will be happy to do so.

Yours truly,  
s/ Zelda Houchens, Treasurer  
City of Idaho Falls, Idaho

This was referred to the City Attorney.

Reference was made by the Mayor to a recent meeting held in his office with Lt. Colonel James Keel, State Civil Defense Director; A. E. Heslop, Bonneville County Sheriff; the Bonneville County Commissioners; John Putnam, Chief of Police and Lewis Ross, Bonneville County Civil Defense Director, at which time a City County jail was discussed with the Federal Government participating in the amount of 50%. The Mayor reported that Councilman Foote, the Chief of Police and one other expect to meet with the group on Monday, May 11<sup>th</sup>, 1959, to give the program more study.

The Mayor explained previous tentative negotiations whereby a public health unit would be acquired through a joint cooperative agreement between the City, the County and the State, each agency to share one third of the expense. It was moved by Councilman Johnson, seconded by Petersen, that the City enter into an agreement accordingly, the motion of which was contingent upon the State and the County both entering into said agreement. Roll call as follows: Ayes, 4; No, none; carried.

The Mayor again entertained the problem of providing the fine gravel for the off-street parking lot on Yellowstone, A and B Streets, originally presented at the May 1<sup>st</sup>, 1959 Meeting. It was moved by Councilman Petersen, seconded by Johnson, that the City not provide the gravel. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor reported that it had been brought to his attention by means of a telephone conversation with Senator Henry Sworshak that the City's position may be jeopardized by recent service contract signed between the City and the Utah Power and Light Company by virtue of the fact that said contract states that it be prohibitive for the City to acquire electric energy from any other source except Palisades Power and/or the Utah Power & Light Company. This came as a complete surprise to the Councilmen. The Mayor assured the group that the City Attorney had pledged every effort to check this situation further and correct any discrepancy which may exist.

Mr. Claud Black reported on the Engineering Departments tabulation of bids which were opened this night as follows:

		<b>Original Figure</b>	<b>Corrected Figure</b>
Hoops Construction - Twin Falls, Id.	Runway Extension	\$204,004.18	\$204,089.94

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Hoops Construction - Twin Falls, Id.	Apron Access, Road & Related Facilities	\$274,038.60	\$273,883.98
Carl E. Nelson - Logan Utah	Apron, Access Road & Related Facilities	\$222,377.85	\$222,277.85
Burggraf Const. - Idaho Falls, Id.	Apron, Access Road & Related Facilities	\$252,591.00	\$414,148.50

As Carl E. Nelson Construction Company was proven the low bidder, it was moved by Councilman Foote, seconded by Creek, that they be awarded the contracts on both projects and that the Mayor and City Clerk be authorized to sign same, all this being subject to the approval of the F.A.A. Roll call as follows: Ayes, 4; No, None; carried.

It was moved by Councilman Johnson, seconded by Foote, that the City Attorney be instructed to prepare a notice of intention to lease a 30' X 50' area on City land originally acquired to be used as a City dump, after which the City Clerk be authorized to publish same. Roll call as follows: Ayes, 4; No, None; carried.

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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