

APRIL 9, 1959

The City Council of the City of Idaho Falls met in Recessed Session Thursday, April 9, 1959 at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor John B. Rogers; Councilmen Johnson, Freeman, Foote, Petersen. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; Alva Harris, Building Official.

The Minutes of the last Regular Meeting, held March 20th, 1959, were read and approved.

Mr. A. A. Merrill, local attorney, appeared before the Council representing Mr. Fred Schmier and his brother John. Mr. Fred Schmier was also present. Mr. Merrill explained the details of the Schmier vs. Hendrickson case involving rightful ownership of the Falls Cab Company and the Yellow Cab Company. It was pointed out that five cabs were licensed in the name of the Falls Cab Company and fifteen in the name of the Yellow Cab Company. It was the opinion of the Council that Mr. Schmier did not need a new franchise but could commence operations of at least five cabs under the original franchise.

The Mayor announced that this was the time and the place for a zoning hearing on four parcels of property as advertised in the Post Register March 24th, 31st, and April 7th, 1959 and asked for protests against zoning or rezoning. There were none, either written or verbal. It was then moved by Councilman Foote, seconded by Petersen, that the following be zoned R-2.

Lots 15 to 27, inclusive, Block 7; Lots 5 to 11, inclusive, Block 8; Lots 16 to 28, inclusive, Block 11; Lots 1 to 16, inclusive, Block 12 and Lots 1 to 17, inclusive, Block 13, all in Falls Valley Subdivision No. 3 to the City of Idaho Falls, per the recorded plat thereof.

Roll call as follows: Ayes, 4; No, None; carried.

It was moved by Councilman Foote, seconded by Petersen, that the following be zoned R-1;

Lots 1 to 12, inclusive, Block 1; Lots 1 to 9, inclusive, Block 2; Lots 1 to 3, inclusive, Block 3; Lots 1 to 12 inclusive, Block 4, and Lots 1 to 3, inclusive, Block 5, all in Skyline Terrace Division No. 1 to the City of Idaho Falls, per the recorded plat thereof.

Roll call as follows: Ayes, 4; No, None; carried.

It was moved by Councilman Foote, seconded by Freeman, that the following be zoned C-2:

Lots 1 to 8, inclusive, Block 11 and Lots 2 to 8 inclusive, Block 10 of West Broadway Addition to the City of Idaho Falls per the recorded plat thereof.

Roll call as follows: Ayes, 4; No, None; carried.

It was moved by Councilman Petersen, seconded by Freeman, that the following be zoned H-C with the understanding that new construction be for a motel and subject to Council approval of the plans for same:

Beginning at a point on the West property line of River Parkway that is South 429.94 feet and West 328.88 feet from the Meander corner on the West bank of

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the Snake River and on the section line that is common to Sections 13 and 24, Township 2 North, Range 37, East, Boise Meridian, and running thence North 64° 39' West 148 feet, more or less, to a point on the Easterly Right-of-Way line of the Porter Canal; thence Northeasterly along the Easterly Right-of-Way line of the Porter Canal 1208 feet, more of less, to the intersection of the said Right-of-Way line and the West property line of River Parkway; thence Southerly, following the West property line of River Parkway 1480 feet, more or less, to the point of beginning.

Roll call as follows: Ayes, 4; No, None; carried.

It was then moved by Councilman Foote, seconded by Freeman, that the City Attorney be instructed to prepare a zoning ordinance incorporating the foregoing zoning. Roll call as follows: Ayes, 4; No, None; carried.

A petition by Walter Asper, 1037 East 17th, was presented, requesting change of zoning from R-1 to H-C on property which joins the Wise-Buy on the East and has R-1 zone on the West, described as follows:

Beginning at a point 30 feet North of the SE corner of the SW Quarter (SW ¼) of Section 20, Township 2 North, Range 38 E.B.M., running thence North 137.5 feet, thence West 100.74 feet, thence South 137.5 feet, thence 100.74 feet to the place of the beginning.

It was noted that the Board of Adjustments in their March 30, 1959 meeting took action that the request be denied due to the R-1 residential zone adjoining, and that there is a service station across the street. It was moved by Councilman Freeman, seconded by Petersen, that the Council concur with the Board of Adjustments and deny the request. Roll call as follows: Ayes, 4; No, None; carried.

A petition was then presented from Edna Bramwell, 246 W 17th Street, requesting approval to build a three room apartment with bath in their existing home. It was noted that at the Board of Adjustments March 30, 1959 Meeting that group denied the request on the theory that the property lacked the necessary frontage and lot area for a 2-unit dwelling, in accordance with Zoning Ordinance No. 852. It was moved by Councilman Freeman, seconded by Foote, that the Council concur with the Board of Adjustments and deny the request. Roll call as follows: Ayes, 4; No, None; carried. (SEE COUNCIL MINUTES DATED 4-17-59 FOR COUNCIL RECONSIDERATION ON THIS PETITION. R.C.B.)

The Lawrence Page petition, originally presented at a zoning hearing held March 9, 1959, was again ordered and the Council instructed Mr. Alva Harris, Building Official, to contact Mr. Dave Klingenberg who registered protest that night, to determine how he now feels about the property being rezoned.

Considered next was the Christian and Anna Lindermayer petition, 549 First Street, requesting rezoning from R-2 to C-Limited to permit the erection of a small commercial building for the purpose of leasing or renting. It was noted that the Board of Adjustments had also studied this petition and had recommended that plans and specifications be submitted of the type of building and the occupancy. The Council concurred in this recommendation and tabled the request, pending receipt of same for their study and review.

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The next petition to be presented was that of Ray Hawker, 348 Garfield, requesting change of zoning from R-3 to C-2 to permit construction of an auto glass shop on Lots 9, 10, and 11, Block 20, Capitol Hill Addition. The next was that of Beulah Muncey, 1241 N. Blvd., requesting change of zoning from R-1 to R-2 to permit construction of two duplexes on Lots 1, 2, and 3, Block 27, Highland Park Addition. Both of the above had been approved by the Board of Adjustments at their March 30, 1959 meeting, basis of the latter being that the property was joined by a C-Limited Business District and that the R-2 zone would properly serve as a buffer. It was moved by Councilman Petersen, seconded by Freeman, that these be included in a Notice of Zoning Hearing meeting, date of which is to be set by the Mayor. Roll call as follows: Ayes, 4; No, None; carried.

It was requested by the Building Official that the Jennie Lee Subdivision #1, the Melbourne Park Subdivision #3, Lot 13, Block 1 and Lot 27, Block 2 of the Rose Park Addition be included in the same notice of zoning hearing. To this the Council agreed.

The Building Official presented a request before the Council in behalf of Mr. and Mrs. Carroll Jenkins who were also present. Mr. Lloyd explained that there had been certain damage sustained to the property of Mrs. Jenkins' mother, located adjacent and adjoining to the farm of Mr. Jenkins on Milligan Road, when the sewer trunk line was installed through her farm. He asked for Council authorization to see that said damage, such as repairing fence and reseeding a field with grass, be repaired. At the same time it was explained that the necessity exists for a sewer easement across the Carroll Jenkins property and Mr. Jenkins has asked that certain nominal conditions be adhered to in this connection. It was moved by Councilman Johnson, seconded by Petersen, that the damage as indicated be repaired and that the City Engineer be authorized to determine and arrange for the condition for an easement as indicated. Roll call as follows: Ayes, 4; No, None; carried.

Bills against the City for the month of March, having been audited by the Finance Committee were presented as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$91,945.53	\$85,179.66	\$173,164.20
Waterworks Fund	7,588.61	23,345.00	30,933.61
Electric Light Fund	16,186.49	49,954.91	66,141.40
Police Retirement	<u>1428.74</u>	<u>.00</u>	<u>1428.74</u>
TOTAL			\$274,200.20
		Police Retirement:	\$1,428.74

It was moved by Councilman Freeman, seconded by Johnson, 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 applications for bartenders, soft drink and master plumbers were presented. BARTENDERS: Betty L. Boylan, James I. Roland. SOFT DRINK: Highland Park Concessions, Curtis Drive Inn. MASTER PLUMBERS: Armes Plumbing & Heating. It was moved by Councilman

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Freeman, seconded by Petersen, that these permits and licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

License applications for electrical contractors, and journeymen electricians were presented as follows: ELECTRICAL CONTRACTOR: Irving M. Beazer. JOURNEYMEN ELECTRICIANS: Irving M. Beazer, Lionel Wold; Alfred Holyoak. It was moved by Councilman Johnson, seconded by Foote, that these licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License applications for gas contractors and journeymen gas fitters were presented as follows: GAS CONTRACTOR: Vincent A. Hensey. JOURNEYMAN GAS FITTER: Horace Statham. It was moved by Councilman Freeman, seconded by Johnson, that these license be granted subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License applications for beer to be consumed on the premises and hotel were presented as follows: BEER TO BE CONSUMED ON THE PREMISES: Dwight Johnson, I. F. Baseball concessions. HOTEL: Marion Hotel. It was moved by Petersen, seconded by Freeman, that the licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk presented the following:

NOTICE OF INTENTION TO LEASE CITY PROPERTY

NOTICE IS HEREBY GIVEN:

That CIVIC CLUBHOUSE CORPORATION, a corporation, had petitioned the Mayor and City Council of Idaho Falls for a ninety-nine (99) year lease of the following described lands owned by the City of Idaho Falls, in Bonneville County, Idaho, to-wit:

Lots One (1) to Six (6), inclusive, and Lots Forty-three (43) to Forty-eight (48), inclusive, Block Thirty-nine (39), South Idaho Falls Addition to the City of Idaho Falls, Idaho, according to the recorded plat thereof, and that portion of ground lying between the East property line of Lots One (1) and Forty-eight (48) and the West property line of Rollandet Avenue.

That said lands were not acquired, and are not used by said City as a public park, playground or public building site, and are not needed for municipal purposes;

That following due publication of this notice, pursuant to the provisions of Section 50-1008, I.C., the City of Idaho Falls will lease said lands to CIVIC CLUBHOUSE CORPORATION, a corporation, for Ninety-nine (99) years upon such terms and subject to such conditions as to the Mayor and City Council shall appear proper.

s/ Roy C. Barnes
CITY CLERK

Publish: April 12 and 19, 1959

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Some discussion followed to the effect that the location committee had not yet approved the changed location to Block 39, thinking that the location would be on Block 33. It was moved by Councilman Petersen, seconded by Freeman, that the City Clerk be authorized to have published in the Post Register the above Notice of Intention to Lease, subject to the interested parties' approval of the changed location. Roll call as follows: Ayes, 4; No, None; carried.

780 North 3rd East
Provo, Utah
March 26, 1959

Department of City Parks
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

On Friday, March 20, 1959, my wife, Mrs. Joyce Hansen Terry, daughter of Mr. and Mrs. Guy Hansen, 420 Maple Street, Idaho Falls, was in company with her family on a picnic out at Tautphaus Park. They set up their picnic in the Lilac Circle area about 5:00 P.M.

It turned out that my wife had the misfortune of sitting down on a freshly painted park bench. There were no signs in the area to warn them of the situation; hence, she had no way of knowing the paint was fresh. The paint ruined a brand new \$15.00 dress she had just purchased.

My question to you is whether or not it is your policy to make some kind of restitution for her loss. We are college students; my wife is expecting a baby, and we just have not got money to lose as we did on this occasion. If there had been signs in the immediate area, I would not even open my mouth, but since there were none, I feel that there are grounds for my request.

I would appreciate hearing from you on this matter. Thank you for your consideration of the problem.

Sincerely yours,
s/ David R. Terry

Copy to the Mayor of your City

The foregoing letter was read and was referred to the City Insurance Adjustor.

ORDINANCE NO. 938

AN ORDINANCE VACATING AND CLOSING AN UNUSED STREET IN THE CITY OF IDAHO FALLS, IDAHO, FOR THE SOLE AND EXCLUSIVE USE OF WALLACE A. SAYER, HIS HEIRS AND ASSIGNS; PARTICULARLY DESCRIBING SAID LAND; PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

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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.

March 31, 1959
Idaho Falls, Idaho
1019 Cassia Avenue

Mayor John B. Rogers
City Building
Idaho Falls, Idaho

Dear Sir:

In our conversation over the phone on about February 24, we talked about Lot 30, Block 64, Highland Park Addition and the problems in regards to the sewer assessment due.

At the time the sewer was put in that area there was a shack of a residence on Lot 30. This shack was of no doings of the former owner, Mrs. W. F. Thompson and she knew nothing of it, until she was assessed for this improvement. Mrs. Thompson has not paid any of the sewer assessment feeling it was not her responsibility.

I have bought her property in Block 64 and am building there at this time and would like to work out something agreeable with the City if possible in the very near future on cleaning up Lot 30, Block 64.

I remain

Sincerely yours,
s/Reese T. Casperson
1019 Cassia Avenue

The foregoing letter was read by the City Clerk and referred to the Engineering Department for further study and recommendation.

March 30, 1959

Honorable John B. Rogers
Mayor of Idaho Falls
City Hall
Idaho Falls, Idaho

RE: ARTHUR COOK CLAIM

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Some time ago Arthur Cook filed a damage claim against the City. The insurance carried now recommends that the claim be rejected. Will you kindly bring this up at the next Council Meeting.

Sincerely yours,
s/ Arthur L. Smith
City Attorney

After the above letter was read, it was moved by Councilman Petersen, seconded by Foote, that the Arthur Cook claim be denied. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney asked Council permission to set ahead the Packer and Shippen & Barnes court cases so that the incoming City Attorney can be properly briefed. It was moved by Councilman Johnson, seconded by Freeman, that the City Attorney be so authorized. Roll call as follows: Ayes, 4; No, None; carried.

A summons was presented from Thomas M. Jenkins pertaining to \$1809.00 damages allegedly sustained from a burned haystack. The City Clerk was instructed to deliver said summons to the City Insurance carrier.

Streets and Alleys
Acct No. 4A-1

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

During our sewer construction project, a portion of the surfacing of 17th Street was destroyed. This surfacing will be replaced by the sewer contractor in accordance with our contract. However, this portion of 17th Street east of Ponderosa has never been designed as a City Street but rather as a County Road. This office has redesigned the street to conform with an 80' right-of-way, and established the grades to provide drainage as a City street section.

Since considerable money will be required by the sewer contractor to replace the damaged surfacing, it is felt by this Department that the expenditure should be directed toward the ultimate street design. Included in the budget request for the Street Department is sufficient money to re-grade and resurface the City's share of the 24' center portion of the street. This budget request does not include that section to be replaced by the sewer contractor.

At the present time we are making every effort to put water and sewer services to all existing buildings on this section of 17th Street in order that future surface cuts will be held to a minimum. We have established a schedule for this resurfacing to begin during the last week in April or the first week of May.

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We are therefore requesting authorization for this expenditure to the extent of re-grading and surfacing about 2900 lineal feet of 17th Street east of Ponderosa at an estimated cost of \$6,000.00.

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

The Mayor presented the foregoing memorandum from the City Engineer. It was moved by Councilman Freeman, seconded by Foote, that 17th Street east of Ponderosa be re-graded and surfaced as indicated. Roll call as follows: Ayes, 4; No, None; carried.

February 13, 1959

Honorable John B. Rogers, Mayor
Idaho Falls, Idaho

Dear Sir:

As prescribed by the Labor-Management Relations Act of 1947 and also the Agreement between the City of Idaho Falls and Local Union 57, International Brotherhood of Electrical Workers, we hereby give formal notice of our wish to amend the Agreement which terminates April 30, 1959.

Our requests for the year 1959 are a 4% general wage increase and to provide for three weeks vacation after fifteen years service with the City. It is my understanding that the majority of the time the men working on the line crews are split into two crews. If this is the case we are also requesting that an additional line foreman's job be done.

I would like the opportunity, if necessary, to defend our position before the City Council.

Respectfully,
s/ V. G. Pearson
Business Manager

cc: Mel Baird
Ray Moore

After the foregoing was read it was requested that this letter be made a matter of record.

March 18, 1959

To His Honor the Mayor and
the Honorable City Council:

Gentlemen:

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I desire to submit my resignation as Consulting Engineer as of April 30, 1959.

I want to express my appreciation for the many courtesies extended to me by the City, and it is with many regrets that I am handing you my resignation.

If at any time in the future, I can be of help to the one taking over my work, I would be glad to assist.

Respectfully submitted,
s/ C. O. Crane

The Mayor read this letter of resignation from C. O. Crane, Consulting Engineer. It was moved by Councilman Freeman, seconded by Petersen, that the Council regretfully accept Mr. Crane's resignation and that a vote of thanks and appreciation be extended Mr. Crane for his many years of devoted and efficient service with the City. Roll call as follows: Ayes, 4; No, None; carried.

Mr. Harold Collard, local architect, presented two preliminary exterior elevation sketches for the Ninth Street pump house. The Council favored the one calling for a folded plate concrete roof and gave their approval accordingly.

Councilman Freeman explained the need for a restroom off the 5th tee at the Municipal Golf Course. It was moved by Councilman Johnson, seconded by Petersen, that this expenditure be authorized. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer explained that two sets of bids had been prepared for paving at the airport. It was moved by Councilman Johnson, seconded by Petersen, that the City Clerk be authorized to publish these and that the bid opening date be set for May 7th, 1959. Roll call as follows: Ayes, 4; No, None; carried.

April 9, 1959
Acct. No. 9B-1

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

In May of 1958 the Mayor and City Council indicated a desire to extend the sewer improvement program to include additional sewer projects providing monies from the construction fund are available. The extent of this additional construction could not be determined, however, until firm estimates of cost of the original construction project were possible. The exact cost of the current improvement program will not be known until the contracts are completed. It is possible at this time to provide a reasonable estimate of the cost for which the City is committed. It is estimated at this time that the City should expect to have a surplus of uncommitted funds of approximately \$90,000.00 after completion of the current improvements.

It is our understanding that the Mayor and Council have previously considered the extension of the following projects:

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1. Extension of the North Highway Trunk sewer.
2. Construction of the portion of the 17th Street Trunk sewer.
3. Construction of a portion of the Skyline Trunk Sewer.

In order that this Department might be aware of the desired priority of each of these projects and prosecute their construction, we are suggesting that construction be authorized to each project in the following priority.

1. Construction of that portion of the 17th Street Trunk sewer to a point one half mile east of St. Clair Road.
2. Construction of that portion of the Skyline Trunk sewer to a point one half mile east of St. Clair Road.
3. Extension of the North Highway Trunk sewer from the Animal Products Plant to the Lewisville Highway.

Preliminary cost estimates indicate there will not be sufficient money to construct all three of these sewers. We would, however, recommend that the Council establish the priority with which these projects are to be accomplished as monies are available.

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

The City Engineer presented the foregoing. After some discussion it was felt that the recommended priority be #2, #1, and then #3. It was moved by Councilman Johnson, seconded by Petersen, that the City Engineers recommendation for future planning in this connection be approved as revised. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor announced that this was the time and the place for the official canvas of the General Municipal Election held April 7th, 1959 at which time the City Council acts as a canvassing board to check the results of the election, pursuant to law. The Mayor invited all interested parties to observe. Mr. Cornell Soelberg was requested to assist in the checking of the tally lists. Others present for the occasion were Mr. W. J. O'Bryant, Mr. Rex Beach, Mr. B. L. Harris, and Mr. Jack Holladay.

First Ward	O'Bryant	Rogers	Foote	Creek	Smith	Strobel	Braman	Black	Yes	No
Log Hut - Precinct #1	607	352	418	492	381	334	120	134	608	201
Riverside - Precinct #2	584	262	314	423	370	324	81	121	689	140
Total-Ward No. 1	1191	614	732	915	751	658	201	255	1297	341
Second Ward										
Am. Legion - Precinct #1	202	249	253	261	135	97	53	73	331	110
Keller's Gar. Precinct #2	288	260	236	319	212	141	53	119	470	76
Total-Ward No. 2	490	509	489	580	347	238	106	192	801	186

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Third Ward	O'Bryant	Rogers	Foote	Creek	Smith	Strobel	Braman	Black	Yes	No
Linden Park - Precinct #1	782	713	728	989	521	335	94	287	1233	256
Jr. High - Precinct #2	370	448	449	535	243	154	58	168	628	174
Hawthorne - Precinct #3	471	535	564	706	333	158	58	150	790	214
Eastside - Precinct #4	322	301	324	416	201	136	54	96	504	119
Total-Ward No. 3	1945	1997	2064	2646	1298	783	264	701	3155	764
Fourth Ward										
Emerson - Precinct #1	501	322	396	452	311	229	84	151	627	186
Cent. Int. - Precinct #2	417	463	456	607	264	157	46	192	724	142
Golf Course - Precinct #3	639	546	572	742	411	334	87	184	974	187
Total-Ward No. 4	1557	1331	1424	1801	986	720	217	527	2325	515
GRAND TOTAL:	5183	4451	4710	5942	3382	2399	788	1675	7567	1806

After a complete and thorough examination of the election returns the Canvassing Board found the foregoing results to be accurate. It was moved by Councilman Johnson, seconded by Freeman, that this tally on election returns the Canvassing Board found the foregoing results to be accurate. It was moved by Councilman Johnson, seconded by Freeman, that this tally on election results be accepted as being correct and adopted as the official vote count. 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/ John B. Rogers
MAYOR
