

FEBRUARY 6, 1959

The City Council of the City of Idaho Falls met in Regular Session Friday, February 6, 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; T. R. Peters, Purchasing Agent; Arthur Smith, City Attorney; Alva Harris, Building Official.

The minutes of the last Regular Meeting held January 16, 1959, were read and approved.

The Mayor announced that this was the time and the place for hearing and reviewing protests to the area described in the Notice of Zoning Hearing published in the Post Register January 18th, 25th, and February 1st, 1959. Mr. Kent Naylor, local attorney, appeared before the Council representing the Holmes Avenue Investment Company protesting the rezoning and asking that the original property acquired by that investment firm remain zoned C-1. He read a letter written by Mr. A. J. Goerig of that firm, supplementing the request.

Mr. Ray Pullen, 345 Ronglyn, appeared before the Council as spokesman for those present and not present representing residents on Ronglyn Avenue and other residential streets in the close vicinity. This representation mainly sought assurance that the contemplated zoning had not changed from the time this same group appeared before the Council, July 18, 1958.

There were no protests, verbal or written, on the contemplated rezoning of the area known as the Mathewson-Vercler Addition.

In view of the minimum number of protests, the Council felt that it was in order to proceed with rezoning the entire area as follows:

TO BE ZONED R-3

Beginning at a point that is S. 89° 51' E. 1014.3 feet and S. 0° 16' W. 27.12 feet from the Northwest corner of Section Twenty (20), Township Two (2) North, Range Thirty-eight (38), East Boise Meridian and running thence East 125.0 feet; thence 930.23 feet to the point of beginning.

TO BE ZONED C-1

Beginning at a point that is S. 89° 51' E. 689.27 feet and S. 0° 16' W. 27.6 feet from the Northwest corner of Section Twenty (20), Township Two (2) North, Range Thirty-eight (38), East Boise Meridian, and running thence East 325.03 feet; thence S. 0° 16' W. 930.23 feet; thence N. 89° 17' 10" W. 320.73 feet; thence North 926.22 feet to the point of beginning.

TO BE ZONED R-3

All of Block 1 of the Mathewson-Vercler Addition to the City of Idaho Falls, Idaho, according to the recorded plat thereof.

ALSO: Beginning at a point that is S. 89° 51' 06" E. 29.28 feet, and South 684.0 feet from the Northwest corner of Section

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Twenty (20), Township Two (2) North, Range Thirty-eight (38), East Boise Meridian, and running thence S. 89° 17' 10" E. 600.05 feet; thence South 125.0 feet; thence N. 89° 17' 10" W. 600.05 feet; thence North 125.0 feet to the point of beginning.

TO BE ZONED R-2

Beginning at a point that is S. 89° 51' E. 1309.30 feet and S. 0° 16' W. 26.62 feet from the Northwest corner of Section Twenty (20), Township Two (2) North, Range Thirty-eight (38), East Boise Meridian, and running thence S. 0° 16' W. 961.67 feet; thence N. 89° 34' W. 110.0 feet; thence N. 0 16' E. 960.66 feet to the point of beginning.

It was moved by Councilman Foote, seconded by Freeman, that the area in question be zoned in this manner and that the City Attorney be instructed to draft a zoning ordinance incorporating these zoning changes. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor presented excerpts from the Board of Adjustments meeting of February 2, 1959, covering four petitions for rezoning and their recommendations in each case. The four petitions were: W. L. Clark; Groberg, Holm, & Hall; Page; Smith and Pond. It was agreed that a zoning hearing should be held on these, date of which was set for March 6, 1959. It was also agreed to include in said zoning hearing the Ben Brothers property, covered in a letter from John Sharp, local attorney, and originally presented to the Council September 2, 1958. Mr. Glen Brown, 902 East Elva, appeared before the Council, asking what ground at the airport might be available for an aircraft repair shop. It was suggested that he confer with Claud Black and then reappear before the Council.

The bills against the City for the month of January, 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	\$81,407.66	\$90,110.09	\$171,517.75
Waterworks Fund	7,596.81	17,033.56	24,630.37
Electric Light Fund	16,098.92	53,578.55	69,677.47
Police Retirement	<u>1,023.75</u>	<u>.00</u>	<u>1,023.75</u>
TOTAL			\$265,825.59
		Police Retirement	\$1,023.75

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

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

Permits for EATING and DRINKING establishments, previously approved by the Inspector's Department were presented as follows:

LeBaron's Coffee Shop	Jack's Chicken Inn
Ted's Coffee House	Zip In Zip Out
Topper Supper Club	Keller's Coffee Cup
Happy Jack's Bar	Samoa Club
Bonneville Lounge	Ginny's Lunch
Dusty's Bar	Fred & Kelly's Broiler
Capitol Bar	New Grand Bar
Hudson's Donut Shop	Slick's Café
Falls Café	Jack's Club
Jim Millard's Donut Shop	Bonneville Coffee Shop
Stan's	Snowball's
First Street Confectionary	

It was moved by Councilman Freeman, seconded by Johnson, that the permits be granted. Roll call as follows: Ayes, 4; No, None; carried.

Permits and license applications were presented as follows: BARTENDERS: Keith Lance, Garth Russell. SOFT DRINKS: Snowballs, Koffee Kup Kafe, Millard's Donut Shop; MEAT MARKET: Taylor Meat Company. MASTER PLUMBER: Scott Bair Plumbing & Heating. JOURNEYMAN PLUMBER: Dean Kirkham, Scott Bair, D. L. Davis, Earl J. Carter. SECONDHAND STORE: John J. Hays, Odds & Ends. It was moved by Councilman Johnson, seconded by Foote, that the permits and the licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

License applications for JUNK DEALER license for Stewart Sheep Company, Guy Ungress was presented. It was moved by Councilman Johnson, seconded by Freeman, that the license be granted. Roll call as follows: Ayes, 4; No, None; carried.

License applications were presented as follows: ELECTRICAL CONTRACTORS: Babbitt Electric & Refrigeration Company, Loyale Babbitt; Fonnesbeck Electric, Delbert Fonnesbeck. JOURNEYMAN ELECTRICIANS: J. Russell Morton, Ariel T. Hill, Stanley Helm, Byron Roskelley, Pat J. Moran. It was moved by Councilman Freeman, seconded by Johnson, that the licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License applications were presented as follows (having been previously approved by the Gas Inspector), GAS CONTRACTORS: Northwest Propane Gas Co., Rocky Mountain Gas Co., Roger Brothers Seed Company, Armstrong Company, Idaho Heating. TRANSFER OF GAS CONTRACTORS LICENSE: Hood Northwest Sheet Metal from Martin Evans to Darol Forsythe. JOURNEYMAN GAS FITTER: Cal D. Schulz, D. L. Davis, Moyes Barney, Claude L. Smith, Aulden Kerr, Earl J. Carter, Wayne Robnett, Richard Peart, Boyd Levin, Duane Sibbett, Gerald O. Christensen, Cal Smith, Darwin Landon. APPRENTICE GAS FITTER: Horace Statham, Delwin Russell. It was moved by Councilman Johnson, seconded by Petersen, that the licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

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License applications were presented as follows: CAB DRIVERS: Hyrum Whittaker. ROOMING HOUSE: Handy Cabins, Mrs. Ivan Warren; New Oxford Hotel, Henry R. Edie; 355 Eagle Rock, John J. Hays. 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.

A license application for a DANCE HALL was presented for Jack's Club, Julie Russell. It was moved by Councilman Johnson, seconded by Petersen, that the license be granted, subject to the approval of the Police Committee and the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

Retail liquor license applications were presented as follows: LIQUOR LICENSES: The Hub Bar, Jack's Club, Fords Cigar Store, Mint Bar, Samoa Club. It was moved by Councilman Freeman, seconded by Johnson, that the licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

Idaho Falls, Idaho
February 2, 1959

City of Idaho Falls
Shoup & C Streets
Idaho Falls, Idaho

Re: D/Loss - 1/4/59
Our Insured - Keith A. Swensen

Attention: Roy C. Barnes, City Clerk

Gentlemen:

We wish to advise that a claim is being presented against the City of Idaho Falls as the result of a fire loss occurring January 4, 1959, about 11:00 A.M. when a fire started from wiring in the attic caused by excessive voltage while the City of Idaho Falls Water Department was thawing pipes for the insured.

The repairs have been completed to our insured, Keith A. Swensen's dwelling located at 1245 1st Street, Idaho Falls, in the amount of \$81.40. We therefore, wish to advise we seek recovery for these damages under the subrogation rights of the insured's fire policy.

Your early attention to this matter will be greatly appreciated, and if we can be of further assistance, please advise.

Yours very truly,
YELLOWSTONE CO., INC.
s/ Vaught P. Wallace

This letter was read by the City Clerk and was referred the City Insurance Adjuster:

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January 20, 1959

L. R. Bird
W. Broadway
Idaho Falls, Idaho

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

The undersigned, Mr. L. R. Bird, requests that the City of Idaho Falls accept as a public sewer and provide continuous maintenance for those sewers and the sewage disposal system installed by the undersigned in the Bird Addition, Division No. 1, subject to the following provisions:

1. I will provide the City of Idaho Falls with a permanent type easement for the maintenance of the sewer located on the east boundary of the above named plat. Such easement shall extend at least 3 feet to the west of the existing sewer line. Also a 16' easement over existing sewer thru Bk. 4.
2. I will be responsible for payment to the City of Idaho Falls for all costs incurred in the maintenance of the temporary septic tank disposal system until such time as a public sewer is available for connection to this system.
3. Three existing manholes were not found during the recent inspection by the Engineering Department. These manholes are located as follows:
 - a. In the alley of Block 5 adjacent to Lots 6 and 13.
 - b. Near the common lot corner of Lots 1,2,5, and 6 of Block 2.
 - c. Near the common corner of Lots 1 and 2 in Block 3.

The conditions of these manholes are unknown and it shall be my responsibility to pay all costs for any necessary repair or cleaning which may be required to comply with the standards of the City of Idaho Falls.

4. The manhole cover frames have not been grouted to the manhole cones. It shall be my responsibility to pay all costs involved in grouting these frames into place with a cement mortar during the next construction season.
5. At the time the public sewer is available on Skyline Drive, it shall be my responsibility to construct a manhole in the alley adjacent to Block 4 over the existing sewer, and to construct a connecting sewer to a manhole provided on Skyline Drive.

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Sincerely yours,
s/ L. R. Bird

cc: Engineering Department

It was moved by Councilman Petersen, seconded by Foote, that generally speaking, the Council accepted the contents of the letter but that same should be incorporated into a contract between the City and Mr. Bird and that the City Attorney be instructed to prepare such as instrument. Roll call as follows: Ayes, 4; No, None; carried.

January 26, 1959

City of Idaho Falls
Idaho Falls, Idaho

Re: Malmberg Petition
Engineers No. 3D-7

Attention: City Clerk

Dear Mr. Barnes:

By letter of January 19, from the City Engineer, we were advised of the action of the City Council in the above referenced matter. We were not previously aware of the existence or location of the public sewer along the west property line, as referred to in P3 of the Engineer's recommendations. With this knowledge and for such time as this sewer remains in use, we make no further request for reconsideration of the original petition, however, it appears that temporary relief can be had if the Council would favorably consider the following requests.

In order to control undesirable traffic, authorization is requested for the Street Department to provide a temporary barricade to be placed across the alley entrance to the property in question. Such a barricade could be readily moved from time to time, as dictated by the needs of the City and the affected land owners.

To beautify the area and to eliminate a serious dust problem which has been and could be a highway hazard, Mr. Malmberg desires and offers to plant grass in the area indicated on the attached sketch and to maintain the same as a lawn. To accomplish this purpose, it would be necessary to place a temporary barricade across the south boundary of the section to be planted on City property, for at least a sufficient time to enable the lawn to be established. Such a barricade can be provided by neatly placed concrete blocks, which would be readily moveable for any necessary, authorized traffic. It is believed that this will not conflict with any use of said property by City vehicles or by vehicles with a business purpose with the said property owners.

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These requests will again be discussed with the Engineering Department, with a view towards insuring that action thereon will constitute final action in this matter.

Very truly yours,
s/ Reginald R. Reeves

Enclosure

February 4, 1959

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

Please find attached hereto a letter from Mr. Reginald Reeves on behalf of Mr. Malmberg.

The Engineering Department has reviewed this request and find that we have no objections to authorizing the request herein. It is therefore our recommendation that the Council give consideration to this petition.

May we suggest that should this petition be granted, the Fire Chief and Chief of Police be notified as to the temporary barricade.

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

The City Clerk read the above letter from Reginald Reeves, local attorney, and then presented the memo of recommendation from the City Engineer. It was moved by Councilman Foote, seconded by Freeman, that the requests set forth in the letter be granted. Roll call as follows: Ayes, 4; No, None; carried.

An instrument was presented from the State of Idaho Surplus Property Agency, naming George Aupperle and Lewis Ross as authorized representatives to acquire merchandise from this source. 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.

A borrow permit was presented from the State of Idaho, Department of Highways accompanied by a memorandum from the City Engineer explaining that said permit allows the State to remove gravel from City owned property for the construction of the interstate highway, paying 2½¢ per cubic yard for same; for this privilege the State agrees to relocate the present airport access road. It was moved by Councilman Petersen, seconded by Johnson, that the mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

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Re: Acct. No. 3B-1

Honorable Mayor and City Council
City of Idaho Falls, Idaho

Gentlemen:

There are five subdivision plots ready to be recorded. These five have all been viewed in preliminary form by the Council.

It is recommended that these five, as listed below, be approved subject to final checking by the Engineering Department. Upon final checking, they will be given the Mayor and City Clerk for signature.

These five subdivisions are:

Falls Valley Subdivision, Division No. 3
Falls Valley Subdivision, Division No. 4
Skyline Terrace, Division No. 1
Melbourne Park Addition, Division No. 3
Westland Heights, Division No. 3

Respectfully submitted,
ENGINEERING DEPARTMENT
s/ Donald M. Ellsworth
Asst. City Engineer

The foregoing memo from the Assistant Engineer was presented. It was moved by Councilman Freeman, seconded by Johnson, that the Mayor and City Clerk be authorized to sign the plats as indicated. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk read the following letter from the Markham Advertising Company:

January 23, 1959

Mayor John B. Rogers
Idaho Falls, Idaho

Dear Mr. Rogers:

As a shot in the arm to business in Idaho Falls we feel that your City owned Cliff Street Parking lot offers ideal locations for Outdoor Advertising structures.

Just as it is important to downtown businesses to make available parking space for the convenience of shoppers, it is also important to national, regional and local advertisers of

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products sold in the downtown stores to reach these shoppers with last minute, near point of purchase messages.

We are in a position to put this space to immediate use by customers whose contracts we already have on file. In exchange for this space we would pay the City of Idaho Falls \$40.00 per year per panel.

On the Cliff Street lot we feel a maximum of four panels would be sufficient, and these would be located so as not to interfere with the primary function of the lot itself. In addition these poster panels would be lighted at our expense which would offer additional night illumination.

Incidentally, our Company has just occupied our new service and office building at 450 Keefer Street in Idaho Falls. We feel this climaxes nearly 30 years service to advertisers in Idaho Falls by Markham Advertising Company and its predecessor, Big 4 Advertising Co.

In closing we want to thank you for your consideration and if you would like us to meet with you personally we would be happy to do so at your convenience.

Yours very truly,
s/ John T. Wrigley
MARKHAM ADVERTISING CO.

The Mayor referred this to the Streets and Alleys Committee for further study and recommendation.

ORDINANCE NO.

AN ORDINANCE VACATING AND CLOSING AN UNUSED ALLEY IN THEIR CITY OF IDAHO FALLS, IDAHO, FOR THE SOLE AND EXCLUSIVE USE OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, A CORPORATION, ITS SUCCESSORS AND ASSIGNS; PARTICULARLY DESCRIBING SAID LAND, PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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

RESOLUTION (Resolution No. 1959-01)

WHEREAS: FARREL C. METCALF, Bishop of Idaho Falls Tenth Ward of the Church of Jesus Christ of Latter Day Saints and his successors in interest, has petitioned the City Council requesting that certain lands owned by the City of Idaho Falls be sold at public auction, said lands lying and being in the City of Idaho Falls, Bonneville County, Idaho, and particularly described as follows:

Beginning at a point described as being 20 rods South of the Northeast corner of the West half of the Northeast Quarter (W¹/₂NE¹/₄) of Section Eighteen (18), Township Two (2) North, Range Thirty-Eight (38) East Boise Meridian, Thence West 150 feet more or less to the centerline of Willow Creek, thence Southwesterly along the centerline of Willow Creek to a point described as being 60 rods South of the North line of said Section Eighteen (18), thence West to a point that is 30 feet East of the centerline of Lee Avenue and Dunbar Drive as existing, thence North and Northwesterly parallel and 30 feet from the Southeast corner and on the East line of Lot Seven (7), extended, of Block One, (1) of Rappleye Addition to the City of Idaho Falls, Bonneville County, Idaho, thence Northwesterly and along the East line of said Lot Seven (7), extended, of Block One (1) of Rappleye Addition to the City of Idaho Falls, Bonneville County, Idaho, thence Northeasterly and along the East line of said Lot Seven (7) a distance of 186.66 feet to the South Right-of-Way line of the Railroad, thence Southeasterly along the Railroad Right-of-Way 120 feet more or less, thence South 90 feet more or less to the point of beginning, and

WHEREAS: Said lands are not used, or needed, for public purposes; and the sale of the same is in the best interests of the inhabitants and taxpayers of said City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS:

1. That the above described lands shall be sold by the City Clerk for cash to the highest bidder at public auction on the steps at the front door of the City Hall in Idaho Falls, Idaho, on the 26th day of February, 1959, at 10:00 o'clock A.M. of said day; provided, however, no bid shall be accepted for less than the appraised value of said lands, which value shall be determined as in the next paragraph set forth, and shall be on file in the office of the City Clerk prior to said sale.

2. That D. V. Groberg, Worth Wright and V. R. Larsen, disinterested free holders of said City, be, and they are hereby are, appointed to appraise said lands and to file a statement setting forth, the appraised value thereof in the Office of the City Clerk prior to February 26th, 1959.

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3. That the City Clerk shall give public notice of said sale by publishing a notice containing the time and place of said sale and a description of said lands for at least ten (10) days in the Post Register, the official newspaper of said City.

4. That said appraisal, notice and sale shall be made and conducted in conformity with the provisions of Section 50-138 I. C. and the general law of the State of Idaho.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 6th day of February, 1959.

(SEAL)

s/ _____
MAYOR
City of Idaho Falls

ATTEST: s/ Roy C. Barnes
CITY CLERK

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 filed the 6th day of February, 1959, and now on file in my office in said City.

IN WITNESS WHEREOF, I have hereunto set by hand and affixed the official seal of said City in Idaho Falls, Idaho, this 6th day of February, 1959.

(SEAL)

s/ Roy C. Barnes
CITY CLERK

The foregoing resolution was presented. It was moved by Councilman Foote, seconded by Freeman, that the Mayor and City Clerk be authorized to sign and the City Clerk be authorized to have published the Notice of Public Sale in this connection. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor drew the Councils' attention to the poor condition of the drinking fountain in the City Building lobby and was given authority to arrange for another type water fountain.

The Mayor reported that the Ellsworth Bros. are requesting permission to install a directional sign on City property which they rent as a used car parking lot. It was moved by Councilman Johnson, seconded by Petersen, that the Mayor be authorized to work out a suitable arrangement with them. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor approached the Council on the advisability of closing the City Building for normal business activities, except for the Police and Fire Departments, on February 23rd. To this, the Council agreed.

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It was learned that the 20-30 Club desires the armory for their annual Home Show on the 14th, 15th, and 16th of May. The Mayor was authorized to approve these dates for the Club and to notify Cliff Thiede, local wrestling promoter, that the Armory would not be available Thursday, May 14th for wrestling matches.

The Mayor noted that Saturday, February 7th, was the day scheduled for the Boy Scouts newly elected City officials to "Rule the City" and invited all Councilmen to attend the banquet to be held at noon at the Bonneville Hotel.

It was moved by Councilman Johnson, seconded by Freeman, that the City Attorney was authorized to quiet title in behalf of the City to Lots 19 and 20, Highland Park Addition, originally owned by Eli Dutton. 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
