

JULY 18, 1958

The City Council of the City of Idaho Falls, Idaho met in Regular Session Friday, July 18, 1958, at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: Mayor John B. Rogers; Councilmen Foote, Johnson, Freeman. Absent: Councilman Petersen. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; T. R. Peters, Purchasing Agent; Claud Black, City Engineer; Don Ellsworth, Asst. City Engineer.

The minutes of the previous Regular Meeting held July 8, 1958, and Special Meetings held July 11th, and July 16th, 1958, were read and approved as amended.

Mr. Elmer Sewell, Hood N. W. Sheet Metal Company appeared before the Council and asked if a company could have representing them a gas contractor not residing in the City. Mr. Eisenhart, Gas Inspector, reminded the Council that the Gas Board feels this should not be permitted. Mr. Smith, City Attorney, commented that, be that as it may, the Gas Ordinance does not make it mandatory for a gas contractor to reside in the City and therefore it is a matter for Council consideration as to whether or not the Ordinance should be amended to cover the problem.

Mr. Smith then brought up the matter of license transfers and stated the ordinance is possibly ambiguous as to its intended meaning. The Mayor recommended to the Council that these two controversial points be considered further by the Council and if it is decided that changes are necessary, the City Attorney instructed to amend the Gas Ordinance accordingly.

Mr. John New, Salt Lake City, Utah, appeared before the Council and explained that he is buying some real estate outside the City limits for the purpose of building homes and asked if the City could service him with public utilities. It was explained to him that this would not be possible as pertains to electricity and water and as for sewer, this is discretionary with the Council. It was pointed out, further, that if he desired all City utilities, it would be to his advantage, if possible, to become contiguous to the City, in which case he could be annexed in. Mr. New agreed to present his plat to the Council at a later date for their consideration.

Applications for BARTENDERS, LIQUOR (PRO-RATED), SUNDAY MOTION PICTURES, MASTER PLUMBERS AND SKATING RINK were presented, as follows: BARTENDERS, John Van Noy, John Biebl; SUNDAY MOTION PICTURES, Rio Theatre, Falls Theatre, Paramount Theatre; MASTER PLUMBER, Armstrong Plumbing; SKATING RINK, Ammon Benson; LIQUOR (PRO-RATED), Lobby Cigar Store. It was moved by Councilman Johnson, seconded by Foote, that the permits and licenses be granted. Roll call as follows: Ayes, 3; No, None; carried.

An application was presented to transfer the GAS CONTRACTOR license, now in the name of Herman Koppes for Hood N. W. Sheet Metal, over to Rex L. Duke for the same firm. It was moved by Councilman Foote, seconded by Johnson, that in view of the pending study of the Gas Ordinance mentioned earlier in this Meeting, the application be tabled. Roll call as follows: Ayes, 3; No, None; carried.

ROOMING HOUSE license applications were presented as follows: Garn's Court, Lois F. Phippen; Mrs. Curtis Rutledge; Mrs. Florence Owen. It was moved by Councilman Foote, seconded by Freeman, that the licenses be approved subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

Applications for JOURNEYMAN ELECTRICIAN licenses were presented: Ariel Hill, Gem State Electric; Don Campbell, Jewell Electric. It was moved by Councilman Johnson, seconded by Freeman, that the licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 3; No, None; carried.

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License applications for JOURNEYMAN GAS FITTERS and APPRENTICE GAS FITTERS were presented: JOURNEYMAN GAS FITTER, Rex Duke, Hood Northwest Sheet Metal Company; APPRENTICE GAS FITTER, Wendel Radford. It was moved by Councilman Johnson, seconded by Foote, that these licenses be granted subject to the approval of the Gas Inspector. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk presented a request from the Purchasing Agent that he be authorized to purchase 2000 feet of 8" pipe and fittings. It was moved by Councilman Freeman, seconded by Foote, that authorization be granted. Roll call as follows: Ayes, 3; No, None; carried.

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Mayor John B. Rogers
and City Council
Idaho Falls, Idaho

Gentlemen:

After making preliminary investigation on Alvin B. Tellefsen, applicant for taxi cab driver permit, I feel, it is my duty to recommend that the permit be denied. The applicant's FBI record shows that he has been arrested for several different offenses, one of which resulted in his being incarcerated in the U. S. Penitentiary at McNeil Island. Another resulted in his being deported to Canada.

The authority for denial is given in Paragraph D Section 4 of Ordinance No. 839.

Respectfully,
s/ A. Lowell Cramer
Chief of Police

encl: FBI Record

The City Clerk read the foregoing letter with regard to Mr. Tellefsen's recent application for a cab drivers license. It was moved by Councilman Johnson, seconded by Freeman, that in view of the investigation, the license be denied. Roll call as follows: Ayes, 3; No, None; carried.

RESOLUTION (Resolution No. 1958-16)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 24th day of January, 1957, recorded in Book 107 of Deeds at Page 121, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots Forty-seven (47) and Forty-eight (48), Block Three (3)
Dwight's Addition to the original town of Eagle Rock, now
the City of Idaho Falls, per the recorded plat thereof.

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WHEREAS, Joseph Neiderhouser has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said Joseph Neiderhouser a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL THIS 18th day of July, 1958.

APPROVED BY THE MAYOR THIS 18th day of July, 1958.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ John B. Rogers
MAYOR

The foregoing resolution, accompanied by City redemption Tax Deed, was presented. It was moved by Councilman Johnson, seconded by Freeman, that the Mayor and City Clerk be authorized to sign both instruments. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 916

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 Foote, seconded by Johnson, 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, 3; 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, 3; No, None; carried.

ORDINANCE NO. 917

AN ORDINANCE REPEALING ORDINANCE NO. 908 OF THE ORDINANCES OF IDAHO FALLS; VACATING AND CLOSING AN UNUSED PORTION OF CROW STREET AND AN UNUSED ALLEY IN THE CITY OF IDAHO FALLS, IDAHO, FOR THE SOLE AND

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EXCLUSIVE USE OF BOISE CASCADE CORPORATION, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND UNION PACIFIC RAILROAD COMPANY, ITS SUCCESSORS AND ASSIGNS; DESIGNATING THE PORTION OF SAID STREET AND SAID ALLEY THE TITLE TO WHICH IS VESTED IN THE SAID BOISE CASCADE CORPORATION AND THE SAID UNION PACIFIC RAILROAD COMPANY, RESPECTFULLY; PARTICULARLY DESCRIBING SAID LAND; PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was read in title. It was moved by Councilman Johnson, seconded by Freeman, 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, 3; 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, 3; No, None; carried.

ORDINANCE NO.

AN ORDINANCE FOR SAFEGUARDING PERSONS AND PROPERTY AND PROMOTING THE WELFARE OF THE PUBLIC; DEFINING THE QUALIFICATIONS OF DUTIES OF THE ELECTRICAL INSPECTOR; ESTABLISHING STANDARDS FOR ELECTRICAL EQUIPMENT, AND THE INSTALLATION OF ELECTRICAL EQUIPMENT WITH PROVISION FOR PERMITS THEREFORE, EXCEPT AS OTHERWISE PROVIDED; AND MAKING IT UNLAWFUL, EXCEPT AS OTHERWISE PROVIDED, TO UNDERTAKE THE INSTALLATION OF ELECTRICAL EQUIPMENT WITHOUT A STATE CONTRACTORS LICENSE; PROVIDING PROVISIONS FOR ENFORCEMENT OF THIS ORDINANCE AND PROVIDING PENALTIES FOR VIOLATION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

The City Clerk presented the foregoing Electrical Ordinance and the Mayor presented a fee schedule which will be a part thereof. It was moved by Councilman Freeman, seconded by Johnson, that the Ordinance be passed on its second reading, including the fee schedule. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk presented the following bids on a digger machine for the Electrical Department.

Joslyn Pacific Co. , Salt Lake City, Utah	\$ 8,968.10
Starline Equipment Company, Boise, Idaho	\$10,568.00

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These were referred to the Electrical Committee and Ray Moore.

A request was presented from the City Engineer to order a discharge head and chlorinating equipment for the 9th Street Well at a cost of approximately \$3,500.00 for the chlorinator, plus the discharge head. It was moved by Councilman Freeman, seconded by Foote, that the City Engineer be authorized to place the order. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor presented a formal claim from J. R. Gobble with regard to flood damage to his home and this was referred to the City Attorney. Councilman Foote presented a request for reimbursement from Mr. Gobble with regard to an underground installation of electric cable from the nearest pole, down the alley and into his house. It was moved by Councilman Johnson, seconded by Foote, that the City pay Mr. Gobble an amount equivalent to that which would have been the City's normal cost of an overhead pole to house installation. Roll call as follows: Ayes, 3; No, None; carried.

A group of Ronglyn Avenue residents appeared before the Council with regard to the zoning of the Jack Adams property. The following excerpt from a joint meeting of the Board of Adjustments and the Planning Commission was read in its entirety.

"The Board of Adjustment with the members of the Planning Commission for the purpose of reaching some solution or decision in the matter of the requested rezoning of the Jack Adams property described as follows:

All the land lying south of First Street, north of the south side of Second Street extended, east of the east side of Freeman Ave. extended, and west of the west side of Olive Avenue.

According to the minutes of the Planning Commission in the year 1952 the property in question was zoned C for the exclusive use of A.E.C. offices and other A.E.C. purposes. If the A.E.C. abandons these lots, they now occupy, the property would go back to R-1 zone.

Considerable discussion for possible solutions to do the fair thing for the property owners concerned followed with the eventual results as follows:

A recommendation was made that before any final decision is to be given, dedication of the streets should be taken care of in the following manner:

1. Olive Avenue from Fourth Street to First Street
2. Second Street from Freeman Avenue to Olive Avenue
3. Balance of Freeman Avenue from Third to Fourth Street
4. Freeman Avenue from First Street to Second Street

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The recommendation was made in the form of a motion, was seconded and approved.

The following motion was made. "In order to protect the residential investments in surrounding vicinity, zoning change from R-1 to C-1 on the property covered by the petition is not considered a fair and equitable request, the Board recommends it not be granted. As an equitable solution for all parties concerned, we recommend the following zone changes":

The W¹/₂ of the Block east of Olive from the south line of Fourth Street to the south line of First Street, be zoned R-2.

Second Street to First Street produced, west of Olive Avenue for 124 feet in depth, be zoned R-3. The remainder be zoned C-Limited.

The foregoing motion was made, seconded and approved.

A recommendation in the form of a motion was made as follows: "That the rest of the property from First Street and Second Street east of Freeman Avenue be zoned C-Limited. " The motion was seconded and approved.

Suggestion proposed to the Council that none of these changes of zoning be enacted unless the streets are dedicated. The above suggestion was then made in the form of a motion, seconded, and approved.

The group concurred with these recommendations.

It was moved by Councilman Foote, seconded by Johnson, that the property be zoned in accordance with the recommendations as outlined. Roll call as follows: Ayes, 3; No, None; carried.

It was moved by Councilman Foote, seconded by Johnson, that the Council go on record as urging the County Commissioners to sponsor a County zoning proposal being placed on the ballot at the next election and that the City Clerk be instructed to draft a letter to that effect. Roll call as follows: Ayes, 3; No, None; carried.

There being no further business, it was moved by Councilman Johnson, seconded by Freeman, that the Council adjourn. Carried.

ATTEST: s/Roy C. Barnes
CITY CLERK

s/ John B. Rogers
MAYOR
