

DECEMBER 19, 1958

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The City Council of the City of Idaho Falls met in Regular Session Friday, December 19, 1958, at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor John B. Rogers; Councilmen Freeman, Foote, Petersen. Absent: Councilman Johnson. Also present: Roy C. Barnes, City Clerk; T. R. Peters, Purchasing Agent; Alva Harris, Building Official; Don Lloyd, City Engineer; Don Ellsworth, Assistant City Engineer; Gil Karst, City Auditor.

The minutes of the following Meetings were read: Regular, November 21, 1958; Special, December 1, 1958; Recessed, December 8, 1958; Recessed, December 12, 1958. There being no additions or corrections, they were approved as read.

The Mayor announced that this was the time and the place for a zoning hearing on certain areas as legally advertised in the Post Register and asked for protests, first, on the Frank Mikesell request for rezoning the following described property to permit the building of a duplex:

The North 75 feet of Lots Twenty-three (23), Twenty-four (24), Twenty-five (25) and Twenty-six (26), and the West 21 feet of Lot Twenty-seven (27), all in Block Fifty-seven (57), Crow's Addition to the Town of Eagle Rock, now the City of Idaho Falls, Idaho, per the recorded plat thereof.

There being no protests, verbal or written, it was moved by Councilman Foote, seconded by Petersen, that zoning be changed from R-1 to R-2. Roll call as follows: Ayes, 3; No, None; carried.

The next area presented for protests on rezoning was that which will be known as Westland Heights #3 when the plat is signed and recorded, and includes the O. H. Hansen property. There were no protests either written or oral. It was moved by Councilman Petersen, seconded by Freeman, that the following portion be zoned R-3;

Beginning at a point that is N 0° 13' W 317.33 feet and S 89° 47' W 30.0 feet from the Southeast corner of Section 14, T 2 N, R 37 E.B.M. running thence S 89° 47' W 570.0 feet, thence N 0° 13' W 120.0 feet, thence N 89° 47' E 570.0 feet, thence S 0° 13' E 120.0 feet to the point of beginning

that the remaining portion described as:

Beginning at a point that is N 0° 13' W 317.33 feet and S 89° 47' W 30.0 feet from the Southeast corner of Section 14, T 2 N, R 37 E.B.M. running thence S 89° 47' W 570.0 feet, thence S 0° 13' E to a point that is 40.0 feet North of the South line of said Section 14, thence N 89° 27' 30" E 569.99 feet, thence N 0° 13' W 277.50 feet to the point of beginning

be zoned H-C. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that this was the scheduled meeting date for the zoning hearing on the Country Club property but, at the request of their attorney, this was temporarily tabled.

Mr. Russell Holm, Chairman of the Teton Peaks Building Committee, appeared before the Council in regard to a 30' strip of land next to the Teton Peaks Council building and asked that this land be given the Council for parking purposes. He was reminded that others had indicated an interest in the property particularly the doctors of the clinic which also adjoins the property and that,

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technically, it would be necessary to offer it by bid in the usual manner. It was suggested to Mr. Holm that he contact the doctors and perhaps they could arrive at a joint arrangement on the strip, suitable to all concerned.

Mr. Tom Battles, acting as spokesman for a group of young men, appeared before the Council and asked for help from the City in the locating and erecting of a drag strip to be built according to specifications of the National Hot Rod Association. They had no specific location in mind. The Council agreed to give the project some study.

License and permit applications for Eating & Drinking Establishments, previously approved by the Inspectors Office; Bartenders; Soft Drink; and Meat Market; were presented as follows:  
EATING AND DRINKING ESTABLISHMENTS: Skyline Drive Inn Coffee Shop, 1570 W. Broadway.

BARTENDERS: Harry W. Parker, Mint Bar; Robert Dickson, Bon Villa Club.

MEAT MARKET:

Highland Grocery, 998 Jefferson  
Saving Center, 344 Memorial Drive  
Murphy's Market, 1455 S. Blvd.  
Croly's Cold Storage, 241 Cliff Street  
Russ's Super Market, 798 L Street  
Skyline Market, 655 Skyline Drive  
Hiway Market, 302 N. Lee  
Earl's Foodliner #1, 424 First Street  
Earl's Market, 900 John Adams  
Safeway Stores #323, Elm & Eastern  
Uneeda Grocery, 753 Park Avenue

SOFT DRINK:

New Grand Hotel & Bar, 347 Broadway  
Lobby, 447 Broadway  
Robinson's Sport Shop, 285 1<sup>st</sup> Street  
Bon Villa Club, 340 Broadway  
Russett Bar, 390 Broadway  
Wize-Bi Food Center, 1135 E. 17<sup>th</sup> Street  
Safeway Store #323, Elm & Eastern  
Murphy's Market, 1455 S. Blvd.  
Croly's Cold Storage, 241 Cliff Street  
Skyline Market, 655 Skyline Drive  
Jack's Chicken Inn, S. Yellowstone Hwy.  
Skyline Drive Inn Coffee Shop, 1570 W. Bdwy.  
Broadway Café & Tavern, 1255 W. Broadway  
White House Café, 740 Park

SOFT DRINK (con't):

Mint Bar, 250 Park Avenue  
I. F. County Club, 847 Freeman Avenue  
Dusty's, 195 S. Eastern  
Samoa Club, 339 Park Avenue  
White Elephant Supper Club, 205 Holmes  
White Horse Bar, 545 Shoup Avenue  
Gordon's Place, 785 W. Broadway  
Broadway Bowl, 455 Broadway  
Elks Club, 455 Shoup Avenue  
Capitol Bar, 430 Shoup Avenue  
Fred & Kelley's Broiler, 242 B Street  
Jack's Club, 481 Broadway  
Topper Supper Club, S. Highway  
Hub Bar, 398 Broadway  
Ford's Cigar Store, 444 A Street  
Stockman's Bar, 1840 N. Yellowstone  
Happy Jacks, 251 Broadway  
Harveys Store, 331 1<sup>st</sup> Street  
Highland Grocery, 998 Jefferson  
Midget Market, 160 Elm Street  
Saving Center, 344 Memorial Drive  
Murphy's Market, 1455 S. Blvd.  
Russ's Super Market, 798 L Street  
Hiway Market, 302 N. Lee  
Bonneville Lounge, Park & C Street  
Uneeda Grocery, 753 Park Avenue  
Earl's Foodliner #1, 424 1<sup>st</sup> Street  
Earl's Foodliner #2, 900 John Adams

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It was moved by Councilman Petersen, seconded by Freeman, that the permits and licenses be granted. Roll call as follows: Ayes, 3; No, None; carried.

The following beer license applications were presented:

DRAFT BEER

Ford's Cigar Store, 444 A Street  
Lobby, 447 Broadway  
Bon Villa Club, 340 Broadway  
Happy Jacks, 251 Broadway  
Russett, 309 Broadway  
Mint Bar, 250 Park Avenue

PACKAGED BEER - NTBCOP

Hiway Market, 302 N. Lee  
Skyline Market, 655 Skyline Drive  
Russ's Super Market, 798 L Street  
Earl's Foodliner 1 & 2, 1st & John Adams  
Croly's Cold Storage, 241 Cliff Street  
Murphy's Market, 1455 S. Boulevard  
Saving Center, 344 Memorial Drive  
Midget Market, 160 Elm Street  
Safeway Store #323, Elm & Eastern  
Highland Grocery, 998 Jefferson  
Skagg's Drug Center, 460 Park Ave.  
Wize-Bi Food Center, 1135 E. 17th  
Harvey's Store, 331 1st Street  
Uneeda Grocery, 753 Park Avenue

CANNED OR BOTTLED BEER - TBCOP

Bonneville Lounge, Park & C Street  
Topper Supper Club, S. Yellowstone  
Jack's Club, 481 Broadway  
Fred & Kelley's Broiler, 242 B Street  
Capitol Bar, 430 Shoup Avenue  
Elks Club, 455 Shoup Avenue  
Broadway Bowl, 455 Broadway  
New Grand Hotel & Bar, 247 Broadway  
Airport Service, West Broadway  
F.O.E., Broadway  
Gordon's Place, 785 W. Broadway  
Robison's Sport Shop, 285 1st Street  
Whitehorse Bar, 545 Shoup Avenue  
Stockman's Bar, 1840 N. Yellowstone  
White Elephant, 205 Holmes  
Broadway Café & Tavern, 1255 W. Bdwy.  
Hub Bar, 398 Broadway  
Samoa Club, 339 Park Avenue  
Dusty's, 195 S. Eastern  
I. F. Country Club, 847 Freeman Avenue

It was moved by Councilman Freeman, seconded by Petersen, that these license be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

License applications for GAS CONTRACTORS AND JOURNEYMAN GAS FITTERS were presented as follows: GAS CONTRACTORS; Idaho Potato Growers, 100 Utah Ave.; F. L. Pendleton, 169 College; American Plumbing & Heating, 2425 Rollandet; First Street Plumbing & Heating, 118 1st Street; JOURNEYMAN GAS FITTERS: Idaho Potato Growers, 100 Utah Avenue; F. L. Pendleton, 169 College; Morley W. Longmore, 100 Utah Avenue; American Plumbing & Heating, 2425 Rollandet. It was moved by Councilman Freeman, 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.

License applications for ELECTRICAL CONTRACTORS AND JOURNEYMEN ELECTRICIANS were presented as follows: ELECTRICAL CONTRACTOR: H. L. Electric, 765 Park Avenue; Snake River Electric, Inc., Box 685; Gem State Electric, 237 Cliff Street; Colson Sign Service, 185 Lomax; Elbert L. Palmer, O. E. Bell Adm. Bldg.; JOURNEYMAN ELECTRICIANS: Elbert L.

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Palmer, 150 N. Water; Lee A. Beaman, 527 W. 20<sup>th</sup> Street. It was moved by Councilman Freeman, seconded by Petersen, that the licenses be granted subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 3; No, None; carried.

License applications for MASTER PLUMBERS AND LIQUOR were presented as follows: MASTER PLUMBERS: F. L. Pendleton, 169 College; American Plumbing & Heating, 2425 Rollandet; First Street Plumbing & Heating, 118 1<sup>st</sup> Street. LIQUOR: Jack's Chicken Inn, S. Yellowstone Avenue. It was moved by Councilman Foote, seconded by Petersen, that these licenses be granted. Roll call as follows: Ayes, 3; No, None; carried.

License applications for CAB DRIVERS AND ROOMING HOUSES were presented. CAB DRIVER: Clifton Wayne Barzee, Falls Cab Company; ROOMING HOUSE: Mrs. Edythe Reynolds, 417 Park Avenue; Gem Rooms, 336 ½ Park Avenue; Audrey Maitland, 429 Park Avenue; New Grand Hotel, 247 Broadway; Oregon Rooms, 441 Broadway. It was moved by Councilman Petersen, seconded by Foote, that these licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

An application for a DANCE HALL LICENSE for Jack's Chicken Inn, S. Yellowstone Avenue, was presented. It was moved by Councilman Petersen, seconded by Foote, that this license be granted, subject to the approval of the Police Committee and the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

November 25, 1958

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

Dear John:

A Mr. G. A. Cope has been inquiring as to the possibility of obtaining a lease for an office building at the point on the northwest corner of the Golf Course where the fruit stand now is. He would want to obtain a lease for probably fifteen years. It is my feeling that the Council will probably be unfavorable to this request, but I felt it my duty to pass it on. Will you kindly think about it so that you can let me know what your thoughts are the next time I see you.

Sincerely yours,  
s/ Arthur L. Smith  
City Attorney

This letter was read by the City Clerk. The Council agreed with the City Attorney that they would not be interested in allowing an office building to be erected in the location as indicated. It was moved by Councilman Freeman, seconded by Foote, that the request be denied. Roll call as follows: Ayes, 3; No, None; carried.

The following letter was read:

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November 26, 1958

Mayor & Councilmen  
City of Idaho Falls  
Idaho Falls, Idaho

Gentlemen:

The City of Rexburg is planning to install a fire communication system. We proposed to have a base station located at the City Fire Department and will have two truck radios.

It has been proposed that we use the same frequency as you which is 154.19 megacycles. As you are the only present authorized user, within 75 miles of our town, with this frequency, we should appreciate your permission to use the same frequency. This might prove to be extremely useful in case of a joint effort on a fire.

Mr. Lewis, the Motorola Representative, has told me that harmful interference between the two systems is not likely, due to the distance between Idaho Falls and Rexburg and due to the limited height of our antenna.

If permission is granted we would appreciate 3 copies of your letter.

Sincerely,  
s/ Silas Clements  
Rexburg Fire Chief

It was moved by Councilman Freeman, seconded by Foote, that permission be granted to use the same frequency as this City now uses for the purpose indicated and that the Mayor be instructed to reply accordingly. Roll call as follows: Ayes, 3; No, None; carried.

November 6, 1958

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

Re: Richard S. Mills' Claim

Dear John:

I am enclosing herein a copy of a letter which should be returned to Roy Barnes. Our insurance carrier asks that the City Council reject this claim on the grounds that no claim was

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filed within thirty days after the occurrence and that the City was in no way involved in the damages.

Sincerely yours,  
s/ Arthur L. Smith  
City Attorney

The foregoing letter from the City Attorney with regard to the Richard Mills claim was presented. It was moved by Councilman Foote, seconded by Petersen, that the claim be denied. Roll call as follows: Ayes, 3; No, None; carried.

Two recommendations with regard to fire hazards at the City Library were presented in a report signed by Eli Taylor, Fire Inspector. These were referred to Kenneth Deardon, Assistant Fire Chief.

An Airport Reconstruction Agreement between the State of Idaho, Department of Highways, and the City of Idaho Falls was presented. This agreement had to do with certain portions of the New Interstate Project encroaching upon certain portions of Fanning Field. These were accompanied by a warranty deed and a quit claim deed in this connection. It was decided that no action be taken on these instruments until after a meeting with the Highway Committee, scheduled for Monday, December 22<sup>nd</sup>.

December 11, 1958

City Clerk  
City of Idaho Falls  
Idaho Falls, Idaho

Re: Malmberg Petition

Dear Mr. Barnes:

On April 8, a petition was submitted to the City Council requesting that an alley and a part of the street be vacated near Yellowstone Avenue and the Oregon Short Line Railroad tracks. On April 18, the petition was denied, for reasons stated in your letter of April 21.

It is now felt that all of the objections of the City Engineer and of the Council have been met and the Council is hereby requested to reconsider its previous denial of said petition.

Please consider the following responses to the objections raised:

1. An easement for utilities could be retained or granted upon vacating the alley.
2. Should the portion of Boulevard mentioned in the petition be vacated, there would be no need to have access through said alley.

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3. The fire hydrant would be no problem, as it is not located on the property in question or sufficiently near the property to warrant moving or to constitute any interference in its use or accessibility.
4. By letter of September 23, to your office, the Union Pacific Railroad Company expressed its consent to join in the Malmberg Petition.
5. This objection is probably met by the answer to point 4, above. Any problem of access could, I am sure, be worked out between the adjacent property owners.

As I would like to appear to urge the granting of this petition, please advise as to when the matter will be reopened for consideration by the City Council.

Very truly yours,  
s/ Reginald R. Reeves  
Attorney at Law

cc: City Attorney  
City Engineer

The foregoing letter from Reginald Reeves, local attorney, was presented as a means of reopening the Malmberg petition for Council consideration, originally presented April 18, 1958. The letter was referred to the City Engineer for further study and recommendation.

The Mayor said that the City is in need of a revised Fire Code Ordinance and asked Chief Brown to explain. He pointed out, among other things, the dangers of allowing large semi-trailer trucks to unload gas inside the City limits. It was moved by Councilman Foote, seconded by Freeman, that the City Attorney be instructed to draft such an ordinance to include certain points covered by the National Board of Fire Underwriters as recommended by the Fire Chief, including the restrictions on the large semi-trailer trucks within certain specified boundaries. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor presented a memorandum from the City Treasurer with regard to the remaining delinquencies on LID #19 which prevents that district from being closed. It was noted that of the entire list, only two properties were considered as having any value. It was moved by Councilman Foote, seconded by Petersen, that the City Treasurer be authorized to issue statements to the property owners involved that if these properties are not redeemed the City will take title. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that \$45,000 is due and payable the Pickett & Nelson Company for completed work on LID #25 and the Council approved this payment to be made on or before January 15, 1959.

The Mayor drew the Councils' attention to the fact that a new service contract would soon be presented between the Utah Power & Light Company and the City of Idaho Falls for furnishing electricity to the City. It was moved by Councilman Petersen, seconded by Freeman, that when the Utah Power & Light Company completed their study and presented the contract, the Mayor be authorized to sign, subject to the approval of Ray Moore, Distribution Superintendent; Mel Baird, Plant Superintendent and Cal Crane, consulting Engineer. Roll call as follows: Ayes, 3; No, None; carried.

The subject of the Snake River Country fire truck was presented. It was noted that the City will soon be taking delivery of a new truck which will have no storage place as long as the City is

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storing the insurance company's truck, unless one of the City trucks is retired. It was agreed that the insurance company, through the Fire Chief, be advised that they should start planning on other arrangements for their fire truck, including its storage and operation.

The City Engineer presented the following proposal from Mr. Harold Shydler, General Manager of the Pioneer Development Corporation, pertaining to the annexing of Skyline Terrace Div. #1:

November 25, 1958

The Honorable Mayor and Council  
City of Idaho Falls  
Idaho Falls, Idaho

Re: Skyline Terrace Div. #1

Gentlemen:

Sometime ago you approved the final plat of the proposed Skyline Addition on Skyline Road in the west part of Idaho Falls. We are requesting at this time that you annex this area to the City of Idaho Falls, and in consideration thereof, we propose the following provisions relative to the subdivision utilities.

1. We will install, as the various lots are built on in the subdivision, concrete curb and gutter and sidewalks, together with paved streets in accordance with the standards of the City of Idaho Falls. All such work to be subject to approval by your Engineering Department and to be installed by us as sub-dividers at no cost to the City. These improvements will be constructed in a contiguous manner as they are carried throughout the subdivision.
2. Within the boundaries of the sub-division we will install six inch cast iron water mains in accordance with City standards and subject to the inspection and approval of the City Engineering Department, and will provide service lines to each lot before the streets are paved. All such work will be paid by us as sub-dividers and will involve no cost to the City of Idaho Falls.
3. We will install eight inch concrete sewer pipe, together with the requisite manholes to service all lots as they are built upon and service lines to each lot prior to surfacing of the streets, such work to be subject to the approval of the Engineering Department and to be paid for by us as sub-dividers and installed at no cost to the City of Idaho Falls.
4. We will provide and install street signs at each intersection as approved by your Engineering Department and at no cost to the City of Idaho Falls.

5. We will provide and install a septic tank and cesspool to serve the homes in the subdivision, such work to be approved by your Engineering Department and the City Sanitation and to be installed by us at no cost to the City of Idaho Falls. We will further enter into an agreement with the City of Idaho Falls whereby the City will accept responsibility for maintenance on this temporary septic tank and whereby we will agree to reimburse the City for any costs involved in such maintenance until December 31, 1960, at which time the responsibility for the costs of future maintenance will be assumed by the City. In connection with this item, however, we agree that when the City provides a collector sewer to the corner formed by a westerly extension of Market Road to a point where it intersects Skyline Road, we will construct a connecting sewer from that point to the location of the temporary septic tank and hook it to this trunk sewer.

6. We will install an eight inch cast iron water main from the present terminus of the City's main, approximately 145 feet south of Broadway on Skyline Road, to a point opposite the intersection of Terrace Drive and Skyline Drive, and will pay all costs in connection therewith. However, we are to be reimbursed for this extension of City mains outside the boundaries of our subdivision on the basis of one half the water revenues received by the City from houses served by this extension until such time as our costs for this extension are recovered by us.

7. We shall look to the City for the installation of the necessary electric power facilities to serve the houses erected in the subdivision and for the street lighting in accordance with the City's standard procedures as they have been followed in the past.

We will appreciate your giving consideration to our annexation request in accordance with the above program at your earliest opportunity. If there are any further questions which may arise in connection with these matters, we will appreciate your advising us.

Yours very truly,  
PIONEER DEVELOPMENT CORPORATION  
Harold Shydler, General Manager

It was moved by Councilman Foote, seconded by Petersen, that the proposal be accepted, subject to the deletion of Section VI and substituting in its place the proposition that the City pay for the difference between the cost of a 6" inch water line and an 8" water line. Roll call as follows: Ayes, 3; No, None; carried.

The foregoing action having been taken, the following ordinance was presented:

ORDINANCE NO. 928

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

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

Mr. Gil Karst, presented the six months audit report of the City and reported on its financial condition, emphasizing that an extremely close check must be made at all times throughout the balance of the fiscal period to prevent expenditures from exceeding revenues.

A non-budgeted claim of Carl E. Nelson in the amount of \$5750.00 was presented covering paving of the center 20' of John Adams Parkway in all of Linden Park #2 plus the center 20' of Woodruff Avenue which is the common street between Packer Additions #1 and #2. It was moved by Councilman Foote, seconded by Freeman, that this be allowed. Roll call as follows: Ayes, 3; No, None; carried.

The following area was presented for discussion.

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 20, T. 2N, R. 38 E.B.M. running thence N 89° 34' W 110.0 feet, thence N 0° 16' E 28.12 feet, thence N 89° 17' 10" W 505.73 feet, thence North 926.22 feet, thence S 89° 51' E 620.03 feet to the point of beginning.

The records reveal that there may be some question on portions of this property with regard to proper zoning. The Council agreed that the most expedient procedure should be to re-advertise the entire area with the ultimate objective of zoning in accordance with past and present decisions, official or otherwise. It was moved by Councilman Foote, seconded by Freeman, that the City Attorney be instructed to prepare a notice of zoning hearing on this area. Roll call as follows; Ayes, 3; No, None; carried.

There being no further business, it was moved by Councilman Petersen, seconded by Foote, that the Council adjourn, carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ John B. Rogers  
MAYOR

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