

JANUARY 18, 1957

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The City Council of the City of Idaho Falls, Idaho, met in Regular Session, January 18, 1957, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: John B. Rogers, Mayor; Councilmen Johnson, Petersen, Freeman, and Foote. Also present: S. R. Rostad, City Clerk; Arthur L. Smith, City Attorney; T. R. Peters, P.A; C. R. Black, City Engineer.

The minutes of Meetings held on January 4<sup>th</sup> and 8<sup>th</sup> were read and approved.

The following applications for licenses were presented, to-wit:

BEER:	Sutton Grocery, Highway Market, West Broadway.
LIQUOR:	Capitol Bar, Happy Jacks, Fords Cigar Store and Topper Club.
BARTENDERS:	Lester Flowerden, Gilbert Ogata.
DANCE HALL:	Topper Club
SOFT DRINK:	Gordon Culver, J. J. Newberry Company.
INSTALL & SERVICE	
P. GAS EQUIPMENT:	Rocky Mountain Gas Co.
PHOTOGRAPHERS:	Scotts Studio.
ROOMING HOUSE:	Westbank Motel, Idaho Hotel, Paul Saito, King Motel, Joe Mauro, Sundown Motel, Luke's Cabins, Boozer Motel, Falls View Motel, Kruse Motel.
MASTER PLUMBER:	First Street Plumbing & Heating
JOURNEYMAN PLUMBER:	Dean Kirkham, Wayne Bowden, D. E. Fairless.
JOURNEYMAN ELECTRICIAN:	Robert Oyler, Leonard Bateman, Golden Hiatt.
TAXI OPERATORS:	Leonard Petersen, Jr., Jack Branson.

It was moved by Councilman Freeman, seconded by Johnson, that the above licenses be granted, subject to the approval of the Chief of Police for Taxi Operators. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 877

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 (HATCH)

The above Ordinance was read by the Clerk. It was moved by Councilman Foote, seconded by Freeman, that the above Ordinance be passed on its second reading. Roll call as follows: Ayes, Councilmen Johnson, Petersen, Freeman, Foote; No, None; carried.

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**RESOLUTION (Resolution No. 1957-01)**

WHEREAS: By resolution duly passed and approved the 21<sup>st</sup> day of December, 1956, the City Council of Idaho Falls, Idaho, ordered that the following described lands lying and being in Idaho Falls, Bonneville County, Idaho, be sold at public auction.

Beginning at a point which is S. 29° 15' W. 1357 feet, and N. 60° 45' W. 177 feet, from the point of intersection of the Westerly Boundary Line of the Yellowstone Highway with the North Section Line of Section 25, Twp. 2 N. Rge. 37 E. B. M. and running thence N. 29° 15' E. 200 feet, to the point of beginning, containing 1.86 acres, more or less and all located in Section 25, Twp. 2 N., Rge. 37 E. B. M. , and

WHEREAS: Said lands have been sold as ordered and in conformity with law;

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

1. The following proceedings were had and done in connection with said sale, to-wit: On December 21, 1956, D. V. Groberg, V. R. Larsen and Sterling Jensen, disinterested freeholders of said City, were appointed to appraise said property; thereafter, and prior to January 17, 1957, said appraisers appraised said property at \$2,000.00 and filed a statement setting forth said appraised value in the office of the City Clerk. The City Clerk caused a notice of the time and place set for said auction sale and a description of said property to be published in the Post Register, the official newspaper of said City, for ten days prior to said sale; that Vernon Scheets, Jacks Chicken Inn, Inc., was the highest bidder at said sale and \$2,000.00 was the highest bid thereat; that said property was sold to Jacks Chicken Inn, Inc., for \$2,000.00, which sum has been paid to the City.
2. That said sale be, and the same is hereby confirmed.
3. That the Mayor and City Clerk of the City of Idaho Falls be, and they are hereby authorized and directed on behalf of said City to execute and deliver to Jacks Chicken Inn, Inc., a good and sufficient Warranty Deed, conveying said lands to Jacks Chicken Inn, Inc., Idaho Falls, Idaho.

PASSED BY THE COUNCIL, APPROVED BY THE MAYOR THIS 18<sup>th</sup> day of January, 1957.

ATTEST: s/ S. R. Rostad  
CITY CLERK

s/ John B. Rogers  
MAYOR

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It was moved by Councilman Freeman, seconded by Johnson, that the above resolution be accepted and passed. Roll call as follows: Ayes, 4; No, None; carried.

**ORDINANCE NO. 874**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, GRANTING TO INTERMOUNTAIN GAS COMPANY A THIRTY (30) YEAR FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM; PROVIDING FOR THE USE OF STREETS AND RULES GOVERNING THE SAME; SUBJECTING THE GRANTEE TO ALL POWERS OF THE CITY; SETTING FORTH THE RULES GOVERNING REPAIRS AND RECONSTRUCTION OF THE STREETS; PROVIDING FOR THE TERM OF THE FRANCHISE AND GRANT; PROVIDING FOR THE RIGHT OF INSPECTION BY THE CITY OF GRANTEE'S PLANS, ACCOUNTS, AND BOOKS; REQUIRING GRANTEE TO FURNISH CERTAIN MAPS; SETTING FORTH THE ANNUAL PAYMENT TO THE CITY, AND THE FILING OF ANNUAL REPORTS WITH THE CITY; REQUIRING GRANTEE TO INDEMNIFY CITY, AND FILE EVIDENCE OF INSURANCE; REQUIRING COMPLIANCE WITH SAFETY REGULATIONS, SETTING TIME LIMIT IN WHICH TO COMPLY WITH FRANCHISE; SETTING FORTH AN AGREEMENT NOT TO COMPETE, RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR SURRENDER OF FRANCHISE; GRANTING RIGHT TO SALVAGE AFTER POSTING BOND; REQUIRING WRITTEN ACCEPTANCE; PROVIDING FOR CONSENT OF SALE, ASSIGNMENT OR LEASE; SETTING FOR THE CITY'S RIGHT TO ADDITIONAL PAYMENTS; PROVIDING FOR THE PURCHASE BY THE CITY AT ITS ELECTION OF THE GRANTEE'S GAS SYSTEM, WORKS, PLANT AND PROPERTY WITHIN THE CORPORATE LIMITS OF IDAHO FALLS, IDAHO; WITH THE EXCEPTION OF PROPERTY NEITHER USED NOR USEFUL IN THE PUBLIC SERVICE, CASH ON HAND OR IN BANKS, NOTES, BONDS, SHARES OF STOCK, OR OTHER SECURITIES, AND ANY ACCOUNTS RECEIVABLE OTHER THAN CUSTOMERS ACCOUNTS RECEIVABLE LESS THAN SIXTY (60) DAYS OLD; THE MANNER, METHOD, TERMS, AND CONDITIONS THEREOF, AND FOR THE RELEASE OF PROPERTY SO PURCHASED FROM MORTGAGES, TRUST DEEDS AND OTHER ENCUMBRANCES; PROVIDING FOR THE APPOINTMENT OF A BOARD OF THREE (3) APPRAISERS TO MAKE INVENTORY AND VALUATION, AND THEIR QUALIFICATIONS, POWERS, AND DUTIES; PROVIDING FOR THE DETERMINATION BY SAID APPRAISERS OF THE PURCHASE PRICE TO BE PAID BY THE

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CITY, AND RIGHT OF PARTIES TO SUBMIT QUESTION TO COURT DETERMINATION; THE PAYMENT OF SUCH PURCHASE PRICE AND THE CONVEYANCE AND DELIVERY OF POSSESSION OF THE PROPERTY SO PURCHASED; THE TERMINATION OF THIS AND ALL OTHER GAS FRANCHISES HELD BY GRANTEE FROM IDAHO FALLS UPON FINAL CONSUMMATION OF SUCH SALE, DELIVERY OF POSSESSION TO THE CITY AND PAYMENT OF THE FULL PURCHASE PRICE; PROVIDING THAT NOTHING IN THIS ORDINANCE BE CONSTRUED AS PREVENTING THE SALE TO THE CITY OF GRANTEE'S GAS SYSTEM, WORKS, PLANT AND PROPERTY BE VOLUNTARY AND MUTUAL AGREEMENTS BETWEEN THE CITY AND THE GRANTEE; PROVIDING FOR PAYMENT OF PUBLICATIONS COST; PROVIDING FOR CITY'S CONSENT TO GAS STORAGE FACILITIES; SETTING FORTH PENALTIES AND FORFEITURES, SEPARABILITY, AND REPEAL.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF IDAHO FALLS, IDAHO;

The foregoing Ordinance was presented in title. It was moved by Councilman Petersen, 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, 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. The majority of all members of the Council having voted in the affirmative, the Mayor declared the Ordinance passed.

Idaho Falls, Idaho  
January 11, 1957

TO THE HONORABLE MAYOR AND CITY COUNCIL  
OF THE CITY OF IDAHO FALLS:

I, the undersigned, E. W. Bennett, hereby petition the City Council for permission to use City water for my property outside the City limits on South Yellowstone Highway.

If this permission be granted, I will install a line, to your specifications to serve my property. I will agree that the line become the property of the City, without cost, at anytime that my lane is annexed. I have no objection to my lands being annexed at any time.

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The reason for this request is that it would cost me \$1200.00 to connect to an existing private line near by property.

s/ E. W. Bennett

It was the sense of the Council that permission be granted to use City water.

**AGREEMENT AND LEASE**

It was moved by Councilman Petersen and seconded by Johnson, that the Mayor and Clerk, are hereby authorized to sign Lease Agreement with the Smith Hart Company, for rental of car for the Police Department, yearly rental, \$990.00. Roll call as follows: Ayes, 4; No, None; carried.

It was moved by Councilman Johnson, seconded by Petersen, that permit be granted Mr. Stibor, for building duplex on J Street, Lot 19, Block 3, Edgewater Heights. Roll call as follows: Ayes, 4; No, None; Carried.

Mr. Krueger appeared before the Council with reference to sewer project, after considerable discussion Councilman Freeman arranged to meet with Mr. Krueger next Sunday morning.

It was moved by Councilman Freeman, seconded by Johnson, that the following service accounts, be charged off; worthless. Roll call resulted as follows: Ayes, 4; No, None; carried.

I. F. Baseball Club - F-82B, \$1077.60; Kelly Tile Co. - G-12A, \$22.80; Glen H. Johnson - J-566, \$21.25; Merrill Hanson - K-355, \$59.65; New Vettors - S-391, \$572.70; Mrs. Sarah Brinkman - J-860, \$86.05; Consumers, Inc., - R-233A, \$96.90.

**ORDINANCE NO. 875**

AN ORDINANCE ADOPTING A CERTAIN DOCUMENT AS THE OFFICIAL BUILDING CODE OF THE CITY OF IDAHO FALLS; PARTICULARLY DESCRIBING SAID DOCUMENTS; SETTING FORTH ITS CERTIFICATION BY THE CITY CLERK AND THE FILING OF THREE COPIES OF SAID DOCUMENT IN THE OFFICE OF THE CITY CLERK; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Foote, 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, 4; No, None; carried. The majority of all the members of the Council present having voted in the

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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. The majority of all members of the Council having voted in the affirmative, the Mayor declared the Ordinance passed.

It was moved by Councilman Johnson, seconded by Petersen, that the Council adjourn, carried.

ATTEST: s/ S. R Rostad  
CITY CLERK

s/ John B. Rogers  
MAYOR

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