

CITY COUNCIL MEETING

MAY 8, 1956

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The City Council of the City of Idaho Falls, Idaho, met in Recessed Session May 8, 1956, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: John B. Rogers, Mayor; Councilmen Foote, Petersen, and Freeman; Absent, Councilman Johnson. Also present: S. R. Rostad, City Clerk; T. T. Peters, Purchasing Agent; Arthur L. Smith, City Attorney; and C. R. Black, City Engineer.

The minutes of Meetings held on April 19<sup>th</sup>, 25<sup>th</sup>, 30<sup>th</sup>, and May 4<sup>th</sup>, were read and approved.

The Mayor announced that this was the date set for a public hearing in relation to the change in zoning on certain lots, described as follows:

All of Lot Fifteen (15), and the south Fifteen feet (15') of Lot Fourteen (14) of Block Two (2) and all of Lots One (1), Two (2), and Three (3) of Block Four (4), of "Squire Barlow Addition" to the City of Idaho Falls.

The following citizens appeared before the Council and vigorously protested the rezoning of the above Lots from R-1:

George J. Black, 860 John Adams Parkway; Earl E. Yoder, 730 John Adams Parkway; Mack G. Gough, 780 John Adams Parkway; Bert J. Hatch, 750 John Adams Parkway; Harry W. Hosford, 847 John Adams Parkway; Robert C. Mann, 735 John Adams Parkway; Charles Jussel, 870 John Adams Parkway; Don Cullough, 895 John Adams Parkway.

After some discussion, no action was taken.

Mr. D. L. Westergard, appeared before the Council with reference to a letter of April 19<sup>th</sup>, 1956, from Attorney John M. Sharp, relative property or Lots 22, 23 and 24, Block 3. O. T. This was again referred to the Building and Street Committees.

The bills against the City for the month of April, 1956, having been audited by the Finance Committee, were presented for payment as follows, to-wit:

	<u>General Fund</u>	<u>Waterworks</u>	<u>Electric Light</u>	<u>Police Retirement</u>
Salaries:	63,151.37	5,637.73	18,401.03	899.52
Supplies:	<u>25,830.26</u>	<u>3,153.32</u>	<u>37,478.58</u>	<u>.00</u>
Total:	88,981.63	8,791.05	55,879.61	899.52
<b>TOTAL: 153,652.29</b>				
<b>899.52</b>				

It was moved by Councilman Foote and seconded by Petersen, that the above bills be allowed and the City Clerk is hereby authorized to draw warrants on the proper funds, in payment of the same. Roll call resulted as follows: Yes, Councilmen Foote, Petersen, and Freeman; No, None; Motion carried.

The reports of the various Departments for the month of April were presented. There being no objections, they were ordered placed on file.

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The following applications for Cab Drivers license, were presented, to-wit: Delbert K. Petersen and Blaine Hammon. It was moved by Councilman Petersen and seconded by Foote, that the above licenses be granted, subject to the approval of the Chief of Police. Roll call resulted as follows: Yes, 3; No, None; Motion carried.

It was moved by Councilman Freeman and seconded by Petersen, that the application for Rooming House license, by Sandra Hahn, be granted. Roll call resulted as follows: Yes, 3; No, None; Motion carried.

The following applications for Bartenders permits, were presented, to-wit: Von McAtee; Ray A. Waters; Robert B. Kress; Eugene Petersen; R. B. Mattinson; Jack Bailey; Karl R. Lance; George E. Scott; Victor Pullman; Otis Johnson; L. W. Taylor; L. A. Winchester; George P. Smith. It was moved by Councilman Foote and seconded by Petersen, that the above permits be granted. Roll call resulted as follows: Yes, 3; No, None; Motion carried.

The following license applications were presented, to-wit:

BEER: L. E. Kimble, Kimble's Market, 301 E. 18<sup>th</sup>; Dwight Johnson, Baseball Park;  
SOFT DRINK: Dwight Johnson; T. P. Grimmert, Rays In & Out, North and South  
Highway  
JOURNEYMAN ELECTRICIAN: Leonard Bateman; Walter Leo Howard  
JOURNEYMAN PLUMBER: Vern Cantwell, Rexburg  
DRAIN TILE LAYER: George A. Hartwell  
ROLLER SKATING: Ammon Benson

It was moved by Councilman Foote and seconded by Petersen, that the above licenses be granted. Roll call resulted as follows: Yes, 3; No, None; Carried.

**RESOLUTION (Resolution No. 1956-06)**

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 13<sup>th</sup> day of December, 1954, recorded in Book 94 of Deeds at page 273, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit;

Lots Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), and Twenty-four (24), Block Twenty-one (21), Capitol Hill Addition to the City of Idaho Falls, per the recorded plat thereof

WHEREAS, Hazel Webster 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:

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

PASSED BY THE COUNCIL THIS 8<sup>th</sup> day of May, 1956.

APPROVED BY THE MAYOR THIS 8<sup>th</sup> day of May, 1956.

ATTEST: s/ S. R. Rostad  
CITY CLERK

s/ John B. Rogers  
MAYOR

It was moved by Councilman Freeman and seconded by Petersen, that the above Resolution be approved and passed. Roll call resulted as follows: Yes, 3; No, None; Motion carried.

**RESOLUTION (Resolution No. 1956-07)**

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 9<sup>th</sup> day of January, 1956, recorded in Book 100 of deeds at Page 595, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots 20, 21, 22, 23, and 24, Block 21, Capitol Hill Addition to the City of Idaho Falls, as per the recorded plat thereof.

WHEREAS, Elmer Webster, 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 Elmer Webster a deed to said property pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL THIS 8<sup>th</sup> day of May, 1956.

APPROVED BY THE MAYOR THIS 8<sup>th</sup> day of May, 1956.

ATTEST: s/ S. R. Rostad  
CITY CLERK

s/ John B. Rogers  
MAYOR

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It was moved by Councilman Freeman and seconded by Petersen, that the above Resolution be approved and passed. Roll call resulted as follows: Yes, 3; No, None; Carried.

It was moved by Councilman Freeman and seconded by Petersen, that the City Clerk is hereby authorized to transfer Beer License, Matson's Service from 300 S. Highway to 298 S. Highway. Roll call resulted as follows: Yes, 3; No, None; Carried.

**ORDINANCE NO. 859**

AN ORDINANCE REQUIRING A PERMIT TO INSTALL, CONSTRUCT, OR CONNECT ANY FURNACE, APPARATUS, APPLIANCE OR DEVICE FOR SPACE HEATING IN ANY BUILDING OR STRUCTURE WITHIN THE CITY OF IDAHO FALLS; DESIGNATING THE OFFICIAL WHO SHALL ISSUE SUCH PERMITS AND PROVIDING FOR THE FEE AND FORM OF APPLICATION THEREFORE; PROVIDING FOR THE INSPECTION OF SUCH INSTALLATIONS AND FOR REMEDYING DEFECTS AND REMOVING DANGERS THEREIN; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was read by the City Clerk. It was moved by Councilman Petersen, 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, Councilmen Freeman, Foote, and Petersen; No, None. 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, Councilmen Freeman, Foote and Petersen; No, None. The majority of all the members of the Council having voted in the affirmative, the Mayor declared the Ordinance passed.

**EASEMENT**

This INDENTURE, made this 18<sup>th</sup> day of April, 1956, by and between W. Thayne Earl and Lillian S. Earl, his wife, and D. Grant Earl and Lola B. Earl, his wife, of the County of Bonneville, State of Idaho, hereinafter called the "GRANTORS" and the City of Idaho Falls, Idaho, a municipal corporation, existing under and by virtue of the laws of the State of Idaho, hereinafter called the "GRANTEE".

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WITNESSETH:

That the said Grantors in consideration of the sum of One and No/100 (\$1.00) Dollar, and other good and valuable consideration to them in hand paid by said Grantee, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said Grantee, its successors and assigns forever a right of way and easement Sixteen (16) feet in width, with the right, privilege and authority to said Grantee, its successors and assigns to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove a Thirty-six inch (36") pipe line for the conveyance of water and other materials and or substances which can be conveyed through such pipe line, to be placed not less than thirty (30) inches under the surface of the following described real property situated in the County of Bonneville, State of Idaho, to-wit:

Eight (8) feet on both sides of a line described as follows: Beginning at a point that is S. 0° 15' 30" W. 1324.86 feet and S. 89° 30' 30" E. 96.52 feet from the North Quarter Corner of Section Twenty (20), Township Two (2) North, Range Thirty Eight (38), East of the Boise Meridian, to the point of beginning and running thence N. 37° 6' 10" E. 135.87 feet to a point on the South line of John Adams Parkway.

Together with the right of ingress and egress for the purpose for which the above mentioned rights are herein granted. The said pipe line shall be laid, maintained, operated and repaired at the Grantee's own proper cost and expense.

Together with the rights, easements, privileges and appurtenances in or to said lands which may be required for the full enjoyment of the rights herein granted.

In consideration of this conveyance, the Grantee agrees to maintain the surface of said easement at substantially the same level as the adjoining ground at Grantee's sole cost and expense and in the event Grantors should pave or otherwise surface said easement, and Grantors expressly reserve the right so to do, and said paving or surfacing material cracks, settles or sinks over the pipe line to be installed therein by Grantee, that Grantee will promptly repair and keep in repair said pavement or surfacing material over, upon and along said easement.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands this \_\_\_\_ day of April, 1956.

Signed, Grant Earl  
Lola Earl  
William Thayne Earl  
Lillian S. Earl

This easement is accepted subject to the conditions set forth therein, this 17<sup>th</sup> day of April, 1956.

ATTEST: s/ S. R. Rostad  
CITY CLERK

City of Idaho Falls  
s/John B. Rogers  
MAYOR

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INDEMNITY AGREEMENT

In consideration of the acceptance by the City of Idaho Falls, a municipal corporation of the State of Idaho, of the foregoing and attached easement, and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned IDAHO FALLS STAKE, CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a corporation sole, hereby agrees to and does hereby indemnify and hold harmless the said City of Idaho Falls from any and all liability, claims, demands, cost and expense of any nature arising from or out of the conditions of said easement requiring the said City, as Grantee of said easement, to maintain the surface of said easement at substantially the same level as the adjoining ground at Grantee's sole cost and expense and in the event Grantors should pave or otherwise surface said easement, and Grantors expressly reserve the right to do so, and said paving or surfacing material cracks, settles or sinks over the pipe line to be installed therein by Grantee, that Grantee will promptly repair and keep in repair said pavement or surfacing material over, upon and along said easement.

IN WITNESS WHEREOF, the undersigned, Idaho Falls Stake of the Church of Jesus Christ of Latter Day Saints, a corporation sole, of Idaho Falls, Bonneville County, Idaho, has caused this instrument to be executed in its corporate name, by its duly authorized officer, by Resolution of its governing body, this 9<sup>th</sup> day of May, 1956.

IDAHO FALLS STAKE OF THE CHURCH  
OF JESUS CHRIST OF LATTER DAY SAINTS,  
A CORPORATION SOLE.  
s/ W. J. O'Bryant, President

It was moved by Councilman Freeman and seconded by Foote, that the above EASEMENT AND INDEMNIFYING AGREEMENT be accepted and passed, and that the Mayor is hereby authorized to sign Easement. Roll call resulted as follows: Yes, Councilmen Petersen, Freeman and Foote; No, None; Motion carried.

A letter from Albert G. Kephart, relative to removing of car from Oswald Motor Court, claiming damages in the amount of \$7.59, was referred to the City Attorney, for attention.

It was moved by Councilman Petersen and seconded by Foote, that the Mayor is hereby authorized to sign agreement with the Arrington Construction Co., for the use of 15' on Broadway, during construction period, including hold harmless agreement. Roll call resulted as follows: Yes, 3; No, None; Motion carried.

Mayor Rogers made the following appointments in the Fire Department , to-wit:

Parley G. Gillen, Assistant Chief in charge of equipment  
Kenneth Dearden as Assistant Chief  
William Donnelly as Captain

These appointments effective as of May 15, 1956.

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Marvin Kirby and Earl Danielson, be appointed as Captains, effective June 1, 1956. It was moved by Councilman Freeman and seconded by Petersen, that the above appointments are hereby approved. Roll call resulted as follows: Yes, 3; No, None; Motion carried.

Mayor Rogers made the following appointments as probationary policemen starting as of May 15, 1956: Clinton P. McLain, William A. Housman. It was moved by Councilman Freeman and seconded by Petersen, that the above appointments are hereby approved. Roll call resulted as follows: Yes, 3; No, None; Motion carried.

Mayor Rogers appointed the following committees to serve until May 1, 1957.

FINANCE-AVIATION-LIGHT & WATER:	Councilmen Foote and Petersen
STREETS & ALLEYS:	Councilmen Petersen & Foote
PARKS-CEMETERY-GOLF COURSE:	Councilmen Freeman & Johnson
POLICE-SANITATION-BUILDING & FIRE:	Councilmen Johnson & Freeman

It was moved by Councilman Petersen and seconded by Freeman, that the Council adjourn; Carried.

ATTEST: s/ S. R. Rostad  
CITY CLERK

s/ John B. Rogers  
MAYOR

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