

CITY COUNCIL MINUTES  
MARCH 2, 1956

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The City Council of the City of Idaho Falls, Idaho, met in Regular Session, March 2<sup>nd</sup>, 1956, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present: E. W. Fanning, Mayor; Councilmen Rogers, Petersen and Foote. Absent, Councilman Freeman. Also present, S. R. Rostad, City Clerk; T. R. Peters, Purchasing Agent; A. L. Smith, City Attorney.

The minutes of a Meeting held on February 17, 1956, were read and approved.

Mr. Benton and Mr. Homer, presented to the Council a plat of the Packer Addition, for approval. It was moved by Councilman Rogers and seconded by Petersen, that 16 foot alleys be required, instead of easements, for sewer, power lines and other facilities, in the Packer Addition. Roll call resulted as follows: Yes, Councilmen Petersen, Foote and Rogers; No, None; Motion carried.

It was moved by Councilman Petersen and seconded by Foote, that the plat of Packer Addition, with 16' alleys, be accepted. Roll call resulted as follows: Yes, Councilmen Foote, Rogers, and Petersen; No, None; Motion carried.

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

ELECTRICAL CONTRACTOR: H. M. Groesbeck; Boyd Emery.

JOURNEYMAN ELECTRICIAN: Leo Heer, 1990 Avocet Drive

ROOMING HOUSE: A. L. Clements, 250 Cleveland and Stanley King, 160 First St.

BARTENDERS PERMITS: Mervin A. Cook, Stephen Koegler, Jr.

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

**RESOLUTION (Resolution 1956-02)**

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 15<sup>th</sup> day of January, 1954, recorded in Book 90 of Deeds at Page 7, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots Twenty-five (25) and Twenty-seven (27), in Block Twenty-two (22) Broadbecks Addition to the City of Idaho Falls, Idaho, Twenty-six (26).

WHEREAS, John Irvin Ker, Jr. 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 payment of said sum of money, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL THIS 2<sup>nd</sup> DAY OF MARCH, 1956.

APPROVED BY THE MAYOR THIS 2<sup>nd</sup> DAY OF MARCH, 1956.

ATTEST: s/ S. R. Rostad  
CITY CLERK

s/ E. W. Fanning  
MAYOR

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

The following bids were received for street lights from February 1, 1956 to February 1, 1957.

WESTINGHOUSE LAMPS, through Fannesbeck Electric, Idaho Falls, 32% off list, & 2% cash discount.

GENERAL ELECTRIC LAMPS, through H-L Electric Co., Idaho Falls, 32% off list, & 2% cash discount.

SYLVANIA LAMPS, through Slusser Wholesale Co., Idaho Falls, 36% of list & 2% cash discount.

The above bids were referred to the Electric Light Committee, for study and action. It was moved by Councilman Petersen and seconded by Councilmen Foote, that the proposed franchise submitted to the City by the Idaho Falls Cooperative Gas Association Inc., be amended in its wording and import as follows: In Section 7 of said proposed franchise, the number "18" (appearing in two places shall be stricken and the number "12" shall be substituted therefore. Roll call resulted as follows: Yes, Councilmen Rogers, Petersen and Foote; No, None; Motion carried.

**ORDINANCE NO. 855**  
**By City of Idaho Falls**

AN ORDINANCE GRANTING TO IDAHO FALLS COOPERATIVE GAS ASSOCIATION, INC., AN IDAHO COOPERATIVE ASSOCIATION, ITS SUCCESSORS AND ASSIGNS (HEREINAFTER COLLECTIVELY REFERRED TO AS "GRANTEE") FOR A PERIOD OF THIRTY (30) YEARS FROM THE DAY IT TAKES EFFECT, THE FRANCHISE AND RIGHT TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE A GAS PRODUCTION, TRANSMISSION AND DISTRIBUTION SYSTEM AND APPURTENANCES, AND USE THE STREETS, ALLEYS AND OTHER PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF IDAHO FALLS, IDAHO (HEREINAFTER CALL "MUNICIPALITY"), SAID FRANCHISE AND RIGHT (TO THE EXTENT PERMITTED BY APPLICABLE LAW) TO BE EXCLUSIVE, AND PRESCRIBING THE TERMS AND CONDITIONS THEREOF; PROVIDING THAT NOTHING IN THE ORDINANCE SHALL BE CONSTRUED TO PREVENT SAID MUNICIPALITY EXERCISING RIGHT OF EMINENT DOMAIN BUT THAT THE MUNICIPALITY SHALL NOT ENGAGE IN THE BUSINESS OF PRODUCING, TRANSMITTING OR SELLING GAS IN COMPETITION WITH GRANTEE; PRESCRIBING THE TIMES FOR COMMENCEMENT AND COMPLETION OF CERTAIN WORK HEREUNDER; PROVIDING FOR VARIOUS BENEFITS AND CONSIDERATIONS TO THE MUNICIPALITY THROUGH PAYMENT OF CERTAIN ANNUAL

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PAYMENTS ON INDEBTEDNESS OF GRANTEE WHICH INURE TO MUNICIPALITY'S BENEFIT; REQUIRING GRANTEE TO FILE CERTAIN ANNUAL REPORTS WITH THE CLERK OF THE MUNICIPALITY; PRESCRIBING THE METHOD, MANNER AND PROTECTION OF WORK UNDERTAKEN OR DONE BY GRANTEE HEREUNDER IN THE STREETS, ALLEYS AND OTHER PUBLIC PLACES AND FOR REPAIR OF DAMAGES DONE BY GRANTEE, AND FOR GRANTEE'S INDEMNIFYING THE MUNICIPALITY FOR ALL LOSS OF DAMAGE SUFFERED BY IT CAUSED BY GRANTEE HEREUNDER; PROVIDING FOR FILING EVIDENCE OF INSURANCE AGAINST PROPERTY DAMAGE AND BODILY INJURY; REQUIRING GRANTEE TO CONFORM TO CERTAIN ORDINANCES; PROVIDING FOR THE ACCEPTANCE OF THIS FRANCHISE AND GRANT BY GRANTEE AND THE TIME, MANNER AND EFFECT THEREOF; PROVIDING FOR THE ASSIGNMENT OF THIS FRANCHISE, BY MORTGAGE, TRUST DEED OR LIEN CREATED TO SECURE INDEBTEDNESS FOR MONEY BORROWED FOR CORPORATE OBJECTS; PROVIDING FOR A CONTRACT BETWEEN MUNICIPALITY AND GRANTEE SPECIFYING THAT THE PROPERTIES AND ASSETS OF GRANTEE SHALL BECOME THE PROPERTY OF MUNICIPALITY, WITHOUT ANY COMPENSATION TO GRANTEE, UPON THE TERMS AND CONDITIONS THEREIN PROVIDED; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND SPECIFYING THE DATE ON WHICH THE ORDINANCE SHALL TAKE EFFECT.

It was moved by Councilman Rogers and seconded by Councilman Foote, that the proposed Franchise Ordinance as amended be read in full by the City Clerk. Roll call resulted as follows: Yes, Councilmen Foote, Rogers and Petersen; No, None; It was so ordered.

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

Mayor Fanning made the following appointments to the Planning Commission, Idaho Falls;

Re-appointed Stanley E. Gagon	6 year term
Appointed A. E. Voysey, replacing A. W. Brunt	6 year term

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Appointed Burl W. Bandel, replacing Vernon Johnson          6 year term  
Appointed Harold E. Collard, replacing Leonard A. Wright   6 year term  
Appointed Richard F. Poitevin for the unexpired term of Mr. McCracken, expiring 1960  
Appointed Dale Parish for the unexpired term of Raymond Shane, expiring 1960

It was moved by Councilman Rogers and seconded by Foote, that the above appointments be approved. Roll call resulted as follows: Yes, Councilmen Petersen, Foote, and Rogers; No, None; Motion carried.

No further business appearing, the Council was recessed to Thursday evening, March 8, 1956, at 8 P.M. It was moved by Councilman Rogers and seconded by Petersen, that the Council recess to Thursday evening, March 8, 1956, at 8 P.M. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

ATTEST: s/ S. R. Rostad  
CITY CLERK

s/ E. W. Fanning  
MAYOR

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