

NOVEMBER 8, 1955

The City Council of the City of Idaho Falls, Idaho, met in Recessed Session, November 8, 1955, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: E. W. Fanning, Mayor; Councilmen Freeman, Foote, Rogers and Petersen. Also present: S. R. Rostad, City Clerk; T. R. Peters, Purchasing Agent; Arthur L. Smith, City Attorney; C. R. Black, City Engineer.

The minutes of Meetings held on October 20th and November 4th, were read and approved. The following letter was read, to-wit:

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Honorable Mayor E. W. Fanning
City Council
Idaho Falls, Idaho

Gentlemen:

I am writing you in regard to old City Canal, which ran across the bottom of my land, located and described as Lot 1, Section 36, Township 3 North, Range 37 E. B. M. containing 39 acres more or less. This is located on the east side of the River to the East River Road, just below the power house and dam.

This canal has been abandoned for twenty years or more and is filled in many places. A large part is covered over by the U. P. Butte main line in several other places.

I would like permission to push the dirt that was dug out of the canal and piled on the east side of the canal on my place so that I can level up the ground and square up the lower end of my place so I can use the ground now covered with rocks and dirt out of the canal.

As the canal has been abandoned for a number of years and will never be used again, I am asking the City Council if they will give me a quit claim deed to that part of the old City Canal, which crosses the lower end of my place, so I can fill it in and use the ground now covered up.

I would appreciate it very much and would thank you for a reply as to your decision in the matter.

Respectfully yours,
s/ G. M. Morton

It was moved by Councilman Petersen and seconded by Foote, that the City Attorney is hereby instructed to prepare quit claim deed and the Mayor is hereby authorized to sign said deed.

Roll call resulted as follows: Ayes, 4; No, None; Motion carried.

A letter of November 8th, from G. Joe Pertile was read as follows:

Honorable Mayor and City Council,

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Gentlemen:

I am the owner of the north 67 feet of Lot 4, Block 2, of the W. O. Kunter Addition to the City of Idaho Falls, Idaho. The north 10 feet of my property is a dedicated easement which has rock almost entirely on the surface. The south 10 feet has no rock.

At present the sewer line from the houses in back of my property runs under my house.

I respectfully request that the easement on the north of my property be closed and I will deed an easement 10 feet wide along the south side of my property so that the sewer can be relocated without blasting.

Yours truly,
s/ G. Joe Pertile

The above letter was placed on file.

The bills against the City for the month of October 1955, having been audited by the Finance Committee, were presented for payment as follows, to-wit:

	<u>General Fund:</u>	<u>Water Works:</u>	<u>Elec. Light Fund:</u>	<u>Police Retirement:</u>
Salaries:	60,877.13	5,609.17	12,577.57	1,282.84
Supplies:	<u>24,195.90</u>	<u>6,190.47</u>	<u>55,538.93</u>	<u>.00</u>
Total:	85,073.03	11,799.64	68,096.50	1,282.84
GRAND TOTAL:		\$164,969.17		1,282.84

It was moved by Councilman Petersen and seconded by Foote, 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, 4; No, None; Motion carried.

The reports of the various Departments for the month of October 1955, were read. There being no objections, the reports were ordered placed on file.

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

BARTENDERS PERMITS: Gerald E. Hicks; Leonard Tallon; H. W. Eames; Gayle Scheets; Ronald Graham.

ROOMING HOUSE: Audry Maitland, Rialto Rooms, 429 Park Avenue.

MASTER PLUMBER: Irvin H. Lish, 599 J Street.

JOURNEYMAN PLUMBER: G. C. Bryant, 1040 Hillview

JOURNEYMAN ELECTRICIAN: Joe M. Dyer; Truman Wilson

It was moved by Councilman Rogers and seconded by Freeman, that the above licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

It was moved by Councilman Rogers and seconded by Petersen, that the Mayor and City Clerk are hereby authorized to sign RECIPROCAL FIRE FIGHTING ASSISTANCE AGREEMENT WITH

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THE UNITED STATES ATOMIC ENERGY COMMISSION. Roll call resulted as follows: Yes, Councilmen Petersen, Freeman, Foote and Rogers; No, None; Motion carried.

The following letter was read from E. Louis Leavitt;

November 1, 1955

City Clerk
City Building, Idaho Falls, Idaho

Dear Sir:

I wish to file a complaint against the City of Idaho Falls for damages sustained by me while driving on a City street.

The circumstances are as follows: I was driving south on Curtis Avenue between 17th and 18th on Thursday, October 20th, between 8:00 & 8:30 P.M. when I hit a manhole cover that was lying upside down in my lane of traffic. About mid-way in the block I felt a jolt and heard a loud bang. I immediately stopped and got out of the car to investigate. The noise was sufficient to bring the tenant from his home on the southeast corner of 17th and Curtis. It was he who saw the manhole cover and rolled it out of the lane of traffic. I attempted to drive on and noticed a "clanking" in my motor and drove to Bear Service Station on South Yellowstone Highway where the attendant showed me how I had badly damaged the driveshaft and cross frame on my car. On his advise, I left my car at my friend's home on 18th Street, to be towed on the following day.

I have reported this by phone to the City Street Engineer, Mr. Taylor, who in turn told me to file the claim with the General Adjustment Bureau. Mr. Hansen took the information there.

May I ask your earliest attention to this matter? It is most vital to me as I am being called away from the City about November 11th or 12th.

I thank you for your services.

Yours very truly,
s/ E. Louise Leavitt
204 1/2 5th Street

The above letter was referred to the City Attorney and Insurance Company.

RESOLUTION (Resolution No. 1955-20)

WHEREAS, heretofore in Local Improvement District No. 22 the following described real property situate in Bonneville County, Idaho, and described more particularly as follows, to-wit:

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Beginning at a point that is S. 88°47'30" E. 627 feet and S. 39.12 feet from the center of Section 30, TWP, 2 N. Range 38 E. B. M. and running thence East 49.9 feet, thence South 125 feet; thence West 49.9 feet, thence North 125 feet to the point of beginning.

was assessed in the amount of \$315.43; and

WHEREAS, said property was not at the time of said assessment, and is not now, situated within the City limits of the City of Idaho Falls; and

WHEREAS, said assessment was inadvertently made and was and is void.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS; that all purported assessments against the above described real property be, and they are hereby, declared void and cancelled.

IT IS FURTHER RESOLVED, that the City Treasurer be, and she is hereby authorized and directed to cancel from the Assessment Roll of said Local Improvement District No. 22 all assessments, penalties and interest against said property.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 8th day of November, 1955.

ATTEST: s/ S. R. Rostad
CITY CLERK

s/ E. W. Fanning
MAYOR

It was moved by Councilman Freeman and seconded by Rogers, that the above Resolution be accepted and passed. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

To the Mayor and City Council,
Idaho Falls, Idaho

We, the owners of property in Mathewson-Vercler Subdivision No. 1, lying across the street north of City owned property in five hundred block on the south side of 4th Street, and also the owners of the medical building, hereby request that the City retain this property for landscaping and to maintain the parking design across from the high school.

If for any reason the ownership cannot be held by the City, we request that the zoning be made not less than R-1 instead of as indicated on the new zoning map. If this property is finally zoned for building purposes we wish to express our desire that buildings should face north the same as the new clinic building and that no building be over one story in height.

Signed: John Berggren; Gordon W. Reynolds, M.D.; John L. Julian, DDS; John S. McMillan, MD; Dauchy Migel, MD; Alva C. Harris; Andrew Lee Jorgensen and Darwin A. Sucher

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The above letter was placed on file.

We, the undersigned taxpayers of Bonneville County, petition Mayor E. W. Fanning and the City of Idaho Falls to be taken in as part of said City with all responsibilities and privileges attached. (Ben Brothers Tract, Happyville)

Signed: Mr. & Mrs. Jay White; Mr. & Mrs. Acy L. Vest; Mr. & Mrs. Jeff Evans; Mr. Dron Harding; Mr. & Mrs. Keith Neville; Mr. & Mrs. John L. Staples; Mr. & Mrs. Merle Kirkham; Mr. & Mrs. Lewis Dartt; Mr. & Mrs. Quentin Barrett; Mr. & Mrs. Marvin Feely; Mr. & Mrs. Ted Bromley; Mr. & Mrs. Lewis Campbell; Mr. H. C. Roundy; Mr. & Mrs. Russell Sheeley; Mr. & Mrs. John Brown; Mr. & Mrs. Antone Brown; Mr. & Mrs. Ralph Walker; Betty A. Gifford; Fred H. Heese; Lewis L. Gifford; Mrs. Veneta Hymas; Melvin J. Hyman; Clifton D. Potter; Mr. & Mrs. Ivan Hodges

The above petition referred to the Street and Alley Committees and City Attorney.

NOTICE OF CLAIM FOR DAMAGES

To the City of Idaho Falls, and the City Clerk of the City of Idaho Falls, Bonneville County, Idaho

Take notice that in accordance with the provisions of Section 50-162 of the Idaho Code, I J. D. Woolf, hereby present you with my claim for damages against the City with the information required to be given under said Section as follows:

- 1) That the injury or loss for which I claim damages against the City occurred the 1st day of October, 1955.
- 2) That the loss for which I make claim arose out of an accident or injury occurring the 24th day of August, 1953.
- 3) That the character and manner of such injury and the facts concerned therewith are as follows: That on the 24th day of August, 1953, I had in my employ one George B. Poorman. That while the same George B. Poorman and myself were engaged in the removal of certain trees located at 406 North Ridge Avenue, Idaho Falls, Idaho the said George B. Poorman was electrocuted by an electric wire which had fallen to the ground after being disconnected by an employee of the City of Idaho Falls. That the said employee of the City of Idaho Falls failed to have the current turned off from the wire prior to allowing it to fall to the ground where I and said George B. Poorman were working.

The widow of said George B. Poorman, and the minor child of the said George B. Poorman, Della E. Poorman, on the 12th and 19th days of July, 1954, filed claim against me as the employer under the provisions of the Idaho Workman's Compensation Law. That pursuant and because of said claims judgment was entered against me in their behalf by the District Court of the Ninth Judicial District of the State of Idaho, in and for the County of Bonneville on the 1st day of October, 1955, as follows:

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“IT IS HEREBY ORDERED that claimant have judgment against defendant as follows:

1) For herself, as widow of the deceased workman, George B. Poorman, death benefits to date in the amount of \$837.68; the sum of \$16.67 per week for a period of 45 weeks, from September 28, 1955, to August 8, 1956; and thereafter the sum of \$20.00 per week from August 8, 1956, to April 24, 1961.

2) For herself as natural guardian and on behalf of Della E. Poorman, minor dependent daughter of said deceased, the sum of \$110.65; and the sum of \$8.33 per week for a period of 45 weeks from September 28, 1955 to August 8, 1956, when said minor dependant becomes 18 years of age.

3) For interest at 6% from date, on all overdue installments and at a like rate of all deferred installments from the due date of each.

IT IS FURTHER ORDERED that death benefits to either dependent shall terminate on the death or marriage of the beneficiary within her compensation period.”

4) That the liability imposed upon me under the Workmen’s Compensation Laws of the State of Idaho and the judgment rendered October 1, 1955 were a result of the negligence of the City of Idaho Falls, Bonneville County, Idaho.

5) That the amount of damages claimed by me is identical to the sum awarded Iola P. Poorman in the judgment hereinabove set out.

Dated this 19th day of October, 1955

s/ J. D. Woolf

The City Attorney then recommended that the claim of J. D. Wolf be rejected on the grounds that the claim was not filed within 30 days after the injury and death of George B. Poorman, and also on the grounds that the City was not at fault in the premises. It was moved by Councilman Freeman and seconded by Foote, that the recommendations of the City Attorney be accepted and the claim of J. D. Woolf be rejected. Roll call resulted as follows: Yes, Councilmen Petersen, Freeman, Foote and Rogers; No, None; Motion carried.

The following letter from the Yellowstone Company was read:

September 29, 1955

City Commissioners
City of Idaho Falls
Idaho Falls, Idaho

Re: Accident - 9/13/55
Our insured - Elsa S. Haas
Adverse party - Newell D. Barzee

Gentlemen:

“We wish to inform you that we represent the insurance company for Elsa S. Haas of Big Timber, Montana, whose vehicle was involved in an accident with a vehicle owned by

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Newell Dee Barzee of Route 3, Idaho Falls, on September 13, 1955, about 3:30 P.M. at the intersection of Maple and South Ridge Avenue in Idaho Falls.

Our insured was traveling south of Ridge Avenue and collided with the Barzee vehicle going west of Maple Street. Our investigation reveals that the (proximate cause) of this accident was due to the fact the stop sign on South Ridge Avenue had been broken off and had been lying on the ground not visible to our insured vehicle. Witnesses state that the stop sign had been broken off for approximately four days before it had been repaired properly. Our insured was from the State of Montana and had no knowledge that this intersection was controlled by a stop sign.

In light of these facts, we hereby make demand upon you for the cost to repair our insured's vehicle in the amount of \$319.80 by Smith-Hart Company of Idaho Falls, Idaho. May we hear from you concerning our claim on this matter."

Very truly yours,
YELLOWSTONE CO.
s/ Phil Bogler

A. L. Smith, City Attorney, then recommended that the claim of Yellowstone Company for Elsa S. Hess be rejected on the grounds that a municipality of Idaho is not liable for defects in traffic signs, the latter being a governmental function. It was moved by Councilman Freeman and seconded by Foote, that the recommendations of the City Attorney be accepted and that the claim of \$319.80 by the Yellowstone Company be rejected. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

It was moved by Councilman Rogers and seconded by Foote, that the Council adjourn. Motion carried.

ATTEST: s/ S. R. Rostad
CITY CLERK

s/ E. W. Fanning
MAYOR
