

NOVEMBER 6, 1953

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The City Council of the City of Idaho Falls, Idaho, met in Regular Session on November 16, 1953, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: E. W. Fanning, Mayor; Councilmen Rogers, Petersen, Freeman, and Foote. Also present: S. R. Rostad, City Clerk; T. R. Peters, Purchasing Agent; A. L. Smith, City Attorney; C. R. Black, City Engineer.

The minutes of a Meeting held on October 16, 1953, were read and approved.

The bills against the City for the month of October 1953, 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:	56,394.16	5,722.43	11,873.07	746.60
Supplies:	<u>46,145.39</u>	<u>1,538.71</u>	<u>35,427.77</u>	<u>.00</u>
Total:	102,539.55	7,261.14	47,300.84	746.60
<b>GRAND TOTAL:</b>		<b>\$157,848.13</b>		

It was moved by Councilman Petersen and seconded by Rogers, that the bills be allowed and the 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; Carried.

Mr. P. R. Muncey appeared before the Council regarding garbage cans near front door of residence. After considerable discussion, the Mayor said that he would discuss the matter with Mr. Muncey's neighbors.

The reports of the various Departments were read. There being no objections they were ordered placed on file.

The following applications for Bartender permits were presented to-wit: R. D. Bischoff, Jacks Chicken Inn, 1.00; Ronald Graham, Country Club, 1.00; Don Richards, Stockman's Bar. It was moved by Councilman Freeman and seconded by Petersen, that the above permits be granted. Roll call resulted as follows: Yes, 4; No, None; Carried.

The following application for Journeyman Electrician license was presented: Melvin J. Danielson, 645 Cleveland. It was moved by Councilman Petersen and seconded by Rogers, that the above license be granted. Roll call resulted as follows: Yes, 4; No, None; Carried.

The following license applications were presented, to-wit: Albertsons, 550 First Street, Soft Drinks, 1.00; Albertsons, Meat Market, 1.00; E. Davis, Skating Rink, 295 S. Eastern, 15.00. It was moved by Councilman Rogers and seconded by Foote, that the above licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Carried.

It was moved by Councilman Foote and seconded by Freeman, that the application for 1953 Packaged Beer license by Albertsons, 550 First Street, be granted. Roll call resulted as follows: Yes, 4; No, None; Carried.

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RESOLUTIONS

Two Resolutions were presented authorizing the Mayor and City Clerk, to make, execute and deliver a deed to the following property owners, for property described as follows: Pursuant to the provisions of Section 50-2951 Idaho Code.

Herbert Lehman. Lots 21 to 24, inclusive, Block 78, Highland Park Addition to the City of Idaho Falls, Idaho, as per recorded plat thereof.

R. S. Swanson. Lot 19, Block 63, Highland Park Addition, to the City of Idaho Falls, Idaho, as per recorded plat thereof.

It was moved by Councilman Petersen and seconded by Foote, that the above Resolutions be approved and passed. Roll call resulted as follows: Yes, 4; No, None; Carried

It was moved by Councilman Rogers and seconded by Freeman, that the application for Photographers license, by Frontier Studio, by A. M. Smith, owner, Cheyenne, Wyo., be denied or rejected on the grounds that other persons have been dissatisfied with the work of your field crew. Roll call resulted as follows: Yes, 4; No, None; Carried.

MINUTES APPEAL BOARD

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Members present: W. O. Cotton, H. M. Groesbeck, President; Frank Julian Buck & Joel G. Anderson, Building Inspector. Others present: Grant Packer, Jr., and Grant Packer, Sr. After due consideration of this case the Board of Adjustments recommend that this rezoning request be denied.

Respectfully submitted,

s/ W. O. Cotton

President, Board of Adjustment

It was moved by Councilman Rogers and seconded by Freeman, that the recommendations by the Board of Adjustment, be accepted. Roll call resulted as follows: Yes, 4; No, None; Carried.

A letter dated November 2<sup>nd</sup>, signed by Jay L. Nichols, 2<sup>nd</sup> Lt. Cap., Adjutant, requesting use of Armory on Saturday nights for dancing was read. It was moved by Councilman Foote and seconded by Petersen, that the above request be granted. Roll call resulted as follows: Yes, 4; No, None; Carried.

NOTICE OF CLAIM

Notice is hereby given to the City of Idaho Falls, Idaho, that Alma Rasmussen and DeEsta June Rasmussen, husband and wife, of Idaho Falls, County of Bonneville, State of Idaho, claimants herein, claim damages against said City in the amount of \$62.59 special damages and \$30,000.00 general damages.

The injury for which we claim damages against the said City occurred on the 18<sup>th</sup> day of September, 1953.

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The cause and character of such injury and facts connected therewith are as follows:

That on the said 18<sup>th</sup> day of September 1953, at about 8:00 o'clock in the evening, while walking in a westerly direction over and upon the sidewalk on the north side of Louis Drive in the City of Idaho Falls, Idaho, between what is known as North Capital Avenue and Memorial Drive, at a point approximately 117 feet west of the northwest corner of North Capital Avenue and Louis Drive, claimant DeEsta June Rasmussen's foot struck a raised and defective portion of the said sidewalk with great force and she was thereby tripped and caused to fall, and she did then and there fall upon said sidewalk with great force and she was, by reason thereof, seriously injured, in that her nose was fractured, eye bone fractured, possible skull fracture, her forehead bruised and cut and she suffered from concussion of the brain, causing her great physical and mental pain. Said injuries were so received without any fault on her part and solely through the carelessness and negligence of the said City of Idaho Falls, in failing to provide safe sidewalk for the said DeEsta June Rasmussen to travel at the time and place aforementioned; that said City permitted said defect in said sidewalk to exist for a long period of time so as to constitute a menace and a danger to the public using the sidewalk at the place aforementioned; that by reason of the premises, the said claimants have been put to a great expense in procuring necessary medical and surgical attendance, care and suitable nursing for the said claimant DeEsta June Rasmussen, and have been, and will be hereafter put to great loss and expense; that the said claimant, Alma Rasmussen, has been and will hereafter be put to great loss and expense in money by the loss of the claimant. DeEsta June Rasmussen's services, by reason of her injuries, and the said Alma Rasmussen has lost the comfort of the society and health of his said wife.

That as a result of said defective sidewalk, the claimants herein, have been damaged in the sum of \$62.59 for doctor's treatment, hospital care and drugs, which said sum is claimed as special damages, and a further sum of unknown amount for treatment, care and drugs which said claimants will be obliged to expend hereafter.

That as a result of said defective sidewalk and the resulting injuries, the said claimants have been damaged in the sum of \$20,000.00, general damages.

s/ Alma Rasmussen  
s/ De Esta June Rasmussen

State of Idaho                    )  
County of Bonneville        )SS

Alma Rasmussen and DeEsta June Rasmussen, husband and wife, being first duly sworn, each for himself and not one for the other, depose and say; That they are the above named claimants; that they have read the above and foregoing notice and claim and know the contents thereof, and believe the same to be correct, reasonable and just.

s/ Alma Rasmussen  
s/ DeEsta June Rasmussen

Subscribed and sworn to before me this 16<sup>th</sup> day of October 1953.

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Dorothy Grimmett  
Notary Public

The above claim was referred to the City Attorney for attention.

The following from S. H. Bennion, Secretary V-1 Oil Company, dated November 5, 1953, was read:

City of Idaho Falls  
Attention: City Clerk

Dear Sir:

You are hereby notified that the V-1 Oil Company, located at 1700 North Yellowstone Avenue, in the City of Idaho Falls, State of Idaho, sustained damage to its premises, located at 1700 North Yellowstone Avenue, City of Idaho Falls, State of Idaho, on the second day of November 1953, in the forenoon of said day.

The matter in which said damage occurred was as follows: On said day certain blasting operations were being conducted under the general supervision of the City Engineer in the alleyway between V-1 Oil Company and Ray E. Lundahl Company, property and were negligently performed so that V-1 Oil Company's warehouse sustained damage.

Damage to V-1 Oil Company is as follows: Extensive damage to concrete floors of warehouse plus damage to structural members and water mains of said warehouse.

On account of said damages, V-1 Oil Company claims damages against the City of Idaho Falls in the amount of \$1,442.00.

Sincerely yours,  
s/ S. H. Bennion  
Secretary-Treasurer

The above letter was referred to the City Attorney for attention.

Following a report by the City Attorney of the investigation of the claim filed by Paul H. Sechrist, against the City of Idaho Falls for personal damages in the sum of \$10,000.00, it was moved by Councilman Rogers and seconded by Freeman, that the claim of Paul H. Sechrist and the whole thereof be denied. Roll call resulted as follows: Yes, 4; No, None; Carried.

Following a report by the City Attorney of the investigation of the claim filed by Della Poorman thru her mother and guardian ad litem against the City of Idaho Falls for wrongful death of George B. Poorman, in the sum of \$5,000.00, it was moved by Councilman Freeman and seconded by Petersen, that the claim of Della Poorman and the whole thereof be denied. Roll call resulted as follows: Yes, 4; No, None; Carried.

Following a report by the City Attorney of the investigation of the claim filed by Iola B. Poorman, against the City of Idaho Falls for wrongful death of George B. Poorman, in the sum of

\$15,000.00. It was moved by Councilman Freeman and seconded by Petersen, that the claim of Iola B. Poorman, and the whole thereof be denied. Roll call resulted as follows: Yes, 4; No, None; Carried.

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RESOLUTION

WHEREAS, heretofore by virtue of proceedings had and conducted in creating and establishing Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, by reason of errors in the compiling of descriptions and improvements in said proceedings, erroneous assessments were made and levied against several tracts of land within said City, which tracts of land are hereinafter described:

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

1. That the assessments made and levied in Local Improvement District No. 23 for sewer against the following described three tracts of land be cancelled:

Lots 19 and 20, Block 25, of Capitol Hill Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

East 83 1/3 feet Lots 1, 2 and 3; Block 74, Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

West 41 2/3 feet Lots 1, 2 and 3, Block 74, Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

2. That the assessments heretofore made and levied in Local Improvement District No. 23 for sewer against the following described five tracts of land be reduced from \$850.00 per tract to \$425.00 per tract:

Lots 43 and 44, Block 58, Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

Lots 28 and 20, Block 59, Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

Lots 32, 33 and 34, Block 17, Capitol Hill Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

Lots 41 and 42, Block 58, Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

Lots 34 to 41, inclusive, Block 24, Capitol Hill Addition to the City of Idaho Falls, Bonneville County, Idaho, as per the recorded plat thereof.

IT IS FURTHER RESOLVED that the City Treasurer be, and she is, hereby authorized and directed to make all necessary entries and corrections pertaining to said District to carry out the cancellations and reductions of assessments as in this Resolution directed.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 6<sup>th</sup> DAY OF NOVEMBER, 1953.

ATTEST: s/ S. R. Rostad  
City Clerk

s/ E. W. Fanning  
Mayor

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

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE BUILDING CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING REGULATIONS AND STANDARDS FOR THE INSTALLATION AND MAINTENANCE OF OUTSIDE TELEVISION AND RADIO RECEIVING ANTENNA

The above Ordinance was read by the City Clerk. It was moved by Councilman Freeman and seconded by Petersen, that the above Ordinance be passed on its second reading. Roll call resulted as follows: Yes, Councilmen Rogers, Petersen, Freeman and Foote; No, None; Carried.

It was moved by Councilman Freeman and seconded by Petersen, that the application for light and water assistance by Elva Messmer be denied. Roll call resulted as follows: Yes, 4; No, None; Carried.

It was moved by Councilman Freeman and seconded by Foote, that the following list of old and uncollectible accounts as per list submitted by C. R. Crowley be charged off, plus the following accounts deemed worthless: Big Chief, B-78, 120.45; Palm Café c/o Charles A. Vahlberg, A-278B, 137.45; Palm Café c/o James Hill, A-278A, 91.35. Roll call resulted as follows: Yes, Councilmen Freeman, Foote, Rogers, and Petersen.

A list of accounts as submitted by C. R. Crowley:

F-98B	Mrs. Carlyle Hammer	11.20	F-236A	Mrs. Donna Wright	7.30	N-577	Audrie Haskell	66.50
J-284	Mrs. Kenneth Shaw	5.65	I-648	George Waters	7.35	OC-628	Norman Cobble	52.40
F-117	Norman Cobble	54.40	A-78	J. H. O'Neill	12.25	F-165ABC	Mrs. Jack	
H-154	Kenneth L. Morgan	47.40	L-96D	Wesley M. Ford	28.55	J-288	Haderlie	32.30
R-228	Clarence E. Freeman	33.60	OC-399	B. A. Eames	7.55		Hilda Lund	27.15
F-167A	Ray Blair	7.30	J-982	Larry Norris	14.95	J-616	Mark J. Hall	26.00
J-206	R. E. Miller	9.85	A-105	Union House	14.75	A-79A	Neil Rogers	5.80
H-60	Belva Ricks	9.05	M-61	W. R. Roberts	10.50	OC-117	Clay Hofhine	42.80
OC-83	Harley Walton	8.70	F-165AAA	Bessie Henry	52.99	G-81A	Don Donahue	43.40
F-135DA	D. W. Lowe	42.00	F-50A	Louise Garner	60.10	K-98	David Burns	23.75
J-938	Gayle Waters	7.30	J-240	Twila Haderlie	9.30	E-123A	Virgil Taylor	16.25
C-58A	Bud & Carls Station	16.85	F-288AB	Ulysses Thrasher	20.85	H-73B	D. V. Forbes	22.50
J-977	Francie Snarr	8.65	E-108C	Dean Simpson	9.05	F-335CF	Jack McFall	14.05
R-231	Bob Hayes	7.80	J-462	Harold A. Whitson	16.65	J-900	Geneva Campbell	7.80
J-397	Hubert Dugger	23.35	I-26A	Nettie Powell	36.10	D-23	J. J. McFarland	5.30
A-100B	James F. Hicks	6.55	H-203	Georgia Jones	14.80	F-273AAB	A. N. Carnes	5.10
N-530	Edwin Genter	6.85	OC-105ACC	W. R. Davis	14.20	R-480	Seth Robertson	15.85
K-98	George J. Sully, Jr.	38.30	F-154C	Penny Poole	5.50	F-13	B. L. Greene	20.50
I-218	Lyle Brown	10.10	I-375	Walter Smith	9.05	OC-611	John Dermer	13.55
G-62A	Mrs. James McDill	37.60	F-273AE	Morgan Bragg	14.80	K-176D	Melba Miller	17.45
J-787	William C. Leavitt	12.90	J-720	D. C. Clark	14.05	E-25	Marlene J. Head	9.90
F-316A	Harry Martin	15.00	D-153	Evelyn Tout	10.45	D-158	Martha Godfrey	4.85

J-683	Bud Ricks	11.70	J-372	Ms. Clarence Maas	23.75	I-117	Nolan Mortensen	14.65
A-114E	H. D. McChesney	25.50	A-100A	W. L. Howard	10.95	H-92A	Margaret McKinna	9.05
L-96D	David Church	18.70	N-697	Harry Jeffery	21.40	OC-94	Ardell O. Talbot	9.60
R-232	Lewis Robbins	28.05						

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

ATTEST: s/ S. R. Rostad  
City Clerk

s/ E. W. Fanning  
Mayor

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