

APRIL 17, 1953

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The City Council of the City of Idaho Falls, Idaho, met in Regular Session on April 17, 1953, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present, E. W. Fanning, Mayor; Councilmen Freeman, Foote and Rogers. Absent, Johnson. Also present: S. R. Rostad, City Clerk; T. R. Peters, Purchasing Agent; Claude R. Black, City Engineer; Arthur L. Smith, City Attorney.

The minutes of the Meeting held on April 8, 1953, were read and approved.

The meat inspector report for the month of March was read and ordered place on file.

It was moved by Councilman Foote and seconded by Rogers, that the bid as submitted by Pickett & Nelson, Idaho Falls, Idaho, in the amount of \$39,277.00 for the widening of Birch Street from Eastern Avenue to South Boulevard and Elm Street from Eastern Avenue to South Boulevard be accepted and contract awarded. On roll call voting Yes, Foote, Freeman, Rogers; Absent; Johnson; Carried.

The following applications for Bartender permits were presented, to-wit: Otis Shepherd, Whitehouse Bar; R. L. Shannon, Russett Bar; Joseph B. Krysty, White Horse; Eugene Petersen, Bonneville Hotel Lounge; Melor W. Soucie, Jacks Chicken Inn; Gayle Scheets, Jacks Chicken Inn; Ray Metcalf, Capitol Bar. It was moved by Councilman Rogers and seconded by Freeman that the above permits be granted and proper cards issued. On roll call voting Yes, 3; No, None; Carried.

It was moved by Councilman Freeman and seconded by Rogers, that the application by Wallace Everist (Everist Electric) Meridian, Idaho, for Electrical Contractor and Journeyman Electrician licenses be granted. On roll call voting Yes, 3; No, None; Carried.

The application for Master Plumber license (limited to Temple View project only) for F. A. Johnson, Eagle, Rt. #1, was presented. It was moved by Councilman Freeman and seconded by Foote, that the above limited license be granted. On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

The following applications for licenses were presented, to-wit: C. B. Whitney, Idaho Hotel, Journeyman Plumber; L. W. Bacon, 165 E. 16<sup>th</sup>, Photographer; Western Service Inc., Highland Park, Soft Drink. It was moved by Councilman Freeman and seconded by Foote, that the above licenses be granted. On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

It was moved by Councilman Freeman and seconded by Rogers, that the application by Garth L. Gehring, Highland Park, for Bottled Beer license be granted. On roll call, voting Yes, 3; No, None; Absent, Johnson; Carried.

The following applications for Substitute licenses for Slot Machines were presented; C. B. McNeil, Cheerio Club, one machine; Pete Piersanti, The Park, three machines. It was moved by Councilman Rogers and seconded by Foote, that the above substitute licenses be granted. On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

It was moved by Councilman Freeman and seconded by Foote, that the application for the transfer of 10 licenses, on 10 Slot Machines, transferred to Roscoe Hix, The Park, 149 Park Avenue, be granted. On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

It was moved by Councilman Freeman and seconded by Foote, that the application from the Clyde Beatty Circus, for license for one day, June 11, 1953, for circus, be granted. On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

APRIL 17, 1953

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RESOLUTION

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 10<sup>th</sup> day of November 1952, recorded in Book 85 of Deeds at Page 311, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots Twenty-nine (29) and Thirty (30) in Block Fifty-five (55) of Highland Park Addition to the City of Idaho Falls, Bonneville County, State of Idaho.

WHEREAS, Boyd Emery 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 all 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 by said purchaser, to make, execute and deliver to the said Boyd Emery a deed to said property, pursuant to the provisions of Section 50-2951 Idaho Code.

PASSED BY THE COUNCIL THIS 17<sup>th</sup> day of April, 1953.

APPROVED BY THE MAYOR THIS 17<sup>th</sup> day of April, 1953.

ATTEST: s/ S. R. Rostad  
City Clerk

s/ E. W. Fanning  
Mayor

It was moved by Councilman Freeman and seconded by Foote, that the above Resolution be passed and adopted. On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

ORDINANCE NO. 823

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.

The above Ordinance was read by the Clerk. It was moved by Councilman Freeman and seconded by Foote, that the above Ordinance be passed on its second reading. On roll call voting Yes, Freeman, Foote, and Rogers; No, None; Absent, Johnson; Carried.

APRIL 17, 1953

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ORDINANCE NO. 821

AN ORDINANCE VACATING AND CLOSING ONE CERTAIN EASEMENT IN KEEFER'S ADDITION TO THE CITY OF IDAHO FALLS, IDAHO, PER RECORDED PLAT THEREOF; FOR THE SOLE AND EXCLUSIVE USE OF ANDY KEEFER AND ELIZA KEEFER, THEIR HEIRS AND ASSIGNS; PARTICULARLY DESCRIBING SAID EASEMENT.

The above Ordinance was read by the Clerk. It was moved by Councilman Freeman and seconded by Rogers, 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 resulted as follows: Ayes, Freeman, Foote and Rogers; Nays, None; Absent, Johnson. The majority of all members of the Council 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 resulted as follows: Ayes, Freeman, Foote, and Rogers; Nay, None; Absent, Johnson. The majority of all the members of the Council having voted in the affirmative, the Mayor declared the Ordinance passed.

ORDINANCE NO. 822

AN ORDINANCE VACATING AND CLOSING ONE CERTAIN EASEMENT IN KEEFER'S ADDITION TO THE CITY OF IDAHO FALLS, IDAHO, PER THE RECORDED PLAT THEREOF; FOR THE SOLE AND EXCLUSIVE USE OF W. Q. BUTLIN AND FLORA BUTLIN, THEIR HEIRS AND ASSIGNS; PARTICULARLY DESCRIBING SAID EASEMENT.

The foregoing Ordinance was read by the City Clerk. It was moved by Councilman Freeman, seconded by Rogers, 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, Foote, Freeman and Rogers; Nay, None. Absent, Johnson. 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, Foote, Freeman, Rogers; Nay, None; Absent, Johnson. The majority of all the members of the Council having voted in the affirmative, the Mayor declared the Ordinance passed.

It was moved by Councilman Rogers and seconded by Freeman, that the minutes of Meeting held on February 20, 1953, be corrected or amended to include the Resolution to sell the following

APRIL 17, 1953

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described property and the appointment of Victor R. Larsen, Stanley E. Gagon, and Delbert W. Groberg, as appraisers to appraise the same; property described as follows, to-wit:

Beginning at a point that is South, 1021.78 feet and East, 1135.42 feet from the Northwest corner of Section 20, Township 2 North, Range 38, East Boise Meridian, (said point of beginning being the point of intersection of the South property line of 4<sup>th</sup> Street and the West property line Wabash Avenue) and running Thence N 89° 17' 10" W, 215.45; Thence south, 96.55 feet; Thence East 185.14 feet; Thence along a 30 foot radius curve to the left, 46.98 feet; Thence N 0° 16' E, 64.01 feet to the Point of Beginning, containing 0.454 acres, more or less.

On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

STATE OF IDAHO  
COUNTY OF BONNEVILLE ) SS.  
CITY OF IDAHO FALLS )

A Regular Meeting of the City Council of the City of Idaho Falls, Bonneville County, Idaho, was held on Friday the 17<sup>th</sup> day of April, 1953, at the hour of 8 o'clock P.M. at the City Hall, in Idaho Falls, Idaho, being the regular meeting place of said City Council, at which Meeting there were present and answering the roll call, the following:

E. W. Fanning,	Mayor
Russell A. Freeman,	Councilman
John B. Rogers,	Councilman
Donald R. Foote,	Councilman
There were absent:	
Vernon S. Johnson,	Councilman
There were also present:	
S. R. Rostad,	City Clerk
Arthur L. Smith,	City Attorney
Claude R. Black,	City Engineer

Thereupon, the following proceedings, among others, were duly had and taken:

Councilman Freeman introduced and moved the adoption of an Ordinance entitled: "An Ordinance Concerning Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, including assessments levied therein and bonds issued therefore; repealing Ordinances, or parts thereof, in conflict herewith and declaring an emergency."

The motion was made by Councilman Freeman and seconded by Councilman Foote, that the rules requiring Ordinances of a general and permanent nature to be fully and distinctly read on three different days be dispensed with and that said Ordinance be read in full and at length and placed upon its final passage.

APRIL 17, 1953

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Thereupon, the Clerk was ordered to call the roll on said motion and the roll call on said motion was as follows:

Those voting "Aye":

Russell A. Freeman	Councilman
John B. Rogers,	Councilman
Donald R. Foote,	Councilman

Those voting "Nay":

None

Absent:

Vernon S. Johnson,	Councilman
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The Mayor thereupon declared that the motion having been duly passed by not less than three-fourths of the Council, had been duly carried. The Ordinance was then read by the Clerk in full and at length as follows:

**ORDINANCE NO. 820**

AN ORDINANCE CONCERNING LOCAL IMPROVEMENT DISTRICT NO. 23 FOR SEWER FOR THE CITY OF IDAHO FALLS, IDAHO, INCLUDING ASSESSMENTS LEVIED THEREIN AND BOND ISSUED THEREFORE; REPEALING ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 811 passed and approved the 16<sup>th</sup> day of February, 1953, and thereafter published according to law, the City of Idaho Falls, in the County of Bonneville and State of Idaho, issued its negotiable coupon local improvements bonds of Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, Series December 10<sup>th</sup>, 1952, in the aggregate, principal amount of \$166,175.00 for the purpose of defraying, in part, the cost of the improvements in said District; and

WHEREAS, said bonds mature serially in substantially equal annual amounts on the 10<sup>th</sup> day of December in each of the years 1953 to 1962, inclusive, and are subject to prior redemption whenever there is money in the Bond Fund of said District, in addition to that necessary to redeem the maturity of principal of said bonds next accruing, sufficient to pay the principal of one or more of said bonds; and

WHEREAS, all monies constituting the payment of principal of unpaid installments of assessments levied against benefited property in said District, are placed in said Bond Fund; and

WHEREAS, said bonds, both principal and interest, respectively, are payable from said unpaid special assessments, both principal and interest, respectively, which were levied to

APRIL 17, 1953

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defray the cost of the improvements in said District by Ordinance No. 802 , passed and approved the 5<sup>th</sup> day of September, 1952, and thereafter published according to law, and

WHEREAS, Ordinance No. 806, passed and approved the 8<sup>th</sup> day of December, 1952, and thereafter published according to law, provides that no connection shall be made to any sewer line constructed or reconstructed within said District by any parcel of property outside said District, unless, prior to such connection, there shall be paid to said City, a fair, reasonable and just connection charge as therein provided; and

WHEREAS, said Ordinance created "Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, Local Improvement Guaranty Fund" for the sole purpose of guaranteeing to the extent of such Fund, the payment of said bonds and the interest thereon; and

WHEREAS, there is no provision for the prior redemption of said bonds with monies in said Guaranty Fund; and

WHEREAS, Section 6 of said Ordinance No. 806, provides that at such time, and not before, when all bonds, coupons and warrants of said District shall have been paid in full, the monies in said Guaranty Fund shall revert to the general fund of the City of Idaho Falls, Idaho; and

WHEREAS, the City Council of said City desire to modify said provision and to reduce the amounts assessed and levied against the benefited property in said District to the extent monies are available in said Guaranty Fund after all of said bonds, both principal and interest, have been redeemed, rather than to transfer said monies in said Guaranty Fund to the City's general fund; and

WHEREAS, so long as said bonds are outstanding, said City cannot amend any of said Ordinances to permit the prior redemption of said bonds with monies in said Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

**Section 1.** That at such time and not before, when all of the local improvement bonds of Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, Series December 10<sup>th</sup>, 1952, in the aggregate principal amount of \$166,175.00 heretofore issued and delivered, shall have been redeemed in full, both principal and interest, the assessments levied against property in said district to defray the cost of the sewer improvements therein shall be reduced on a pro rata basis.

**Section 2.** That, at such time, each assessment, whether paid or unpaid in whole or in part, shall be reduced by an amount bearing the same ratio to the whole amount of the

APRIL 17, 1953

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assessment that the total of the monies in Local Improvement District No. 23 for sewer for Idaho Falls, Idaho, Local Improvement Guaranty Fund bears to the aggregate of said assessments.

**Section 3.** That any assessment which is paid in full at such time shall be so reduced by refunding to the person making the last and final payment thereof, the amount due with monies in said Guaranty Fund. In making such refunding, the City Officials shall require the receipt of payment as referred to herein, and such refunding shall be made to any holder of said receipt, if proper assignment has been made to the holder by the person making the last and final payment, or any legal assignees thereof.

**Section 4.** That any assessment not paid in full at such time shall be so reduced by canceling the amount not yet paid in an amount not to exceed the amount the assessment is to be reduced, the difference between said amounts shall be refunded to the person making the last payment of the assessment after the unpaid assessment has been canceled.

**Section 5.** That the owner or owners of, or former owner or owners of, or any person having, or formally having, any interest in any parcel of property, shall have no claim against the City of Idaho Falls or any of the officers thereof concerning the disposition of monies in said Guaranty Fund or the reduction of said assessments, except to the extent of the pro rata share of said fund required to be repaid to the persons designated above as hereinabove provided.

**Section 6.** That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

**Section 7.** That all By-laws, Resolutions and Ordinances, in conflict with this Ordinance, are hereby repealed.

**Section 8.** That should the courts of this or any other state or of the United States, declare any section, provision, paragraph, clause, sentence, phrase, or part thereof, of this Ordinance invalid, unauthorized or unconstitutional or in conflict with any other section, provision, paragraph, clause, sentence, phrase, or part thereof, declared to be unconstitutional, unauthorized or invalid; and shall not affect any other part whatsoever of this Ordinance. The Mayor and City Council of the City of Idaho Falls, Idaho, hereby declare that it would have passed this Ordinance, and each section, provision, paragraph, clause, sentence or phrase hereof, irrespective of the fact that any one or more of the sections, provisions, paragraphs, clauses, sentences or phrases, or parts thereof, be declared invalid, unauthorized and unconstitutional.

**Section 9.** That, by reason of the fact that certain areas within the City of Idaho Falls need local improvements, it is hereby declared that in such a case of "riot, infectious or

APRIL 17, 1953

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contagious disease, or other impending danger," an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety, and that it shall be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THIS 17<sup>th</sup> DAY OF APRIL, 1953.

APPROVED BY THE MAYOR OF THE CITY OF IDAHO FALLS, IDAHO, THIS 17<sup>th</sup> DAY OF APRIL, 1953.

APPROVED: s/E. W. Fanning  
MAYOR

(SEAL)

ATTEST: s/ S. R. Rostad  
CITY CLERK

Councilman Rogers seconded the motion for the adoption of said Ordinance.

The City Clerk was then instructed to call the roll on the passage on the Ordinance and the roll call on said passage of said Ordinance resulted as follows:

Those voting "Aye":

Russell A. Freeman,	Councilman
John B. Rogers,	Councilman
Donald R. Foote,	Councilman

Those voting "Nay":

None

Absent,

Vernon S. Johnson,	Councilman
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The Ordinance was thereupon, by the Mayor, declared to have been duly passed.

It was moved by Councilman Rogers and seconded by Councilman Freeman, that the Clerk of the City be ordered to publish said Ordinance in full immediately and in at least one issue of the Post Register, a newspaper of general circulation in the City of Idaho Falls, Idaho, published daily except Sunday at Idaho Falls, Idaho.

Thereupon, the City Clerk was ordered to call the roll on said motion and the roll call upon said motion was as follows:

Those voting "Aye":

Russell A. Freeman,	Councilman
John B. Rogers,	Councilman
Donald R. Foote,	Councilman

APRIL 17, 1953

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Those voting "Nay":  
None

Absent:  
Vernon S. Johnson, Councilman

The Mayor thereupon declared that the motion was duly carried.

There being no further business to come before the Meeting, the Meeting was, on motion duly made, seconded and carried, adjourned.

s/ E. W. Fanning  
Mayor

(SEAL)  
ATTEST:  
s/ S. R. Rostad  
City Clerk

STATE OF IDAHO                    )  
COUNTY OF BONNEVILLE       ) SS.  
CITY OF IDAHO FALLS            )

I. S. R. Rostad, the duly chosen qualified and acting Clerk of the City of Idaho Falls, in the County of Bonneville and State of Idaho, do hereby certify that the foregoing pages numbered 1 to 7, both inclusive, are true, perfect and complete copies of the record of the proceedings of the City Council of the City of Idaho Falls, Idaho, had and taken at a Meeting of said City Council, held in the City Hall in said City, on the 17<sup>th</sup> day of April, 1953, at the hour of 8 o'clock P. M., as recorded in the regular official book of records of the proceedings of said City Council, kept in my office, and that said proceedings were duly had and taken as therein shown, that the Meeting therein shown was duly held, and that the persons therein named as present at said Meeting were present and shown by said minutes.

WITNESS my hand and the Seal of the City of Idaho Falls, Idaho, this 17<sup>th</sup> day of April, 1953.

(SEAL) s/ S. R. Rostad  
City Clerk

It was moved by Councilman Foote, and seconded by Rogers, that the sidewalks on all streets in North Bel-Aire Addition to Idaho Falls, excepting sidewalks on Royal Street, be 6' in width instead of 5' and set against the curb. On roll call, voting Yes, 3; No, None; Absent; Johnson; Carried.

It was moved by Councilman Freeman and seconded by Rogers, that the amount of approximately \$3800.00, for the purchase of new lawn mover, be included in next year's budget. On roll call voting Yes, 3; No, None; Absent, Johnson; Carried.

A letter from Faber F. Tway regarding B. R. Kelly DBA Kelley Tile Co. referred to the City Attorney.

APRIL 17, 1953

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

ATTEST: s/ S. R. Rostad  
City Clerk

s/ E. W. Fanning  
Mayor

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