

OCTOBER 8, 1941

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Minutes of a Regular Meeting of the City Council of the City of Idaho Falls, Idaho, held October 3, 1941, and recessed until October 8, 1941.

There were present at said Meeting: E. W. Fanning, Mayor; Lee Walker, City Clerk; Councilmen Sutton, Crabtree, Wasley, Freeman. When the following proceedings were had, to-wit:

Minutes of the last Regular Meeting were read and approved. The following monthly reports were read and approved: City Clerk; City Electrician; Waterworks Supt.; Street & Park Commissioner; Chief of Fire Department; City Sanitary & Meat Inspector; Police Judge; School & City Nurse.

The Finance Committee presented the following list of claims covering bills for the month of September, 1941, in the sum of \$36,794.37 which had been checked by the Purchasing Agent and approved by them, and they recommend that the same be allowed:

#632	American National Bank	6919.35
#633	First Security Bank	7188.38
#634	C. C. Anderson Co.	214.00
#635	A. P. Salvage Co.	44.84
#636	Abramson Tent & Awning Co.	21.90
#637	Acme Chemical Co.	32.55
#638	Addressograph-Multigraph Corp.	68.00
#639	Ralph L. Albaugh	5.85
#640	Hap Alzina	8.50
#610	American National Bank	672.60
#642	American National Bank	13.52
#643	American National Bank	351.57
#644	American National Bank	76.48
#645	C. C. Anderson Co.	40.00
#646	Ashton Glass & Paint Co.	.90
#647	Auto Parts Co.	166.18
#648	Geo D. Barnard Stationary Co.	73.08
#649	Bills Modern Market	4.50
#650	Preston A. Blair Co.	4.70
#651	Blasius Brothers	13.65
#652	Boise-Payette Lumber Co.	48.83
#653	Bonneville Abstract Co.	2.00
#654	Bonneville Auto Co.	93.00
#655	Bonneville Auto Co.	4.20
#656	Bonneville Flower Shop	3.00
#657	Bonneville Lumber Co.	44.88
#658	Boozer's Westside Service	36.28
#659	Ben Brothers	15.00
#660	Burroughs' Adding Machine Co.	43.40

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#661	C. W. & M. Co.	175.72
#662	California-Western States Life Ins. Co.	43.90
#663	Clark Concrete Construction Co.	335.05
#664	Columbia Equipment Co.	63.32
#665	Commercial Radio Equipment Co.	5.00
#666	Continental Oil Co.	55.44
#667	J. A. Coy	34.38
#668	W. S. Darley & Co.	70.85
#669	Eugene Dietzgen Co.	19.98
#670	Eastside Lumber Co.	11.62
#671	Eastside Paint Co.	9.34
#672	Eastman Kodak Stores, Inc.	9.53
#673	Equitable Life Assurance Society	180.54
#674	Equitable Steel Co.	37.83
#675	E. W. Fanning	24.45
#676	Firestone Auto Supply & Service	15.82
#677	First Security Bank of Idaho	416.47
#678	First Security Bank of Idaho	11.02
#679	Fletcher Oil Co.	63.38
#680	Harry's Flivver Shop	2.50
#681	Hedlund Hardware	6.45
#682	Hisgen Electric Co.	33.45
#683	Homer-Koster Co.	275.00
#684	C. P. Humphrey, Agent	6.00
#685	I. F. Battery Co.	112.37
#686	I. F. Electric Co.	7.40
#687	I. F. Sash & Door Co.	16.65
#688	I. F. Sheet Metal Works	13.20
#689	I. F. Welding & Repair Shop	22.71
#690	Idaho Typewriter Exchange	6.00
#691	Idaho Typewriter Exchange	29.50
#692	Independent Sales Co.	103.81
#693	Johnson Brothers Planing Mill	34.37
#694	J. Frank Julian	13.44
#695	Kellogg Stationer	23.50
#696	S. H Kress & Co.	7.72
#697	Ivan W. Lee	13.50
#698	Log Cabin Service	1253.56
#699	Lovinger Disinfectant	20.00
#700	Geo. A. Lowe Co.	31.36
#701	MacKenzie Auto Equipment	5.84

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#702	Meierotto Machine Shop	38.45
#703	The Midland Elevators	66.27
#704	Montgomery Wars & Co.	51.66
#705	Mt. States Tel. & Tel.	64.30
#706	E. N. Musselman & Son	13.00
#707	New Club Café	50.50
#708	Nudelman Bros.	3.50
#709	Obrey's Welding Shop	48.93
#710	Oden Motor Supply Co.	134.18
#711	Pearson & Larch	3.52
#712	Peterson Furniture Co.	2.00
#713	The Post Register	181.85
#714	A. D. Radinsky	34.00
#715	Peter M. Ramsing	53.50
#716	Reed Hardware & Implement Co.	150.00
#717	Reed's Riteway Stores	2.25
#718	Reliance Oil Co.	10.50
#719	Remington Rand, Inc.	90.30
#720	Paul Roberts Machinery & Supplies	16.33
#721	Salt Lake Hardware Co.	77.12
#722	Geo. M. Scott & Sons	3.00
#723	Sears, Roebuck & Co.	.98
#724	Sheehan's Welding Shop	28.00
#725	Shell Oil Co.	7.74
#726	Sinclair Refining Co.	8.05
#727	Smith-Hart Co.	4.21
#728	Snake River Ins. & Realty Co.	600.00
#729	Soft Water Service	8.00
#730	Standard Oil Co. of California	15.00
#731	Texas Co.	58.73
#732	Chas. F. Todd	35.00
#733	Tri-State Lumber Co.	86.15
#734	Geo. C. Tway & Co.	4.25
#735	United Electric Supply Co.	9.80
#736	Utah Oil Refining Co.	29.35
#737	Utah Power & Light Co.	13.80
#738	Lee Walker, City Clerk	135.55
#739	Berne Walton	100.00
#740	Western Auto Supply Co.	5.62
#741	Western Powder Co.	630.00
#742	Westmont Tractor & Equip Co.	309.73

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#743	F. W. Woolworth	8.70
#744	Zion's Wholesale Grocery	2.40
#745	Galvin Manufacturing Corp.	317.50
#746	American National Bank	925.00
#747	First Security Bank of Idaho	630.75
#748	Blasius Bros.	3.50
#749	C. W. & M. Co.	2758.16
#750	Clark Concrete Const. Corp.	1.50
#751	Mt. States Tel. & Tel. Co.	6.75
#752	Rensselaer Valve Co.	489.80
#753	Tri-State Lumber Co.	1.77
#754	Geo. C. Tway & Co.	145.61
#755	American National Bank	2882.80
#756	First Security Bank of Idaho	999.50
#757	C. C. Anderson Co.	60.00
#758	Auto Parts Co.	7.75
#759	Bennett Air Service	2.00
#760	Boise-Payette Lumber Co.	39.54
#761	Bonneville Lumber Co.	7.53
#762	Boozer's Westside Service	428.40
#763	C. W. & M. Co.	61.91
#764	Continental Oil Co.	2.68
#765	Eastside Lumber Co.	45.00
#766	Foxboro Co.	14.86
#767	General Electric Co.	44.94
#768	General Electric Supply Co.	425.13
#769	Hedlund Hardware	1.30
#770	I. F. Electric Co.	2504.41
#771	I. F. Electric Co.	18.72
#772	Martindale Electric Co.	14.23
#773	Meierotto Machine Shop	3.00
#774	Modern Electric Supply Co.	346.22
#775	Montgomery Ward & Co.	8.98
#776	Mt. States Tel. & Tel.	23.50
#777	Obrey's Welding Shop	34.70
#778	Oden Motor Supply Co.	60.51
#779	Salt Lake Hardware Co.	5.01
#780	Sheehan's Welding Shop	17.68
#781	Sorensen Electric Co.	110.65
#782	Tri-State Lumber Co.	43.12
#783	The United Seal Co.	3.36

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#784	Utah Power & Light Co.	226.10
#785	Lee Walker, City Clerk	18.18
#786	Idaho Falls Foundry	25.00

It was moved by Sutton and seconded by Wasley that the bills for the month of September 1941, in the sum of \$36,794.37 be allowed, and warrants be drawn on the proper funds in payment of same. Roll call voting Aye: Wasley, Freeman, Sutton, Crabtree; Nay: None; Motion carried.

The following applications for building permits were read:

- No. 2813 signed by Fern Biewer
- No. 2814 signed by Oscar Arneson
- No. 2815 signed by John Hurley
- No. 2816 signed by L. E. Hill
- No. 2817 signed by Tom Smallwood
- No. 2818 signed by H. L. Weeks
- No. 2819 signed by Peter Weyer
- No. 2820 signed by M. P. Ward
- No. 2821 signed by Ray Groth
- No. 2822 signed by Tony J. Hahn
- No. 2823 signed by Tony J. Hahn
- No. 2824 signed by State of Idaho
- No. 2825 signed by F. Mattson
- No. 2826 signed by Shirley Palmer
- No. 2827 signed by M. Hudman
- No. 2828 signed by A. M. Matson
- No. 2829 signed by W. O. Shively
- No. 2830 signed by Reliance Oil Co.
- No. 2831 signed by Bertha Adamson

It was moved by Crabtree, seconded by Sutton, that the permits be approved. Roll call voting Aye: Freeman, Sutton, Crabtree, Wasley; Nay: None; Motion carried.

The following applications for Electrician's licenses were read:

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| Electrical Contractor                       | Harry L. Poole                                |
| Electrical Contractor<br>for Heating Equip. | I. F. Bonded Warehouse<br>Holland Furnace Co. |
| Journeyman Electrician                      | Leonard Bray<br>C. Bierman                    |

It was moved by Sutton, seconded by Freeman, that the licenses be granted. Roll call voting Aye: Crabtree, Wasley, Freeman, Sutton; Nay: None; Motion carried.

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The following applications for licenses were read:

Journeyman Plumber	W. H. Grow
Bowling Alleys	Hi-Ho Bowling Alley
	Play-way Bowling Alley
Pool Tables	The Den
	John Ford's
	Kellar's Cigar Store
	Floyd Mead
	Snowballs
Sunday Pictures	Gayety Theatre
	Paramount Theatre
	Rio Theatre
Taxicabs	City Cab
	Yellow Cab

It was moved by Wasley, seconded by Freeman, that the licenses be granted. Roll call voting Aye: Sutton, Crabtree, Wasley, Freeman; Nay: None; Motion carried.

An Ordinance entitled "AN ORDINANCE DEFINING MILK, MILK FAT AND BUTTER FAT: DEFINING THE TERM 'PASTEURIZATION': AND DEFINING GRADE A PASTEURIZED MILK", was read in full by the City Clerk. It was moved by Sutton, seconded by Crabtree, that the Ordinance be passed on its first reading. Roll call voting Aye: Wasley, Freeman, Sutton, Crabtree; Nay: None; Motion carried. It was moved by Wasley, seconded by Freeman, that the rule of law requiring that an Ordinance be read at three separate Meetings be suspended, and the Ordinance be placed on its second and third readings. Roll call voting Aye: Freeman, Sutton, Crabtree, Wasley; Nay: None; Motion carried. The Ordinance was again read in full by the City Clerk. It was moved by Crabtree, seconded by Wasley, that the Ordinance be passed on its second reading. Roll call voting Aye: Crabtree, Wasley, Freeman, Sutton; Nay: None; Motion carried. The Ordinance was again read in full by the City Clerk. It was moved by Sutton, seconded by Wasley, that the Ordinance be passed on its third and final reading, and be adopted and approved. Roll call voting Aye: Sutton, Crabtree, Wasley, Freeman; Nay: None; Motion carried.

The Ordinance was then numbered 553 and passed to the Mayor for his approval and was, by him, the Mayor, duly signed and approved and ordered published in one issue of the Post Register, the official newspaper of the City of Idaho Falls.

The following Resolution was read:

**RESOLUTION CONSTITUTING AGREEMENT WITH**  
**THE UNITED STATES RELATIVE TO OPERATION AND MAINTENANCE**  
**OF THE IDAHO FALLS MUNICIPAL AIRPORT**

WHEREAS, the Administrator of Civil Aeronautics of the United States Department of Commerce referred to as "Administrator", acting pursuant to the terms of the Department of Commerce Appropriation Act, 1942 (Public Law 135, 77<sup>th</sup> Congress, Title II), has designated as  
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necessary for national defense a project ( herein called the "Project") for development of the Idaho Falls Municipal Airport (herein called the Airport), which project is identified as S-904-10-3; and,

WHEREAS, as a condition precedent to release and operation of the Project, the Administrator requires that the City of Idaho Falls have title in fee simple to the landing area of the Airport and the lands to be improved under the Project and enter into such an agreement and desires to avail itself of the benefits of prosecution of the Project:

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

**Section 1.** That for and in consideration of development of the Airport by the Government as contemplated by the Project the City of Idaho Falls does hereby covenant and agree with the Government as follows:

(a) The Government shall have the right to develop the Airport as it sees fit, including the right to determine the exact nature of the improvements to be made under the Project, the manner in which the Project is to be conducted, the amount of Federal Funds to be extended, and all other matters relating to the Project. The City of Idaho Falls will cooperate with the Government to insure prosecution of the project without interference or hindrance, and agrees to permit the agents and employees of the Government and all persons authorized by the Administrator, to enter upon, use, and occupy the Airport as the Administrator may deem necessary or desirable in connection with the conduct of the Project.

(b) The City of Idaho Falls agrees to indemnify and save harmless the Government against and from any and all claims and damages which may arise from or in connection with the carrying out of the Project, excepting claims for materials furnished or work performed pursuant to authority given by officers, employees, or agents of the Government.

(c) It is understood and agreed that all improvement made under the Project shall be the sole and absolute property of the City of Idaho Falls, except where specifically agreed otherwise, in writing, prior to the undertaking of the improvement or installation in question.

(d) The City of Idaho Falls agrees that, continuously during the term of this agreement, the Airport will be operated as such, and for no other purpose, and that unless utilized exclusively for military purposes, it will at all times be operated for the use and benefit of the public, on reasonable terms and without unjust discrimination, and without grant or exercise of any exclusive right for use of the Airport within the meaning of Section 303 of the Civil Aeronautics Act of 1938.

(e) The City of Idaho Falls agrees that it will at all times during the term of this agreement maintain in good and serviceable condition and repair the entire landing area of the Airport and all improvements, facilities, and equipment which have been or may be made, constructed, or installed with Federal Aid, including all improvements made under the Project, other than facilities and equipment owned by the Government.

(f) Insofar as is within its powers and reasonably possible, the City of Idaho Falls will prevent any use of land either within or outside the boundaries of the Airport, including the construction, erection, alteration, or growth, of any structure or other object thereon, which would be a hazard to the landing, taking-off, or maneuvering of aircraft at the Airport, or otherwise limit its usefulness as an Airport.

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(g) In order to protect the rights and interests of the Government under this Resolution, the City of Idaho Falls agrees that it will not enter into any transaction which would operate to deprive any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction and obligation to perform all such covenants as assumed by another public agency.

**Section 2.** That the City of Idaho Fall does hereby warrant and represent to the Government as follows:

(a) That the City of Idaho Falls has title in fee simple to all the lands comprising the landing area of the Airport and to all lands to be improved under the Project, which lands are shown on the sketch attached hereto as part of Exhibit A, and that said lands are held free from any lien or encumbrance.

(b) That the City of Idaho Falls has the power and authority to adopt this Resolution and to perform all of the covenants contained therein;

(c) That the City of Idaho Falls is financially and practically able to perform all of the covenants contained in this Resolution;

(d) That there is no pending or threatened litigation or other legal proceeding, and no material and relevant fact, which might adversely affect the prosecution of the Project, and operation of the Airport, or the performance of any of the covenants contained in this Resolution, which has not been brought to the attention of the Administrator;

(e) That the City Council of the City of Idaho Falls has complied with all requirements of law in adopting this Resolution.

(f) That such of the above representations and warranties as involve questions of law are made upon the advice of the City Attorney of the City of Idaho Falls, whose certificate as to such matters has been previously delivered to the City Council and is annexed hereto and made a part hereof, as Exhibit A.

**Section 3.** That the City Attorney and City Clerk be, and they are, authorized to furnish the Administrator such legal factual information relative to the Airport, the Project, and this Resolution as he may reasonable request.

**Section 4.** That Sections 1 and 2 of this Resolution shall become effective upon the award of any construction contract for any portion of the Project or the inauguration of any portion of the Project under force account, and shall continue in full force and effect during the useful life of the improvements made under the Project.

**Section 5.** That two certified copies of this Resolution be sent forthwith to the Administrator, through the Regional Manager of Civil Aeronautics , Seattle, Washing."

It was moved by Sutton, seconded by Wasley, that the Resolution be adopted and approved. Roll call voting Aye: Wasley, Freeman, Sutton, Crabtree; Nay: None; Motion carried.

The following applications for widows' allowance on water and light accounts were read: Kathryn Gordon; Belinda J. Potter; Annie P. Hamilton.

It was moved by Sutton, seconded by Freeman, that the widows be granted the regular allowance. Roll call voting Aye: Freeman, Sutton, Crabtree, Wasley; Nay: None; Motion carried.

It was moved by Sutton, seconded by Wasley, that the Mayor be authorized to accept the agreement with F. L. Hansen, to purchase his 120 acres of land for \$27,950.00 which includes the  
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water rights and the house. Mr. Hansen is to move all the other buildings from the land. Roll call voting Aye: Crabtree, Wasley, Freeman, Sutton; Nay: None; Motion carried.

It was moved by Sutton, seconded by Freeman, that the Meeting adjourn. Roll call voting Aye: Sutton, Crabtree, Wasley, Freeman; Nay: None; Motion carried.

Passed and approved this 17<sup>th</sup> day of October, 1941.

ATTEST: s/ Lee Walker  
CITY CLERK

s/ E. W. Fanning  
MAYOR

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