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Minutes of a regular meeting of the City Council of the City of Idaho Falls, Idaho, held March 3rd, 1939, and recessed until March 6th, 1939.

There were present at said meeting Chase A. Clark, Mayor; Lee Walker, City Clerk; Councilmen Evans, Sutton, Wing, Fanning, Mehlhoff, Wasley. Absent: Crabtree and Gourley. When the following proceedings were had, to wit:

The following bids for addition to Library Building were opened and read:

<u>Bids</u>	<u>Base Bid</u>	<u>Alternate</u>		No. 3	No. 4	No. 5	<u>Item</u>	
		No. 1	No. 2				No. 1	No. 2
James Christensen Blackfoot, Idaho	\$51,191.00	\$1235.00	\$441.00	\$1130.00	\$810.00	\$900.00	\$2.50	\$16.50
Enock Chytraus Co. Salt Lake City, UT	48,960.00	1094.00	403.00	1169.00	573.00	779.00	1.00	14.00
Johnson & Mickelson Logan, UT	45,800.00	1104.00	430.00	1145.00	560.00	800.00	1.00	15.00
D. J. Sweeney Idaho Falls, ID	43,000.00	500.00	425.00	1130.90	960.00	1000.00	1.00	16.00
Johnson Bros. Idaho Falls, ID	48,400.00	950.00	500.00	1140.00	760.00	1100.00	1.00	16.00
Yancey & Goodwin Blackfoot, Idaho	53,967.00	1350.00	475.00	1200.00	1025.00	600.00	1.00	17.50

It was moved by Evans, seconded by Mehlhoff, that the bids be taken under advisement. Roll call. Voting aye: Sutton, Wing, Fanning, Mehlhoff, Wasley, Evans. Absent: Crabtree and Gourley. Motion carried.

The following bids for heating equipment for Armory Building were opened and read:

Sig Johannesen	Bid	\$1,392.80
R. L. Kerr	Bid	1,326.48
Geo. Fugate-I.F. Plg. & Heating	Bid	1,101.05
Geo. C. Tway & Co.	Bid	1,160.90
A. O. Miller	Bid	1,177.90
Scott Bair	Bid	1,191.00
D. G. Sautter & Sons	Bid	1,195.90
N. O. Brown	Bid	1,271.97
Leonard D. Sautter	Bid	1,161.34
Salt Lake Hdwe Co. (Stoker only)	Bid	686.61
Grinnell Co. (Less Stoker)	Bid	739.21

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It was moved by Sutton, seconded by Mehlhoff, that the bids be referred to the Building Committee, architect, and Purchasing Agent with power to act. Roll call. Voting aye: Wing, Fanning, Mehlhoff, Wasley, Evans, Sutton. Absent: Crabtree and Gourley. Motion carried.

The Finance Committee presented the following list of claims covering bills for the month of February, 1939, in the sum of \$29,864.37 which had been checked by the Purchasing Agent and approved by them, and they recommend that the same be allowed:

#1060	American National Bank	\$4378.13
#1061	First Security Bank of Idaho	7595.06
#1062	American National Bank	10.58
#1063	Auto Parts Company	40.32
#1064	W. A. Baker & Co.	2.07
#1065	Blasius Bros.	2.95
#1066	Boise-Payette Lumber Co.	222.20
#1067	Bonneville Auto Co., Inc.	8.09
#1068	Bonneville Lumber Co.	24.21
#1069	J. Ed Browning, Inc.	34.77
#1070	Clark Concrete Construction Corp.	294.07
#1071	C. W. & M. Co.	153.64
#1072	Continental Oil Co.	44.62
#1073	J. A. Coy Coal Co.	48.15
#1074	Dennis & Dennis	15.00
#1075	G. O. Deschamps	15.15
#1076	The Earl Building	103.75
#1077	East Side Lumber Co.	385.05
#1078	Eastman Kodak Stores, Inc.	6.53
#1079	Equitable Life Assurance Society	161.10
#1080	First Security Bank of Idaho	110.00
#1081	First Security Bank	12.90
#1082	Fletcher Oil Co.	6.05
#1083	Gene's Coal & Seed Co.	19.00
#1084	Hedlund Hardware	2.83
#1085	Hisgen Electric Co.	82.00
#1086	Huntington Labs. of Colo.	10.74
#1087	I. F. Animal Prod. Co.	51.00
#1088	I. F. Battery Co.	38.62
#1089	I. F. Electric Co.	19.62
#1090	I. F. Foundry	244.90
#1091	I. F. L. D. S. Hospital	39.00
#1092	I. F. Sheet Metal Works	23.40

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#1093	The Frederick Post Co.	14.54
#1094	Johnson Planing Mill	12.60
#1095	Lighthouse Electric Co.	27.00
#1096	Gussie M. Lundburg	0.80
#1097	McHan's Funeral Home	32.08
#1098	Meierotto Machine Shop	2.75
#1099	Midland Elevators	20.52
#1100	A. O. Miller	1163.10
#1101	Mt. States Tel. & Tel. Co.	53.65
#1102	Mueller Company	4.95
#1103	E. N. Musselman & Son	110.95
#1104	George Myers	8.18
#1105	New Club Café	16.00
#1106	Norton Door Closer Co.	2.15
#1107	Oden Motor Supply Co., Inc.	19.13
#1108	Photo-Blue Co.	19.17
#1109	The Post-Register	17.98
#1110	A. D. Radinsky	29.82
#1111	Reliance Oil Co.	16.50
#1112	Salt Lake Hardware Co.	254.21
#1113	Sandy's Super Service	10.58
#1114	Geo. M. Scott & Sons	5.60
#1115	Sears, Roebuck & Co.	13.95
#1116	Shattuck Insurance Agency	122.90
#1117	Sheehan's Welding Shop	19.00
#1118	Shell Oil Company	34.75
#1119	Smith-Hart Co.	4.42
#1120	South Side Service	11.25
#1121	Standard Oil Co. of California	21.06
#1122	State Insurance Fund	1817.90
#1123	Tandy & Wood	171.30
#1124	Tri-State Lumber Co.	172.89
#1125	Utah-Idaho Sugar Co.	69.98
#1126	Utah Oil Refining Co.	41.10
#1127	Lee Walker, City Clerk	113.31
#1128	Westcott Oil Company	558.87
#1129	Western Auto Supply Co.	20.40
#1130	Westmont Tractor & Equipment	167.47
#1131	F. W. Woolworth Co.	1.75
#1132	Wright Mercantile Co.	25.00

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#1133	Zion's Wholesale Grocery	4.27
#1134	American National Bank	845.27
#1135	First Security Bank of Idaho	451.00
#1136	C. W. & M. Co.	35.54
#1137	General Lead Mfg. Co.	27.58
#1138	Hoff Coal & Ice Co.	50.40
#1139	I. F. Battery Co.	1.19
#1140	Layne & Bowler Corporation	711.00
#1141	Mt. States Tel. & Tel. Co.	6.50
#1142	Rensselaer Valve Co.	62.56
#1143	Trohn's Supplies, Inc.	17.00
#1144	Lee Walker, City Clerk	75.47
#1145	American National Bank	2496.00
#1146	First Security Bank of Idaho	2164.26
#1147	Abramson Tent & Awning Co.	72.04
#1148	Auto Parts Company	34.31
#1149	Preston A. Blair Co.	5.43
#1150	Boise-Payette Lumber Co.	78.39
#1151	C. W. & M. Co.	1366.33
#1152	East Side Lumber Co.	102.02
#1153	Electric Steel Foundry Co.	25.48
#1154	General Electric Supply Corporation	566.09
#1155	Clyde Hess, Distributor	45.80
#1156	Idaho Falls Battery Co.	5.29
#1157	Idaho Falls Electric Co.	95.50
#1158	Johnson Planing Mill	4.50
#1159	Midland Elevators	43.00
#1160	Modern Electric Co.	17.27
#1161	Mt. States Tel. & Tel. Co.	20.00
#1162	The Rawlplug Co., Inc.	8.96
#1163	Salt Lake Hardware Co.	44.83
#1164	Sheehan's Welding Shop	20.30
#1165	State of Idaho	457.00
#1166	Tri-State Lumber Co.	258.95
#1167	United Seal Co.	12.38
#1168	Utah Power & Light Co.	13.00
#1169	Lee Walker, City Clerk	9.74
#1170	Walt's Welding Shop	15.00
#1171	Westcott Oil Company	38.59
#1172	Western Auto Supply Co.	10.16

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#1173	Westinghouse Electric Supply Co.	20.79
#1174	Westmont Tractor & Equipment	90.12

It was moved by Fanning, seconded by Sutton, that the bills for the month of February, 1939, be allowed, and warrants be drawn on the proper funds in payment of same. Roll call. Voting aye: Wing, Fanning, Mehlhoff, Wasley, Evans, Sutton. Absent: Gourley and Crabtree. Motion carried.

The following applications for building permits were read:

No. 1981 signed by M. C. Esplin
No. 1982 signed by P. C. Chase.

It was moved by Sutton, seconded by Mehlhoff, that the permits be approved. Roll call. Voting aye: Fanning, Mehlhoff, Wasley, Evans, Sutton, Wing. Absent: Gourley and Crabtree. Motion carried.

The following applications for licenses were read:

Soft Drinks: Hiway Café
Master Plumber: Hugh Fairless.

It was moved by Fanning, seconded by Wing, that the licenses be granted. Roll call. Voting aye: Mehlhoff, Wasley, Evans, Sutton, Wing, Fanning. Absent: Gourley and Crabtree. Motion carried.

Contract No. L.D.9959 between Union Pacific Railroad Company and City of Idaho Falls covering water pipe line crossing was read. It was moved by Sutton, seconded by Wasley, that the Mayor be authorized to sign the contract. Roll call. Voting aye: Mehlhoff, Wasley, Evans, Sutton, Wing, Fanning. Absent: Gourley and Crabtree. Motion carried.

The following letter was read:

"February 28, 1939

Ralph Albaugh, Esq.,
City Attorney
Idaho Falls, Idaho

Dear Sir:

I am enclosing to you herewith a digest or brief of the cases supporting my claim in behalf of Al Johnson against the city for damages in blockading the means of ingress and egress to and from

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his service station on the Yellowstone Highway, and on the West side thereof, approximately at or near the West end of Lomax St. from Dec. 7, 1938, to Jan. 28, 1939.

Mr. Johnson is a young man who established his service station at the place I have designated, in April, 1938, I think, and he carefully advertised it, and looked after it. We are able to submit a detailed account of his business for the month immediately prior to his unfortunate experience with the City. This is proper evidence and will be accepted in any court, as I have, upon careful investigation, found this to be the law.

BUSINESS FROM Nov. 7 to Dec. 7, 1938:

Gas sold, 18547 Gal. At profit of	\$774.72
Sold 30 cases ring-free oil, profit	67.50
Sold 50 gal. \$.15 oil at profit of	15.00
Sold \$240.00 tires and Acc. profit	61.25
Profit on grease and grease jobs	<u>50.00</u>
	972.47

During that month his overhead was as follows:

Labor	\$75.00
Rent	75.00
Light & Water about	<u>8.00</u>
	158.00
Net Profit	<u>814.47</u>

On this basis, with a new monthly profit of \$814.47, we find that it amounts, on a basis of approximately \$30.00 per day, which was cut to \$15.00 per day for the month of Jan. 7 to Jan. 28, his loss of profits amounted to \$1315.00.

Now we have not taken account of business which has been taken away from him permanently. He lost numerous good, steady customers, who sought and apparently found, other places at which to trade, because they could not get into Johnson service station.

Neither have we taken into account any other element of damage, and we will settle with the city for \$1315.00, and please do not make a counter offer, as it will not be accepted. In offering to settle for this sum, we do not thereby waive our rights to go into court and demand a larger sum for damages which, as we have stated, we have not taken into account here. However, we are not looking for a law suit. We do not want one. In fact you, as a lawyer, know that I personally dislike law suits.

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Furthermore, we feel, personally, very friendly towards the present administration, but you cannot, and I am sure you will not, ask me to further infringe on Mr. Johnson's rights by settling, or offering to settle for, a smaller sum.

One more point, on account of the losses Mr. Johnson has already sustained, he has been unable to meet payments which he otherwise would have met, and the entire matter will result in the entire and absolute loss of his business unless this matter is taken care of, and payment made to him by the end of the week.

We are submitting our legal authorities herewith.

Thanking you, and the members of the City Council, and the Mayor (for all of whom I hold a high regard), for a favorable reply and consideration of this matter, I am

Sincerely yours,
Kenneth S. Mackenzie."

The Mayor referred the letter to the Street and alley Committee and City Attorney.

It was moved by Wasley, seconded by Mehlhoff, that the meeting recess until March 8th, 1939, at 8 o'clock p.m. Roll call. Voting aye: Evans, Sutton, Wing, Fanning, Mehlhoff, Wasley. Absent: Crabtree and Gourley. Motion carried.

Passed and approved this 17th day of March, 1939.

s/ Chase A. Clark

Mayor.

Attest:

s/ Lee Walker

City Clerk.