

JANUARY 13, 1970

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The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Special Meeting on Tuesday, the 13<sup>th</sup> day of January, 1970, at the hour of 7:30 P.M. at the Little Theatre at 601 South Holmes Avenue, Idaho Falls, Idaho; due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City. Fearing and over-flow crowd, the Mayor had previously declared that the meeting would be held, instead, at the Civic Auditorium, 601 South Holmes Avenue, Idaho Falls, Idaho, across the hall from the Little Theatre.

On roll call the following members, constituting a quorum, were present: Mayor ProTem Jim Freeman, Councilmen Gordon Nelson, Paul Hovey, Melvin Erickson, Jack Wood, Jr. Absent: Mayor S. Eddie Pedersen, Councilman Dale Parish. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Don Lloyd, Public Works Director; Joe Laird, City Engineer; Ed Turner, Design Engineer.

Mayor ProTem Jim Freeman announced that this was the time and the place for a public hearing, as advertised, for the presentation and consideration of written and oral protests and other comments relative to the creation and establishment of Local Improvement District #40, commonly referred to as the Capital Hill Storm Drainage District. Freeman welcomed those present and gave a brief history of the proposed district. Freeman then called on City Clerk Roy Barnes for the presentation and reading aloud of the following written protests:

January 12, 1970

TO WHOM IT MAY CONCERN:

We the undersigned would like to protest the Local Improvement District #40. We believe that it is not going to benefit us and therefore think we should not have to pay this added expense.

Florence Wright	462 Cleveland	Mabel Ryner	609 Cleveland
Mrs. Wm. Harker	355 No. Holmes	Mr. & Mrs. Louis Cannon	653 Cleveland
Ora Lake	498 Cleveland	Mr. & Mrs. Bob Rapp	375 No. Freeman
Mr. & Mrs. Gee Melgaard	456 Cleveland	Sophia E. Rapp	650 May
Mr. & Mrs. Wren Harrop	411 Lomax	J. Richard Rapp	625 May
Mr. & Mrs. Odis Miller	646 Cleveland	Hilda May Burnham	268 Lomax
LeGrande Leavitt	595 Gladstone	Eleanor Hopkins	348 Garfield
Mr. & Mrs. Mark Rapp	653 Garfield		

January 13, 1970

To the Mayor and the City Council of Idaho Falls:

This is a letter of protest for Local Improvement District No. 40 of the City of Idaho Falls.

JANUARY 13, 1970

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1. In this part of town, the people No. 40 will involve are mostly older people or young couples just starting out and we cannot afford to pay any more than we are now.
2. We don't know of any reason for this improvement. The people in this neighborhood have not had any trouble with the sewer or drainage. So why must we be burdened with another payment we cannot afford?
3. Do to the rising cost of living - higher insurance rates - higher property taxes - higher interest rates - you can not buy or sell property as it is. So we see NO reason of adding more cost to it. We simply cannot afford more cost and we feel we do not need it.

We the undersigned therefore are strongly opposed to this improvement at this time.

Sincerely,

The Clyde E. Meyers	348 Cleveland	The Thomas A. Nessens	560 Cleveland
The Clifford Grovers	360 Cleveland	Ronald T. Hopkins	348 Garfield
The Sherden E. Hadleys	335 Cleveland	The Delbert Walkers	616 Garfield
The Lloyd E. Nashs	385 Cleveland	The Mark Rapps	653 Garfield
The Frank Rivers	396 Cleveland	The Dean Hinckleys	325 W 17 <sup>th</sup>
Velma M. Pierson	434 Cleveland	The Don Larsens	670 Garfield
The Ervin Hadleys	503 Holmes	The Lyle Hansens	780 Cleveland
Ruby Oswald	435 Cleveland	The David Thomas'	623 Cleveland
The Homer Porters	370 Cleveland		

January 10, 1970

Dear Sirs:

Please count me as objecting to your proposal, Local Improvement District #40. Please get more engineers advise on this. You don't level a piece of ground against the lay of the land. Especially through lava rock.

s/ Esther Bolinder  
425 Garfield

January 11, 1970

Dear Mr. Barnes,

As we are property owners in the said district that you figure on assessing in the new drainage sewer improvements known as "Local Improvement District #40 of the City of Idaho Falls", we are letting you know that we are definitely not in favor of it at all.

JANUARY 13, 1970

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We do not think that it is at all necessary in the least bit, as there are not that many bad storms in this area to make this much of a flood threat in this area.

So we stand on the record as disapproving of this and any other improvement passage on the above said improvement proposal.

Your truly,  
The Oscar A. Bolinders  
Rt. 1, Box 134  
Firth, Idaho

In the matter of the Local Improvement District No. 40, I am NOT in favor of this and think it is a waste of property owners money. Which most cannot afford.

In this area there is approximately 2" annual rain fall and this is no threat to the area of Capital Hill; If there is curb & gutter to take the run off, so it doesn't pond up.

My property is in one of the lowest areas in this area. And I have not been flooded since curb and gutters were installed.

s/ Pete Bolinder  
422 May Street

Sharp, Anderson & Bush  
January 9, 1970

Mr. Roy Barnes:

Please accept this letter as a protest on behalf on John H. Boozer, also known as J. H. Boozer and Dora Boozer, his wife, the owners of the following described property, to-wit:

Beginning at the intersection of the centerline of closed Gladstone St., and the produced west line of Lot 11, Block 14, Dwight's Addition to the City of Idaho Falls, Idaho, and running thence east along the said centerline of Gladstone St. 52.18 feet; thence south 37.32 feet; thence east 66.72 feet to the westerly property line of N. Yellowstone Avenue; thence S 36°25' W along said westerly property line of N. Yellowstone Ave., 154.93 feet to the centerline of the closed alley in the said Block 14; thence west along the centerline of said alley, 26.7 feet, more or less, to the west line of Lot 11, produced; thence north 162. feet to the point of beginning.

to the creation of a Local Improvement District to be known as Local Improvement District No. 40 of the City of Idaho Falls.

JANUARY 13, 1970

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This protest is made on the grounds and for the reasons that the proposed improvement district does not provide any benefit to the above described property and that the expense of proposed cost allocated to said property is completely disproportionate to any benefits that might be received and that the improvement described is not necessary.

In the event that you are not willing to accept this written protest in lieu of a personal appearance at the meeting of the City Council on January 13, 1970, would you kindly advise the undersigned prior to the date of that meeting.

Very truly yours,  
s/ Eugene L. Bush

cc: John H. Boozer

Sharp, Anderson & Bush  
January 12, 1970

Honorable Mayor and City Council  
City of Idaho Falls  
Idaho Falls, Idaho

RE: LOCAL IMPROVEMENT DISTRICT NO. 40

Dear Sirs:

We hereby submit a protest on behalf of Mrs. Zenna W. Call to the initiation to the Local Improvement District Number 40 and the inclusion of Mrs. Call's property therein.

Mrs. Call owns property located east of the highway in Block 13 of the Mayflower Addition to the City of Idaho Falls.

Protest is submitted for the reason that the proposed work is not necessary, the property owned by Mrs. Call will not be benefited thereby, that the District is not for the best interests of the property affected, including the property of Mrs. Call, that the district is not for the best interests of the municipality at this time and the cost is excessive.

Would you please file this protest and have it considered at the protest hearing?

Sincerely yours,  
s/ W. J. Anderson

cc. Mrs. F. W. Call

JANUARY 13, 1970

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Calvary Baptist Church  
January 12, 1970

City Clerk  
City of Idaho Falls  
Idaho Falls, Idaho

Dear Sir:

This is in response to your recent notification concerning resolution of intention to create Local Improvement District No. 40. For the construction of drainage sewer improvements in the Capitol Hills Addition and certain areas adjacent thereto.

The officers and other members of Calvary Baptist Church are concerned about the potential financial impact of the proposed improvements. Although this letter is not submitted as a formal protest to the basic concept of an improvement district, the church believes that the City should furnish additional information concerning benefits that the improvements are postulated to provide and the criteria to be used in determining individual cost assessments. The absence of official information or benefits and cost as specifically related to the church prevents our full evaluation of the matter at the present time.

The church property is located in the southeast portion of the proposed improvement district. The property consists of a parcel of land of approximately 200,000 square feet and a church building situated thereon near the northwest corner of the intersection of First Street and Fanning Avenue. The property is not adjacent to any of the proposed drainage lines as described in your notice. Drainage benefits to be derived by the church are not readily apparent. Although we cannot state that benefits will be nil, we note that the absence of proposed drainage lines in proximity to the property gives rise to this possibility. Because the church has not experienced any problem of drainage, we are especially concerned about an assessment for construction that is of doubtful value to us and for which we do not feel a need.

We recognize that property values within the district may be enhanced by the installation of drainage lines. We believe however, that any such enhancement and other possible benefits to property owners will vary according to the respective location of their property. Seemingly your notice acknowledges this in the following words:

“to assess the cost and expense thereof by special assessment levied against and upon  
\*\*\* the lots, tracts and parcels of land in said district specially benefited by such  
improvements in proportion to the benefits to be derived by the property assessed\*\*\*.

The questions that arise are: How can realistic and fair assessments be established “in proportion to the benefits to be derived by the property assessed?” By what means and by

JANUARY 13, 1970

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whom will the relative benefits to the various property owner as established? And how will individual assessments be related thereto? An article in the Post Register dated January 4, 1970, intimates that assessment will be on the basis of "3.46 cents per sq. ft." of owned land. If this is the case, the Church will be assessed about \$7,000. Such an assessment will create financial difficulties. Also, we seriously doubt that the value of church property will be enhanced by an amount that even approaches such a sum.

One other point that concerns us is the possibility of additional cost for drainage lines that may be installed at the time Lomax and Gladstone Streets are extended eastward. We assume that these extensions will be made in due course. The absence of drainage lines in the southeastern corner of the proposed plan suggests that one or more lines will be installed concurrently with future street construction. If so, will that result in additional assessment to the owners of property in that portion of the district?

We will appreciate receiving your response to the points and questions raised in the foregoing paragraphs. We repeat that this is not a formal protest to the City's plan for an improvement district as such, but rather that it is an expression of concern with respect to the seemingly minor benefits and potentially high cost to Calvary Baptist Church. Establishment of our final position on the matter must necessarily await clarification of the questions on benefits versus cost and the possibility of additional cost at the time Lomax and Gladstone Streets are extended eastward.

Respectfully,  
s/ E. O. Meals, Trustee  
s/ F. L. Benton, Trustee  
s/ C. E. Forkel, Trustee

January 13, 1970  
430 May Street

City of Idaho Falls  
Roy C. Barnes, Clerk  
Dear Sir:

I own the property located at 430 May Street and have resided there and paid taxes for 24 years. During all this time I have never known of any serious damage to any property being flooded by the lack of inefficient sewerage.

I object to the creation of Local Improvement District as proposed.

Yours truly,  
s/ Lavella Case

JANUARY 13, 1970

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January 8, 1970

TO: Idaho Falls City Clerk

Dear Sir: I am herewith writing my protest against the proposed improvement mentioned in your letter dated December 18 - but received by me January 7<sup>th</sup>, 1970.

The two lots I own will not be improved by the proposed improvements as far as I can determine. I have already paid for an improvement and do not wish to pay for another. The value of said lots do not permit any further investment on my part.

Please place me on record as opposed to this improvement in your letter.

Sincerely,  
s/ J. M. Collette  
302 11<sup>th</sup> Street

Voshell & Wright  
January 13, 1970

Honorable Mayor and City Councilman  
% Roy C. Barnes  
City Clerk of Idaho Falls

Gentlemen:

Mr. Kenneth K. Dehnert, the owner of portions of Lots 23, 24, and 25, of Block 11, Capitol Hill Addition to Idaho Falls hereby files his written protest to the proposed Local Improvement District #40 for a storm drainage system in the Capitol Hill area.

The basis of objection and his protest is because of economic hardship, brought on by increased building and maintenance costs, including taxes, which cannot be passed on to lessees under present competitive property rental rates.

Objection is made also to the inclusion of the Dehnert property above described in said proposed district because it is not involved, affected or benefited by the proposed Local Improvement District.

Kenneth K. Dehnert  
By: s/ Jack G. Voshell

JANUARY 13, 1970

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January 13, 1970

City Council  
City of Idaho Falls, Idaho

We do hereby wish to register our objections to the proposed local improvement district no. 40 for the City of Idaho Falls, Idaho. As buyers of three parcels of land in this area we have not experienced any difficulty or have we seen difficulties which this proposed improvement district is purported to correct. In our opinion the tax burden to us for the benefits derived would be highly excessive and would not increase the value of our property.

Parcels of land involved are:

Block 17, Lots 22-24, Capitol Hill Addition  
Block 25, Lots 21-24, Capitol Hill Addition  
Block 25, Lots 25-32, Capitol Hill Addition.

Yours very truly,  
s/ E. W. Ferguson

January 9, 1970

City of Idaho Falls  
P.O. Box 220  
Idaho Falls, Idaho

ATTENTION: City Clerk  
RE: PROPOSED LOCAL IMPROVEMENT DISTRICT FOR DRAINAGE,  
NORTH FREEMAN AVENUE

Gentlemen:

Until we have the opportunity to make a further investigation, please note our protest to the proposed local improvement district for the area along North Freeman Avenue adjacent to our property. This proposed L.I.D. is set for hearing the evening of Tuesday, January 13. Please note our protest accordingly.

Sincerely,  
MINGO, INC.  
By: s/ Roger B. Hougen  
Owners of Flamingo

JANUARY 13, 1970

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To the City Clerk and  
Whom It May Concern:

I protest strongly against the establishing of Improvement District No. 40.

I have never been troubled by water, even after severe storms or thaws.

I cannot afford to pay for something I do not need. In fact it is a struggle just to live and pay taxes - with nothing else added to the burden.

Please NO.

Mrs. Ellen Flint  
579 Lomax

Idaho Falls, Idaho  
January 10, 1970

Gentlemen of the City Council of Idaho Falls:

I am writing this letter requested by Mr. Roy Barnes, City Clerk. This is concerning the sewer drainage improvement.

My property is in the Capitol Hill Addition, Block 29-Lots 40-41.

I have been the owner of this property for several years but my health broke down. So I wasn't able to work any longer. So I turned my place over to the State and started receiving some help from them but my health keeps getting worse, calling for operations, 6 in all. Am having to spend a lot of money between times. So I have had to have a lot of help from the DPA and now they are the biggest owners of the property. I am a very small owner. It would be impossible for me to do anything. I am sending the letter I received from your office to the DPA. They will take care of it for me.

Respectfully,  
s/ Mrs. Evalean Fullmer  
253 First Street

G & S Investments Co.  
% Joe McGrane  
Box 1138  
Idaho Falls, Idaho

JANUARY 13, 1970

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January 12, 1970

City Clerk  
City of Idaho Falls  
P.O. Box 220  
Idaho Falls, Idaho

Dear Sirs:

This letter is to protest against establishment of Local Improvement District No. 40 of the City of Idaho Falls, as passed in City Resolution No. 1, on December 18, 1969.

The undersigned are the owners of Lots 17 to 22, Block 3, Capitol Hill Addition.

The cost of making such improvements at this time of peak inflation will cause undue hardship on the property owners who are operating small businesses in this area. The need for the project at this time does not warrant the high cost, in our opinion.

Sincerely,  
s/E. W. Graybeal &  
Hazel Skelton  
dba G & S Investment Co.

City of Idaho Falls

We don't need a storm sewer and cannot pay for it on social security. We have paid enough for sewer already.

s/ Mrs. Elsie Goldman  
620 Garfield

Idaho Livestock Auction  
January 9, 1970

Honorable Mayor & City Council  
Idaho Falls, Idaho

Gentlemen:

We respectfully wish to file protest to Local Improvement District #40 of the City of Idaho Falls.

JANUARY 13, 1970

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The economic condition of the County as a whole and the agricultural industries in particular do not justify any expenditure for capital expenditures at this time.

We are the owners of Block 4, Lots 14-37 & 38-43 W of highway & road, Block 5, Lots 12-33 & alley & road Block 12, Lots 21-24 N & W of highway S ½ College all in Capitol Hill Addition.

Block 15 Lots 7-11 included in N ½ of vacated alley Mayflower Addition.

Parts of Block 1 and 4 vacated portions of College & Whittier Streets plus the west half of vacated Emerson Avenue. And Lots 1-3 & Lots 36-45 & part of Lot 46, plus the S ½ of vacated College Street.

You can readily see that this proposed improvement is entirely too costly for us in the present economic condition to agree with this improvement district.

We respectfully protest this improvement district.

IDAHO LIVESTOCK  
COMMISSION CO.  
s/ F. E. Skelton, Pres.

Roberts, Idaho  
January 7, 1970

Mr. Roy C. Barnes  
City Clerk  
Idaho Falls, Idaho

Dear Mr. Barnes:

I want to file my protest against local improvement district No. 40 for a drainage sewer system in Capitol Hill Addition.

With continuing increase in taxes, I think it is unwise for property owners to take on this additional expense.

Block 23, Lots 17-19, Capitol Hill Addition

s/ Bessie M. Jones

January 12, 1970  
Idaho Falls, Idaho

JANUARY 13, 1970

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To the Mayor and City Council of Idaho Falls:

This is a letter of protest for local improvement district no. 40 of the City of Idaho Falls.

1. Why must we be burdened with another payment we cannot afford? Why? At a time when most of us are over burdened anyway. Most of the residents that live in this improvement are older people or young couples just starting out.
2. We do not know of any reason for this improvement. This neighborhood has not had any trouble with sewer or drainage.
3. You cannot sell or buy property as it is. With money being so tied up. Property taxes are up again. Insurance rates are higher, interest rates are almost impossible and unbelievable. We see no reason of adding more cost to the property.
4. What has happened to the old fashioned idea of SAVINGS? Even our president said we should hold the line or cut down on expenses. Not a burden the taxpayer with more expenses.
5. To combat the inflationary trend we should all be willing to do without some of the things we want.

Therefore, we the undersigned are very strongly opposed to this improvement at this time.

Sincerely,  
s/ Mrs. Jerome Keller  
s/ Jerry B. Keller  
Rt. #4, Box 208

January 9, 1970

Mr. Roy C. Barnes

Dear Sir:

In regards to the letter you sent me, of drainage and sewer improvements, am against it for myself, as I am not faced with this problem. It wouldn't be of any improvement to my property. Being a widow living on Social Security, don't feel that I should be assessed for this project. Where it will be of no benefit to me.

Yours truly,  
s/ Mae King  
485 N. Higbee

JANUARY 13, 1970

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Kofoed Painting Company  
January 12, 1970

City of Idaho Falls  
Office of the City Clerk  
P.O. Box 220  
Idaho Falls, Idaho

Gentlemen:

We wish to protest Resolution No. 1 which is known as "Local Improvement District No. 40 of the City of Idaho Falls" for drainage sewer improvements.

We feel that these improvements will not benefit us or justify the amount of money it will cost.

Yours sincerely,  
s/ Sheril L. Kofoed  
Kofoed Painting Company

January 13, 1970

Mayor and City Council  
City of Idaho Falls  
Idaho Falls, Idaho

Gentlemen:

I am opposed to Local Improvement District No. 40 (Drainage - Capitol Hill) I cannot afford additional expenses at this time.

s/ Mrs. M. B. Kroll

January 12, 1970  
Idaho Falls, Idaho

City of Idaho Falls  
Office of the City Clerk  
P. O. Box 220  
Idaho Falls, Idaho

Dear City Clerk (Roy Barnes)

JANUARY 13, 1970

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This letter is to inform you we, (Amelia & William Lawson), are not in favor of your new idea in building a waste disposal in our area. We have lava in our area and the water goes in the ground. The only runoff we have is when we get a heavy rain or the snow melts fast and then there is water everywhere, not just in our area. Besides our property is on a hill and we would have no need for such a project.

So there are two votes against your project because we will not be benefited by this project.

Sincerely,  
s/ The Lawsons  
798 Garfield

692 Garfield Street  
Idaho Falls, Idaho  
January 8, 1970

The Honorable Mayor S. Eddie Pedersen  
Mayor of Idaho Falls  
Idaho Falls, Idaho

RE: LOCAL IMPROVEMENT DISTRICT NO. 40 OF THE CITY OF IDAHO FALLS, BLOCK  
17, LOTS 3-4, CAPITOL HILL ADDITION

Sir:

Approximately 10-15 years ago, as owner of the above described property, I was assessed and paid charges for sewer installation. I have no intention of paying for an additional improvement, resulting from the City's lack of foresight and planning regarding the growth within the City.

Granting of building permits within the City should not be governed only by the revenue from such permits, but must consider existing facilities, such as sewer and street improvements which may not, because of poor City planning, be capable of accommodating additional volume.

If there must be improvement, then those property owners who were not previously assessed should pay at this time, not those who have already paid their fair share.

Very truly yours,  
s/ Fern (Rapp) Lewis

JANUARY 13, 1970

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Idaho Falls, Idaho  
January 10, 1970

City of Idaho Falls

Dear Sir:

I would like to place a formal protest against our property being assessed so heavily for something we do not need and cannot afford to pay for.

I know there are areas in the City that need taken care of, but this being a large City project, I believe every home owner should share the cost, not just the ones that happen to be close to where the pipes pass.

In the 15 years we have lived here, we have had no trouble with floods at any level. We are on Social Security, so our funds are very limited. Naturally, I feel put upon.

Sincerely,  
s/ Mrs. L. McClanahan  
453 Lomax

January 8, 1970

Dear Roy C. Barnes

Dear Sir:

Your letter of January 6, 1970, received. My protest is: You have not informed me what the cost will be to me and any other information you have as to how this is to be paid such as cash in full amount or by payments and interest, etc. If I do not know my cost for the project then count me out. Thank you. If my cost is too much, I will advise you.

s/ D. A. McCune  
Leadore, Idaho

January 13, 1970

Mr. Mayor and City Councilmen:

I am very much against the new improvement district. Being a widow I can't see where I could pay the assessment. We had hard enough time on the others on this place and my husband was here then to help.

JANUARY 13, 1970

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Besides the water problem isn't up here it's down on the lower end.

But I am very much in protest against the district improvement.

Thank you,  
s/ Mrs. J. W. McKenzie  
441 Garfield Street

Idaho Falls, Idaho  
January 12, 1970

To the Mayor & City Councilmen:

We wish to add our protest to others being sent to you.

We have been taxed on something for the last twenty years.

We strongly object to this issue.

s/ Marion McKenzie  
s/ Grace McKenzie  
315 Cleveland

January 13, 1970

City Council  
City of Idaho Falls, Idaho

We do hereby wish to register our objections to the proposed Local Improvement District No. 40 of the City of Idaho Falls, Idaho. As buyers of three parcels of land in this area we have not experienced any difficulty or have we seen difficulties which this proposed improvement district is purported to correct. In our opinion the tax burden to us for the benefits derived would be highly excessive and would not increase the value of our property.

Parcels of land involved are:

Block 26, Lots 21-24, Capitol Hill Addition

Block 26, Lots 11-14, Capitol Hill Addition

Block 28, Lots 30-31, Capitol Hill Addition.

Very truly yours,  
s/ Verle Metcalf  
s/ Margaret Metcalf  
542 Gladstone

JANUARY 13, 1970

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Idaho Falls, Idaho  
January 14, 1970

Dear Sir:

I am LaMont Moore, I live at 320 Lomax Street, Block 29, Lots 19-20, Capitol Hill Addition.

I protest this sewer project our taxes are so high now that we can hardly keep our heads above the water. I had to quit working a year ago last September, on account of my health. I have such a large hospital, doctor, and drug bill and the only income that I have is my Social Security which isn't very much, therefore I will have to protest the project.

Yours very truly,  
s/ LaMont Moore  
320 Lomax

Firth, Idaho  
January 13, 1970

City of Idaho Falls

To Whom It May Concern:

I'm opposed to the boundary line on east side for the storm drainage, and further more the cost is too much.

My property is on the hill and I lived there more than 20 years and I know that all the drainage from my property didn't flow west, it went east.

Seems like a few of us pay and pay to the City. We are really getting taxed to death, seems maybe we shouldn't try to own anything. Can't seem to keep up with it all.

Respectfully,  
s/ Mrs. Olga Nickerson  
875 First Street

January 13, 1970  
Idaho Falls, Idaho

To Whom It May Concern:

JANUARY 13, 1970

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I am in strong protest of the storm sewer plan for Capitol Hill. We are taxed to death for these poor man's lots now and we cannot bear anymore.

We have no need for this improvement as far as I am concerned, and we cannot afford it.

s/ Betty Rapp  
653 Garfield

653 9<sup>th</sup> Street  
Idaho Falls, Idaho  
January 13, 1970

Mayor S. Eddie Pedersen  
and City Council  
Idaho Falls, Idaho

Gentlemen:

With regards L. I. D. #40, the cost of this project that will be prorated to the property owners is so high, in excess of \$100 for a 25' lot, that it appears to me the property owners in this area would be hard pressed to be able to afford that amount of money.

I understand there are many widows and others who just cannot afford such a heavy assessment. Likewise, I feel that I cannot afford this heavy assessment on my property which consists of Block 28, Lots 46-48, and Block 29, Lots 1-5.

If this could be done with more money coming from some other source and less being assessed against the property owners, then I think this might be a feasible project.

Sincerely,  
s/ Grant P. Packer, Jr.  
653 9<sup>th</sup> Street

January 13, 1970

J. Richard Rapp  
625 May Street  
Idaho Falls, Idaho

Honorable Mayor S. Eddie Pedersen  
& Councilmen of the City of Idaho Falls  
City Building  
Idaho Falls, Idaho

JANUARY 13, 1970

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Dear Sirs:

I, J. Richard Rapp, residing at 625 May Street, Capitol Hill Addition in Idaho Falls, Idaho, do hereby protest the establishment of the proposed storm sewer on the basis of the rate of assessment of the costs of said storm sewer.

This residential district is occupied by people who are widows with Social Security checks as their only means of income, elderly retired persons of the same means of income, working widows with families, wage earners, and etc.

The residential part of said improvement district is assessed at the same rate, 3.46 per square foot of property, as the commercial district consisting of grocery stores, gasoline filling stations, hardware stores, garages, automobile dealers, auto supply accessory stores, building supply stores, machine and foundry shops, sheet metal, livestock companies, appliances, and sporting goods stores.

I hereby protest the unequal and unfair assessment ratio and petition the City of Idaho Falls, Mayor and City Council to equalize the assessment between commercial and residential district, inasmuch as the major part of the storm sewer will service the commercial district. I hereby submit this letter of protest and petition for an equalization of the assessment ratio.

Respectfully,  
s/ J. Richard Rapp  
625 May Street

I protest this Local Improvement District 40. Property described is Block 22, Lots 25-26, Capitol Hill Addition.

s/ Emma Rhoades  
590 Gladstone

I protest District #40, for flood control. Property described is Block 26, Lots 1-6, Capitol Hill Addition.

s/ J. P. Rhoades  
598 Gladstone

January 13, 1970

Mayor and City Councilmembers  
City of Idaho Falls  
Idaho Falls, Idaho

JANUARY 13, 1970

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Gentlemen:

We protest being included in the flood control district L. I. D. #40 for the following reasons:

1. Adequate storm drainage control has been installed on Wabash to take care of drainage from our property, and we pay our share for it in L.I.D. #36. In fact, it is adequate for, and will be used for, a very large area north and west of us. The residents of that area did not pay anything toward it, excepting our immediate neighbors who were included in L.I.D. #36.
2. The sanitary sewer problem, that we and all our neighbors west of us along Lomax have is caused by improper storm drainage control from Freeman on westerly. We have taken care of our storm drainage, and helped provide space to care for some other people's storm drainage too.
3. L.I.D. #40 has no provision for handling storm drainage along the future Lomax extension or the land through which it will pass. This land adjoins ours on the east, and extends north to Cleveland. Storm drainage control from this area would benefit us somewhat in the future when this area is developed. At that time we will surely be included in another L.I.D. for storm sewers!

Therefore, we respectfully request that our property be removed from L.I.D. #40.

FURTHERMORE, BECAUSE LID #40 PROVIDES NO SERVICES FOR THE PROPERTY LYING SOUTH OF CLEVELAND AND EAST OF WABASH: IT'S OWNERS ARE THEREFORE BEING GROSSLY OVER-ASSESSED. IN FAIRNESS, THIS WHOLE AREA SHOULD BE EXCLUDED FROM LID #40.

Sincerely,  
s/ H. F. Rhodes  
705 First Street

Idaho Falls, Idaho  
January 12, 1970

Dear Sir:

I don't agree, and will have to protest in regards to the proposed sewer improvements. I can't see my way clear to pay for this now. I am retired, with very little money, (so will be at the Little Theatre on the 13<sup>th</sup> of January).

s/ Barbara Richins  
320 Gladstone

JANUARY 13, 1970

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Idaho Falls, Idaho  
January 8, 1970

Mayor S. Eddie Pedersen & City Council

Dear Sirs:

I would like to put in a protest against this sewer by my property on Cleveland Street and Higbee Avenue on the grounds that in 37 years that this house has stood here the basement has never flooded. Financially, I cannot afford it. I am just out of Sacred Heart Hospital with a heart attack and Pneumonia and will retire from my job on the railroad. As soon as I am old enough in March, 1970, and the retirement pay will not be sufficient for any extra like a storm sewer. Please be governed accordingly.

Thank you,  
s/ Frank Rivers  
396 Cleveland

To the City of Idaho Falls, Idaho. This 8<sup>th</sup> day of January, 1970, I am in definite protest to this storm project in the Dwights Addition.

1. We have recently finished paying for street improvements which should have included such sewers necessary. If we had the kind of engineering we should have had, this sewer work would have been done before the street work. This only indicates to me poor planning. I cannot trust anymore such planning.
2. I cannot, at this time, see where it will improve the value of our property to have this so called improvement project.
3. If the City wants to do something for this area they would zone it as a definite commercial area in place of trying to keep it bundled up in the crowded downtown area. My property is 259 Gladstone.

s/ Mark Robertson  
259 Gladstone

January 8, 1970

Honorable Mayor and City Council  
City building  
Idaho Falls, Idaho

Gentlemen:

JANUARY 13, 1970

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The undersigned, Ernest C. Sherwood and Cecil F. Sherwood, husband & wife, the owners of the following described property, protest the inclusion of said property in Local Improvement District No. 40, for the reason that the cost thereof would be oppressive and unreasonable as compared with the benefits, if any, to be derived.

Said property is described as follows:

East ten feet of Lot Thirty-one and all of Lots Thirty-two, Thirty-three and Thirty-four , Block 7, of Capitol Hill Addition to the City of Idaho Falls, Idaho, Bonneville County.

Respectfully submitted,  
s/ Ernest Clark Sherwood  
521 E. College Street

January 12, 1970

To the City of Idaho Falls, Idaho

About the storm sewer district No. 40 we live on Cleveland Street and we don't have any trouble with waste water throughout our district. We pay our street and sewer payments and no one helped us on that project, so why should we help on the storm sewer No. 40 and we do not want it. For one more reason that is too much for retired people or couples to pay. We think all or most retired couples have paid enough. Our home and payments are paid and we have done it ourselves when we were younger; therefore, we feel we are through with other payments.

Thank you,  
Mr. & Mrs. David Thomas  
623 Cleveland

Idaho Falls, Idaho  
January 11, 1970

Dear Sir:

In regards to this Local Improvement District No. 40 my place is 2 blocks north of Garfield and I can't see where it could possibly do me a bit of good, I am paying about all the taxes and improvements now that I can possibly pay.

Sincerely yours,  
s/ George Tschikof  
865 Royal Avenue

JANUARY 13, 1970

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Oregon Short Line  
Railroad, Union Pacific  
Railroad Co.

PROTEST:

To the Honorable Mayor and  
City Council of the City of  
Idaho Falls, Idaho

Gentlemen:

The Oregon Short Line Railroad Company, a corporation of the State of Utah, and its Lessee, Union Pacific Railroad Company, a corporation of the State of Utah, hereby respectfully protest and object to the creation of an Improvement District for the purpose of constructing certain drainage sewer improvements within the corporate limits of Idaho Falls, Idaho and protest the making of the improvements and doing this work as proposed in Resolution of Intention No. 1, known as Local Improvement District No. 40, passed by the Council and approved December 18, 1969.

These protestants are owners of real property located within said proposed district, which property will be subject to levy of assessment.

This protest against the creation of said district and against the proposed work is made for the reason that the creation of such district would not, substantially benefit the protestants by reason of having certain drainage sewer connections available and that the proposed cost unreasonably exceeds any possible benefits to be derived.

Respectfully submitted.  
BY: s/ D. D. Glanzman  
General Land & Tax Agent

January 12, 1970

Dear Sirs:

We are against the proposed drainage sewer district.

Thank you,  
Mr. & Mrs. Delbert Walker  
616 Garfield

JANUARY 13, 1970

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January 9, 1970

City of Idaho Falls  
Mayor and City Council

In regards to this storm sewer you are trying to create in Capitol Hill Addition, we own Blocks 21 to 24 on Cleveland & Emerson Streets. We are high and dry. It don't bother us any. All the money we get is Social Security and don't have that kind of money. It takes all we get to live on and buy medicine.

I have heart trouble, am a diabetic and wife is not able to do any house work. We can't see how we can pay any more as it takes what we have to live on and that is not much to buy medicines. If we have any more bills to pay it is going to take bread and butter out of our mouths.

Yours truly,  
s/James E. Webster  
310 Cleveland

Mayor ProTem Freeman then introduced Councilman Nelson, Chairman of the Public Works Council Committee, who explained why the Council felt obliged to consider the proposed district in question. He said there have been numerous complaints from time to time during the past six years of flooded basements, raw sewage, ponding water, etc. Nelson continued by saying that the Capitol Hill area traditionally poses a problem to the water and sewer departments every spring. He said the time has come when the administration must face the problem of separating surface drainage from raw sewage. Beyond all this, Nelson explained that there have been many requests for improved streets within this area and that no such improvement can even be considered until the surface drainage problem is corrected. Nelson concluded his comments by saying that dry wells which serve or at one time served 83 acres are no longer condoned by the State Board of Health. As they become inoperative, the City is not permitted to make them operative; neither is the City permitted to construct new ones. Nelson then introduced City Engineer Joe Laird who discussed the proposed district from an engineering view point. Assisted by a projector and a large screen, Laird first explained the boundaries and main trunk lines of the proposed district. He said the engineering department had been assisted on these issues by an outside comprehensive study made in 1964. He said there have been three successfully completed drainage districts within the City to date, all of which were an outgrowth of that same comprehensive study. He said other drainage districts will become necessary until the City has completely coped with the surface drainage problem. Laird asked and then proceeded to answer the question as to why a drainage district is necessary. The primary problem, he said, other than the obvious one of flooded basements, is one of surface drainage running into the sanitary sewer. He said it is not fair to be too critical of previous administrations or engineering to have permitted this, inasmuch as, prior to the construction of the sewage treatment plant in 1958, all drainage, both surface and raw sewage, ended up in the river.

JANUARY 13, 1970

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However, the sewage treatment plant was not designed for the capacity to take both types of sewage. Therefore, now, when there is fast thawing or flash floods the water overflows the weirs at the sewage treatment plant and goes directly into the river. Moreover, when this condition exists, the heretofore mentioned flooded basements and ponding consists of contaminated water. Laird confirmed Councilman Nelson's remarks to the effect that dry wells are not only limited in function but are now prohibitive. Laird then showed a slide depicting the many trouble spots within the Capitol Hill area and these reflect only the citizen's reports. He said there are undoubtedly many more which remain unreported. Finally, Laird continued, in answer to why a drainage district is needed, poor drainage creates street deterioration and many streets within this area must remain unimproved until the drainage problem is corrected. Admittedly, Laird said, a properly constructed drainage project in this area is costly due to the presence of lava rock, the number of catch basins required and the fact that there are no natural near-by outlets. On the latter subject Laird explained where the drainage water would be taken. Finally, Laird pointed out how it is anticipated that the drainage project would be financed; namely, \$137,200 by Federal Grant, \$17,700 from the State Highway Department, \$100,000 City participation and \$301,100 property assessment for a total of \$556,000. On the latter item, Laird said the engineers estimate assessments to be 3.46 per square foot, resulting in a 50 foot lot assessment of \$214.52 and a 75 foot lot assessment of \$321.78, payable, if desired, over a 15 year period in 15 equal annual payments.

Councilman Nelson again took the rostrum and invited oral protests and/or other comments from the floor.

Mr. Thomas Spaulding, 870 Winona, owner of property at May & Wabash, appeared to question the above mentioned assessment figure of 3.46 per square foot. Mr. Spaulding was invited to the engineer's office at any time for a complete, detailed explanation. Mr. Winston Soelberg, 600 N. Holmes, appeared to protest on the grounds of cost vs benefits. Also, he noted that the drainage district would probably pave the way for a street improvement district. He said many residents within the area could not afford even one district, let alone two. Mr. Richard Nielsen, 688 N. Holmes, appeared for purposes of protest. He urged an immediate vote of those present. Councilman Nelson explained that this procedure would be out of order, inasmuch as all written protests must be studied. Mr. Louis Moser, 509 N. Holmes, protested on the grounds that his property was not directly affected by flooding. He proposed that the costs should be borne only by those that had a flooding problem. Councilman Nelson explained that the cost of a drainage district must be borne by all those whose property contributes to the flooding problem. He said the Mayor and City Council were aware that there were many financial hardship cases, including widows. He said even though it would be necessary by law, to place a lien on everyone's property in the event the district were created and the assessment was not paid by cash within the 30 day permissible period, the City of Idaho Falls has never been known to dispose a widow for non-payment of L.I.D. property assessment. Mr. Mark Rapp, 653 Garfield, appeared to ask those present not to be fooled by the proposed method of financing the district; namely, participation not only by property assessment but also from the City, the State and the Federal government. He said we, the people, are the ones that make up all three of those Government agencies and, therefore, it was we the people, either directly or indirectly, who would pay the entire cost. Mr. Marvin Metcalf, 465 Lomax, drew attention to the City's plans for the extension of Lomax Street. He asked if the engineering design for this drainage

district took that into account and was answered in the affirmative by Councilman Nelson. Mr. Metcalf then asked if the time might come when the State would no longer permit drainage water to be placed in the river. Councilman Nelson said that, to the best of his knowledge, this posed no future problems.

Public Works Director Lloyd, who has worked closely with State water pollution officials, confirmed this answer. Mr. H. F. Rhodes, 705 First Street, appeared to register a complaint about catch basins being frequently plugged. He asked what the Public Works Department intended to do about this problem. Councilman Nelson acknowledged the problem and said there was no known solution. He said many civic minded citizens assume the responsibility of keeping catch basins clean within their immediate area. He thanked those who had so assisted and encouraged more citizens to do likewise.

Throughout the verbal comments of this hearing, several appeared for purposes of favoring the district. Some of these citizens had been directly bothered by flooding; others had not been directly affected but could see the danger of same, sometime within the predictable future; still others favored the district because they could see the property benefits that would accrue, or they sensed this as a constructive program for remedying a problem too expensive to be borne individually, but a bargain when the cost was borne by all, including City, State and Federal government participation. Those who so appeared to speak in favor of the proposed district were: Mrs. Raymond Nelson, 653 May Street, Marvin Shurtliff, 311 Gladstone, Dora Meikle, 462 Lomax, Jerry Miller, 780 E. Elva, LaVar Zohner, 400 Cleveland, Norman Harper, 570 N. Freeman, and C. R. Miller, 711 E. Anderson, owner of property at 700 E. Elva.

Several protests in writing having been filed against the creation of Local Improvement District No. 40, and the City Council having heard oral protests and having considered said oral and written protests against the creation of Local Improvement District No. 40, the adoption of the following resolution was then moved, seconded and unanimously passed, to-wit:

**(Resolution No. 1970-01)**

“RESOLVED: THAT THE CITY COUNCIL TAKE UNDER ADVISEMENT ALL OF THE PROTESTS AGAINST THE CREATION OF LOCAL IMPROVEMENT DISTRICT NO. 40 AND RENDER A DECISION ON SAID PROTESTS AND THE CREATION OF SAID LOCAL IMPROVEMENT DISTRICT NO. 40 AT A FUTURE MEETING”

There being no further protests or comments, Mayor ProTem Freeman thanked all those present for their attendance and their interest and declared the hearing adjourned at 9:50 P.M., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ James R. Freeman  
MAYOR PROTEM

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