

DECEMBER 18, 1969

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The City Council of the City of Idaho Falls, Bonneville County, State of Idaho, met in a Regular Meeting on Thursday, the 18<sup>th</sup> day of December, 1969, at the hour of 7:30 p.m. at the Regular Meeting place of the City Council, in the Council Chambers in the City Hall, in Idaho Falls, Idaho, due legal and timely notice of said meeting having been served upon the members as required by law and the rules and ordinances of said City.

On roll call the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilmen Jim Freeman, Gordon Nelson, Dale Parish, Paul Hovey, Melvin Erickson, and Jack Wood. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Rod Gilchrist, City Planner; Pete Hill, Airport Manager; Don Lloyd, Public Works Director.

Minutes of the last Regular Meeting, held December 4<sup>th</sup>, 1969, were read and approved.

Mrs. Ruth Thompson, representing the Beautify Bonneville Council, appeared before the Council. Speaking in behalf of that organization and as their newly elected president, she complimented and thanked the Mayor and City Council for their past support. She said that, in a manner of speaking, theirs is a pioneer group and there are no outside precedents. She said one of their objectives is to better acquaint themselves with other civic organizations as a means of striving for more civic pride through beautification. She asked that the City Administration feel free to acquaint their organization with local government problems as this is their purpose for existence. Councilman Nelson said one of the Beautify Bonneville members had recently criticized the City for the debris problem at and around shopping centers. He invited himself to their next meeting so that the City's position might be clarified. The Mayor wished Mrs. Thompson well in her newly elected capacity and thanked her for her appearance.

Noting Mrs. James Hall in the Council Chambers representing the League of Women Voters, the Mayor asked the City Clerk to present and read aloud the following letters:

The League of Women Voters  
December 17, 1969

The Honorable S. Eddie Pedersen, Mayor  
City Building  
P.O. Box 220  
Idaho Falls, Idaho

Dear Mayor Pedersen:

The League of Women Voters is interested in the beautification of Idaho Falls. The progress our City has made in the past few years has been significant and we feel we are now living in a cleaner and prettier City.

With this in mind may we suggest hiring someone, or use someone currently employed with the City, to work out a long-range plan for continued progress in this area.

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Landscaping, accomplished with professional thought behind it, will increase tourist attraction and add more pleasure for the townspeople. We urge you to provide permanent budgeting for the beautification of Idaho Falls in the annual budget.

Sincerely,  
s/ Patricia M. Waltermire

Mrs. Hall then appeared briefly to confirm the remarks of Mrs. Thompson and to say that her organization, also, is striving for a more beautiful City. Referring to the foregoing letter, Councilman Freeman, as Chairman of the Parks and Recreation Committee, said it is anticipated that the beautification scope will be enlarged in line with a continuing program started several years ago but that, speaking specifically for 1970, he was unable to pinpoint beautification projects until a determination is made relative to the availability of funds. He said he would be glad to advise both organizations as soon as possible. The Mayor thanked Mrs. Hall for her appearance.

License applications for GROCERY STORE, James R. Brown for Russ's Super Market, Bert H. Armstrong for Buttrey's, Grant Earl for Earls Food Stores (2), Ben Bringman for 711 Stores (2), Lamont Howell for Monty's Food King No. 1; RESTAURANT, Everett Jordan for Stardust Restaurant, Tom Mueller for Gas Lampe Pizza, Thomas Kirkham for Skyline Lanes; ELECTRICAL CONTRACTOR, Loc Electric, Tom Snouffer Electric, H & L Electric, School District #91, Whipple Electric, Johnson Service Co., Sparks Electric, C & L Electric, Babbitt Electric & Ref.; JOURNEYMAN ELECTRICIAN, Walter Whipple, Albert Nyman, G. R. Skow, Curtis Jeppsen, Norman Turner, Norman Reno, Tillman Fonnesbeck, Ronald Nugent, Kay Thurman, H. T. Babbitt, Thomas Snouffer, Ariel Hill, Harold Christensen, Wayne Harris; APPRENTICE ELECTRICIAN, Weldon Whipple, Wilford Whipple, William Whipple, Max Russell, Nephi Christensen; JOURNEYMAN PLUMBER, Harold Bates, F. L. Pendleton, Robert B. Young; APPRENTICE PLUMBER, Dale McBride; HEATING & COOLING CONTRACTORS, H. & L. Electric, Babbitt Electric; HEATING AND COOLING JOURNEYMAN, Elbert Willis, Max Russell, Kenneth Dean; ROOMING HOUSE, Gem Rooms, Park Rooms; HOTEL, Miles Hotel; TAXI CAB PERMITS, Norris Hendrickson for Falls Cab Company; DANCE HALL, Hub Bar, Stardust Lounge, Hawaiian; TAXI CAB OPERATOR, Edith McKay, Bill Mahoney, James Woods, Lawrence Wright, Arthur Hammer, Claude Slater, Don Fouts, James Roland; JUNK DEALER, Stewarts; PHOTOGRAPHY, Jack B. Nimble Studios; BARTENDER, Allyn Mills, Carlos Marquez; BEER, (Canned, bottled and draught, to be consumed on the premises), Sherman Kirkham for Skyline Lanes, Ted Le Baron for Le Baron's Red Fox Lounge, Fords Bar, Gas Lampe Pizza; BEER, (Canned and bottled, to be consumed on the premises), Charles Jachetta for Hawaiian, Downtowners; BEER, (Canned and bottled, not to be consumed on the premises), Lamont Howell for Monty's Food King, Russ's Super Market, Buttrey's, Skaggs Drug, Earl's Food Stores (2), Gambles Fine Foods, LIQUOR, John M. Ransom for Lobby Bar, Millard Divine for Broadway Café, C. B. McNeil for Bon Villa Club, were presented. It was moved by Councilman Erickson, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This letter was presented and read:

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Holden, Holden, Kidwell  
Hahn & Crapo  
December 5, 1969

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

Dear Roy:

Enclosed is a petition which has been signed by all but two of the residents of Rose Park Subdivision and Keefer's Division to the City of Idaho Falls.

The petition is largely self-explanatory. As you will note, it is an effort on the part of the citizens of that area to control the large amount of traffic through this residential area going to and from Tautphaus Park. A number of the citizens can cite numerous examples of dangers and hazards due to the heavy moving of traffic and would, no doubt, appreciate an opportunity to appear before the Council.

In addition to the suggested closing, the citizens have also considered the possibility of placing dips or mounds across the road to slow the traffic down and have indicated, for that matter, a willingness to share the expense.

In the event, we would appreciate having you place the petition with the proper body and any notice concerning hearings could be directed to our attention.

Thank you for your assistance.

Very truly yours,  
s/ Fred J. Hahn  
Attorney

The City Clerk then presented the petition in question with 72 signers, all residents within the Rose Park and Keefer Subdivisions, as follows:

PETITION

The Honorable Eddie Pedersen and  
Members of the City Council  
Idaho Falls, Idaho

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We, the undersigned, representing property owners of Rose Park Subdivision and Keefer's Division to the City of Idaho Falls, Idaho, respectfully submit the following petition:

Your petitioners respectfully request that the Calkins Avenue entrance to Tautphaus Park be closed to through traffic entering or leaving Tautphaus Park. This petition is based upon the increasing amount of traffic at excessive speeds through the Calkins Avenue entrance, which traffic constitutes a danger to the undersigned petitioners and their children residing in the adjacent neighborhoods.

Your petitioners further request that an investigation into the said merits of this petition be made by the City Council and that a hearing be had for the purpose of allowing testimony and evidence of the conditions as they presently exist.

Dated this 3<sup>rd</sup> day of November, 1969.

Councilman Nelson reminded the Council that he was a property owner and resident within the affected area and that he objected to closing the Calkins Avenue entrance to Tautphaus Park on the grounds that this action, in itself, would solve nothing. Nelson said he would be willing, however, to consider and study the traffic problem referred to in the petition.

Mr. Vernal Sorensen, 225 Tautphaus Drive, appeared before the Council. He said he refused to sign the petition. He said he was a pioneer resident in this area and that his primary purpose was to be near a nice park. Mr. Sorensen recognized the traffic and speed problems but that it was no worse than within the park. Mr. Sorensen concluded his remarks by saying that, in his opinion, if the entrance in question were closed, the City would have to provide another entrance elsewhere. Councilman Parish drew attention to the fact that, if the entrance were closed, there would then be a problem of parked cars in front of the properties owned by the very property owners who signed the petition. Councilman Freeman noted that closing one park entrance would, in his opinion, result in heavier park traffic because of needless cruising. It was moved by Councilman Nelson, seconded by Parish, that this matter be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

This letter was then presented:

December 17, 1969

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

Gentlemen:

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Falls Cab Company, Inc. for a number of years, has been renting three on street parking spaces for its vehicles on the corner of Capital and B Streets. The annual fee has been paid through June 1, 1970.

The Company plans to move its dispatching and maintenance operation to a site on the North Highway within thirty days, pending final approval from the Federal Communications Commission permitting the company to use its base transmitter at the new location.

It is felt that this move will relieve much congestion from the overcrowded present location, however, the company will need on street loading space at the Bus Depot on "A" Street, where it has a "direct line" to the dispatching office.

Falls Cab Company, Inc. therefore, respectfully requests that the City of Idaho Falls grant an exchange of the three on street parking spaces on the corner of Capital and B Streets for two spaces on the southeast corner of Capital and A Streets immediately behind the present loading zone in front of the bus depot.

Respectfully submitted,  
Norris Hendrickson  
President, Falls Cab Co.

It was moved by Councilman Erickson, seconded by Hovey, that this be referred to the Police Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

A memo from the Police Chief was submitted, as follows:

City of Idaho Falls  
December 17, 1969

TO: Mayor and City Council  
FROM: Pollock  
SUBJECT: REQUEST TO REMOVE PARKING

Mr. Fay Marler, Skyline Market, has requested that there be NO PARKING at the curb in front of Shopping Center due to the hazard of pickup campers, trucks, vans and other vehicles parking there all day and restricting the view. Many of these are apparently AEC site workers who park there. This involves eight (8) parking spots.

s/ R. D. Pollock

Councilman Erickson noted that Mr. Marler, in making this request, was representing all merchants within the Skyline Shopping Center. It was moved by Councilman Erickson, seconded by Hovey, that this request be granted, extending from West Broadway to the north boundary of the Skyline

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Shopping Center and that the Public Works Division be instructed to line and sign immediately. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Parish presented the following option to purchase land as prepared by the City Attorney:

\*\*\* OPTION TO PURCHASE LAND \*\*\*

This Option to Purchase Land made and entered into this 15<sup>th</sup> day of December, 1969, by and between LOVICA J. GRUWELL, a widow, of Silver City, New Mexico, hereinafter referred to as "Vendor" and the CITY OF IDAHO FALLS, a Municipal Corporation of the State of Idaho, hereinafter referred to as "Vendee",

WITNESSETH:

For and in consideration of the mutual covenants and payment herein set forth, the parties covenant and agree as follows:

- (1) Vendee agrees to pay Vendor the sum of \$1,000.00 lawful money of the United States forthwith upon execution of this agreement solely in consideration of the granting of this option by Vendee.
- (2) Vendor agrees forthwith upon exercise of this option to convey to Vendee by Warranty Deed, free and clear of liens and encumbrances, the following described lands lying and being in Bonneville County, Idaho, to-wit:  
  
Lots 19 to 29, inclusive, Block 6 of Highland Park Addition to the City of Idaho Falls, Idaho, per the recorded plat thereof.
- (3) The total purchase price of the land above described, is \$7000.00; and Vendor shall credit Vendee with the said \$1,000.00 payment if and when Vendee exercise the option to purchase granted herein; Vendee shall forfeit the \$1,000.00 payment if this option is not exercised.
- (4) This option shall be exercised by Vendee's notifying Vendor in writing by U. S. Mail addressed to Vendor at P.O. Box 125, Silver City, New Mexico, 88061, that Vendee intends to purchase said property. The notice shall be posted no later than March 15, 1970.
- (5) Upon exercise of the option aforesaid, Vendor shall execute and deliver to Vendee said Warranty Deed, and Vendor shall forthwith pay Vendee said additional sum of \$6,000.00.

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IN WITNESS WHEREOF, Vendor has executed these presents and Vendee has caused these presents to be executed by its Mayor and Clerk thereunto duly authorized the day and year first above written.

s/ Lovica J. Gruwell  
VENDOR

ATTEST: s/ Roy C. Barnes  
CITY CLERK

CITY OF IDAHO FALLS  
BY: s/ S. Eddie Pedersen  
MAYOR---VENDEE

Parish noted that Mrs. Gruwell has already executed the agreement, that the option price was less than the appraised value and that the City was in need of the property in question to service as right-of-way for the Fremont connection to the East River Road. It was moved by Councilman Parish, seconded by Freeman, that the option in question be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Presented by Councilman Wood was a term extension agreement to the Trans Magic Airlines Airport use agreement and lease for a period of two years, expiring December 31, 1971. It was moved by Councilman Wood, seconded by Erickson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Also presented by Councilman Wood was a term extension agreement of a lease and concession agreement in favor of Pocatello Car and Truck Rental Company, a subsidiary of National Var Rentals, for a period of two years to expire December 31, 1971. It was moved by Councilman Wood, seconded by Erickson, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from Councilman Wood, a lease and concession agreement from Flight Deck, Inc. was presented, covering terms and conditions for operating the restaurant and bar at Fanning Field, said agreement to be effective January 1<sup>st</sup>, 1970 for a term of five years. Councilman Wood noted that this agreement had been informally approved by the Council and signed by the Mayor. It was moved by Councilman Wood, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

**ORDINANCE NO. 1261**

AN ORDINANCE REPEALING SECTIONS 10-11-2 AND 10-11-3 OF THE CITY CODE OF IDAHO FALLS, IDAHO: MAKING IT UNLAWFUL TO DRIVE OR OPERATE ANY VEHICLE WITHIN THE CITY OF IDAHO FALLS IN A RECKLESS MANNER OR IN AN INATTENTIVE MANNER; DEFINING THE TERMS HEREOF AND FIXING PENALTIES; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

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The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Hovey, that the provisions of Section 50-902 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 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. 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, 6; No, none; carried.

ORDINANCE NO. 1262

AN ORDINANCE AMENDING SECTION 5-12-3 OF THE CITY CODE OF IDAHO FALLS, IDAHO, BY CHANGING THE AMOUNT OF THE CITY LICENSE FEE FOR SALE OF LIQUOR BY THE DRINK TO \$562.50; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Hovey, that the provisions of Section 50-902 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 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. 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, 6; No, none; carried.

ORDINANCE NO. 1263

AN ORDINANCE MAKING UNLAWFUL THE DRIVING OR OPERATING OF ANY MOTOR VEHICLE UPON THE STREETS OR PUBLIC WAYS OF IDAHO FALLS IN ANY ACCELERATION CONTEST, "RACE", OR "DRAG RACE"; DEFINING THE TERMS "RACE" AND "DRAG RACE"; FIXING PENALTIES FOR VIOLATING THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Erickson, seconded by Hovey, that the provisions of Section 50-902 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 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none;

carried. 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, 6; No, none; carried.

Reference is made to page 325 in this book of minutes and, more specifically, a directive to the City Attorney by the Council to prepare Resolution #1 of intent to create LID #40 with date and place of the public hearing to be determined at a later date. The City Attorney submitted said Resolution. It was moved by Councilman Parish, seconded by Freeman, that the date and place of said proposed hearing be January 13, 1970, at the Little Theatre. Roll call as follows: Ayes, 6; No, none; carried.

With the foregoing inserts having been made, Councilman Parish introduced the following Resolution in writing and moved its adoption:

**RESOLUTION NO. 1 (Resolution No. 1969-26)**

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO TO CONSTRUCT DRAINAGE SEWERS IN AND ALONG CERTAIN STREETS, ALLEYS, EASEMENTS AND RIGHTS-OF-WAY AND PARTS THEREOF WITHIN THE CORPORATE LIMITS OF SAID CITY; TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 40 OF THE CITY OF IDAHO FALLS FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAID THE COSTS AND EXPENSES OF SAID DISTRICT AND A PORTION OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS BY SPECIAL ASSESSMENT LEVIED UPON AND AGAINST THE LOTS AND LANDS ABUTTING, ADJOINING, AND ADJACENT TO THE STREETS AND ALLEYS; EASEMENTS AND RIGHTS-OF-WAY IN WHICH SAID SEWER LINES ARE CONSTRUCTED, AND ON AND AGAINST ALL TRACTS, LOTS AND PARCELS OF LAND IN SAID DISTRICT BENEFITED BY SAID IMPROVEMENTS INCLUDED IN SAID DISTRICT, AND TO PAY THE WHOLE COST AND EXPENSE OF SAID IMPROVEMENTS WITHIN STREET INTERSECTIONS AND ALLEY INTERSECTIONS FROM THE GENERAL FUNDS OF THE CITY, AND DECLARING SAID IMPROVEMENTS TO BE AN ORIGINAL IMPROVEMENT OR IMPROVEMENTS; GIVING THE KIND AND CHARACTER OF SAID IMPROVEMENTS AND THE ESTIMATED COST THEREOF, FIXING THE TIME WHEN PROTESTS AGAINST SAID IMPROVEMENTS AND THE CREATION OF SAID DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK AND WHEN SUCH PROTEST MAY BE HEARD AND CONSIDERED BY THE CITY COUNCIL, AND PROVIDING FOR THE GIVING NOTICE THEREOF.

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WHEREAS, the City Council of the City of Idaho Falls, Idaho, deems it for the best interests of said City to construct drainage sewers in and along certain streets and alleys, easements and rights-of-way and parts thereof, within the corporate limits of said City, hereinafter particularly described, and for the making of said improvements to create Local Improvement District No. 40 for the City of Idaho Falls, Idaho, and

WHEREAS, the City will contribute and pay from the general funds of the City the cost of said improvements within all street and alley intersections, being estimated in the sum of \$100,000.00, and the United States of America will pay the sum of \$137,200.00 by a grant from the Department of Housing and Urban Development, and

WHEREAS, the City Council proposes to defray all the cost and expense of said District and of said improvements, by special assessments, levied on and against all lots, tracts and parcels of land abutting, adjoining and adjacent to the streets, alleys, easements and rights-of-way in which said sewers are constructed, and on and against all lots and lands benefited by such improvements included in said District except for the sum of \$100,000.00 to be paid by the City of Idaho Falls, and \$137,200.00 to be paid by the United States of America, and to defray the costs by special assessments to the extent of \$318,800.00.

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

**Section 1.** That the City of Idaho Falls, Idaho, does hereby declare its intention to construct drainage sewers in certain streets, alleys, easements and rights-of-way and parts thereof, within the corporate limits of said City, and for that purpose to create and establish a Local Improvement District therein, to be known as "Local Improvement District No. 40 of the City of Idaho Falls, Idaho", the lands and lots in said District and the boundaries of said District are described as follows:

Beginning at the Southeast corner of Section Eighteen (18), Township Two (2) North, Range Thirty-eight (38), East of the Boise Meridian, and proceeding Westerly along the Section Line a distance of 1930 feet to the centerline of North Lee Avenue; thence Northerly along said centerline of North Lee Avenue a distance of 30 feet; thence Westerly along the North right-of-way line of First Street a distance of 355 feet to the West Lot Line of Lot Thirty-six (36), Block Fifteen (15) of the Dwights Addition to the City of Idaho Falls; thence Northerly along said Lot Line a distance of 184.4 feet to the Easterly right-of-way of North Yellowstone Avenue; thence Northeasterly along said Easterly right-of-way line of Yellowstone Avenue a distance of 136.35 feet to the centerline of Lomax Street; thence Westerly along the projected centerline of Lomax Street a distance of approximately 376 feet to the centerline of the U.P.P.R. mainline tracks; thence Northeasterly along said mainline track a distance of approximately 4930 feet to the South right-of-way line of the alley in Block Four (4), Mayflower Addition to the City of Idaho Falls; thence Easterly along said South alley right-of-way line a distance of

approximately 280 feet to the East Lot Line of Lot Forty-four (44), Block Four (4) of the Mayflower Addition to the City of Idaho Falls; thence Southerly along the East Lot Line of Lot Forty-four (44), Block Four (4), and Lots Three (3) and Forty Four (44), Block Five (5) of the Mayflower Addition to the City of Idaho Falls a distance of 401 feet to a point located 59 feet North of the North right-of-way line of Briggs Street; thence Easterly along a line that is parallel to and 50 feet North of the North right-of-way of Briggs Street a distance of approximately 80 feet to the centerline of North Holmes Avenue; thence South along said centerline of North Holmes Avenue a distance of 872.0 feet to the Point of Intersection of the centerlines of North Yellowstone Avenue and North Holmes Avenue; thence Northeasterly along the centerline of North Yellowstone Avenue a distance of 720.20 feet to the South line of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section Seventeen (17), Township Two (2) North, Range Thirty-eight (38), East of the Boise Meridian; thence Easterly along said 1/16 Section Line a distance of approximately 96 feet to the Easterly right-of-way line of North Yellowstone Avenue; thence South 30° East a distance of 1060 feet; thence North 55° East a distance of 1250 feet; thence Easterly a distance of approximately 500 feet to the Northwest corner of Lot Six (6), Block Eleven (11) in the Bel Aire Addition, Division No. 2 to the City of Idaho Falls, thence Southerly along the West Division Line of said Bel Aire Addition a distance of 1130 feet to the centerline of Elva Street; thence Southeasterly along the centerline of Elva Street and Royal Avenue to a point that is 30 feet East of the common lot line between Lots One (1) and Two (2), Block Eight (8) of the South Bel Aire Addition, Division No. 1 to the City of Idaho Falls, thence Westerly along a line parallel to Elva Street a distance of approximately 650 feet to a point that is 125 feet East of the East right-of-way line of Fanning Avenue a distance of approximately 900 feet; thence South 45° West a Distance of approximately 200 feet to the point of intersection of the centerline of North Fanning Avenue and the North right-of-way line of Garfield Street projected; thence Southerly along the centerline of North Fanning Avenue a distance of 354 feet to the centerline of Cleveland Street; thence Easterly along the centerline of Cleveland Street a distance of 30 feet; thence Southerly along the East right-of-way line of Fanning Avenue a distance of 290 feet; thence East a distance of 80 feet; thence Southerly along a line that is parallel to and 80 feet East of Fanning Avenue a distance of 140 feet; thence East a distance of 165 feet East of Fanning Avenue, a distance 140 feet; thence East a distance of 165 feet; thence Southeasterly a distance of 552.34 feet to a point on the Section line common to Section Seventeen (17) and Twenty (20), said point of being South 89°57'40" West a distance of 330.91 feet from the Quarter corner common to Section Seventeen (17) and Twenty (20), Township Two (2) North, Range Thirty-eight (38), East of the Boise Meridian; thence Westerly along said Section line a distance of 2309.58 feet to the Original point of beginning.

The points between which said drainage sewers are proposed to be laid, and the location thereof, are as follows:

Certain renovation and improvements to the Storm Tunnel which begins at the intersection of Shoup Avenue and "G" Street, and runs Southeasterly along "G" Street to where "G" Street

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dead-ends at the Union Pacific Railroad tracks, thence Northeasterly under the Union Pacific Railroad tracks to a point on the East side of the railroad tracks and the North side of the Yellowstone Avenue underpass where the storm tunnel presently ends.

Also, construct drainage lines complete with catch basins, manholes, and appurtenances, along the following described streets, easements or locations:

FANNING AVENUE: From Elva Street to the alley north of May Street.

ALLEY NO. OF MAY ST.: From Fanning Avenue west to Wabash Avenue.

THRU AN EASEMENT: Starting on Fanning Avenue approximately 650 feet south of centerline of Elva Street, and proceeding thence Easterly approximately 260 feet; thence southeasterly approximately 750 feet to Garfield Street; thence along Garfield Street to Royal Avenue to a connection with an existing storm drain main.

WABASH AVENUE: A storm drain line from Lomax Street to the alley north of First Street and a concrete cross drain across Gladstone Street.

FIRST STREET: From Freeman Avenue to Wabash Avenue.

FREEMAN AVENUE: From Elva Street to Gladstone Street.

CLEVELAND STREET: From Wabash Avenue to Higbee Avenue.

HOLMES AVENUE: From Whittier Street to College Street and from Cleveland Street to Lomax Street.

HIGBEE AVENUE: From Elva Street to Whittier Street and from May Street to Lomax Street.

EMERSON AVENUE: From Garfield Street to Lomax Street.

LEE AVENUE: From near the Union Pacific Railroad tracks to Lomax Street

GLADSTONE STREET: From Higbee Avenue to Lee Avenue.

GARFIELD STREET: From Yellowstone Avenue to Emerson Avenue.

LOMAX STREET: Lee Avenue westerly across Yellowstone Avenue to near the Union Pacific Railroad tracks.

ALONG THE EAST SIDE  
OF THE UNION PACIFIC

- RAILROAD TRACKS: From the storm tunnel north of the Yellowstone Avenue underpass northeasterly to Poulson Street.
- MAY STREET: From a point approximately 200 feet west of Yellowstone Avenue westerly to near the Union Pacific Railroad tracks.
- YELLOWSTONE AVE.: A storm drain line from Poulson Street to Elva Street and a concrete cross drain across May Street.
- WHITTIER STREET: From Holmes Avenue to Higbee Avenue.
- ELVA STREET: From Yellowstone Avenue westerly to near the Union Pacific Railroad tracks.
- POULSON STREET: From Holmes Avenue to Yellowstone Avenue and from a point approximately 350 feet west of Higbee Avenue westerly to near the Union Pacific Railroad Tracks.
- COLTMAN STREET: From a point approximately 400 feet west of Holmes Avenue westerly to near the Union Pacific Railroad tracks.
- BRIGGS STREET: From a point approximately 400 feet west of Holmes Avenue westerly to near the Union Pacific Railroad Tracks.

**Section 2.** The kind and character of said improvements are the construction of drainage sewers to serve said District and all properties within the boundaries of said District, as heretofore described and located in Section 1 hereof, all according to the plans and specifications thereof, to be filed in the office of the City Engineer and in the office of the City Clerk of the City of Idaho Falls, Idaho, on or before the day hereinafter fixed for the hearing of protests against the creation of said District and the making of said improvements.

**Section 3.** Said improvement is an original improvement.

**Section 4.** The estimated total cost and expense of said District and of said improvements is \$556,000.00, which sum is to be allocated and paid as follows:

From Special Assessments:	\$318,800.00
From General Funds of the City:	\$100,000.00
By a Grant from the United States of America:	\$137,200.00

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**Section 5:** The cost and expense of said District and of said improvements which is to be paid by special assessment is to be assessed against the abutting, adjoining and adjacent lots and lands on the streets or parts of streets and alleys or parts of alleys on which said improvements are to be made, and upon lots and lands benefited by such improvements and included within said District, each lot and parcel of land being assessed separately for the debt thereof, in proportion as to the number of square feet of said lots and lands abutting, adjoining or adjacent thereto or included in said District to the distance back from said streets and parts of streets, if platted in blocks to the center of the block and if not platted, to the distance of 125 feet, and in proportion to the benefits derived to such lots and lands by such improvements, sufficient to cover the total cost and expense of said improvements to the center of the street.

The cost and expenses of said improvements within street and alley intersections, namely, the sum of \$100,000.00, is, in the judgment of the City Council, a fair and equitable portion of the total cost and expenses of said District and of said improvements to be expended from the general funds of the City in consideration of the benefits accruing to the general public by reasons of such improvements, and shall be paid out of the general funds of the City.

That Tuesday, the 13<sup>th</sup> day of January, 1970 at 7:30 o'clock p.m. of said day, and at the Little Theatre at 601 South Holmes Avenue, Idaho Falls, Idaho, be, and the same are hereby designated as the time and the place when protests against the creation of said District or the making of said improvements will be heard and considered by the City Council and that protests against said improvements or the creation of such District may be filed in the office of the City Clerk on or before the day of such meeting to, but not later than the hour of 7:30 o'clock p.m. of said day. The City Clerk is hereby ordered and directed to give notice of the passage of this Resolution, the time within which protests against said proposed improvements or the creation of said District may be filed, and the date when said protests will be heard and considered by the Council in the manner provided by law.

APPROVED BY THE MAYOR of the City of Idaho Falls, Idaho, this 18<sup>th</sup> day of December, 1969.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

Councilman Freeman seconded the adoption of Resolution No. 1, describing the intention of the City Council of the City of Idaho Falls, Idaho, to create Local Improvement District No. 40, and the same on being put to a vote was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Ayes, Councilmen Paul Hovey, Dale Parish, Gordon Nelson, Jim Freeman, Jack Wood, Melvin Erickson, carried.

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It was moved by Councilman Parish, seconded by Freeman, that the City Clerk be directed to send all notices to property owners affected by proposed L. I. D. No. 40 by certified mail. Roll call as follows: Ayes, 6; No, none; carried.

A contract from Burrows, Smith Company was submitted, stating terms and conditions whereby that company would agree to serve in a fiscal capacity for the City in the sale of bonds issued under L.I.D. No. 40 on a best efforts basis, providing the District is, in fact, created. The Council questioned the fee in the amount of \$2.00 for each \$100.00 of principal amount of bonds issued. It was moved by Councilman Parish, seconded by Hovey, that action on this contract be tabled, pending clarification. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 9:20 P.M., carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ S. Eddie Pedersen  
MAYOR

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