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Pursuant to a call by the Mayor the City Council of the City of Idaho Falls met in Special Session in the Bonneville Hotel on April 29th, 1969, at 12:00 o'clock Noon for the purpose of considering a Resolution declaring the intention of the City of Idaho Falls to create an enlarged Local Improvement District No. 38 for the purpose of constructing certain sanitary sewers on the streets and alleys within the boundaries as indicated in said Resolution.

There were present at said meeting: Mayor S. Eddie Pedersen, Councilwoman Lyn Smith, Councilmen Jim Freeman, Dale Parish, Gordon Nelson, Melvin Erickson, and Jack Wood. Also present: Roy C. Barnes, City Clerk.

Councilman Nelson introduced the following Resolution in writing and moved its adoption:

RESOLUTION (Resolution No. 1969-10)

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF IDAHO FALLS, IDAHO, TO CONSTRUCT SANITARY SEWERS IN AND ALONG CERTAIN STREETS, ALLEYS, EASEMENTS AND RIGHTS-OF-WAY, AND PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF SAID CITY; TO CREATE AN ENLARGED LOCAL IMPROVEMENT DISTRICT NO. 38 OF THE CITY OF IDAHO FALLS; FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAY THE COSTS AND EXPENSES OF SAID DISTRICT AND OF SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS LEVIED ON AND AGAINST THE LOTS, TRACTS AND PARCELS OF LAND 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 SPECIALLY BENEFITED BY SUCH IMPROVEMENT, EXCEPT FOR THE SUM OF \$6,600.00 TO BE PAID BY THE CITY OF IDAHO FALLS; PROVIDING THE BASIS UPON WHICH SUCH SPECIAL ASSESSMENTS SHALL BE LEVIED; GIVING THE KIND AND CHARACTER OF SUCH IMPROVEMENTS AND THE ESTIMATED TOTAL 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 PROTESTS WILL BE HEARD AND CONSIDERED BY THE CITY COUNCIL; AND PROVIDING FOR THE GIVING OF LEGAL NOTICE THEREOF.

WHEREAS, the City Council of the City of Idaho Falls, Idaho, deems it for the best interests of said City to construct sanitary 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 Enlarged Local Improvement District No. 38 for the City of Idaho Falls, Idaho; and,

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WHEREAS, the local improvement will be of such nature and character that the special benefit resulting therefrom extend beyond the boundaries of the property authorized to be assessed for the costs and expenses thereof by Section 50-1717, Idaho Code. The City Council deems it advisable to create an Enlarged Local Improvement District, which will include, as near as may be, the property specially benefited by such improvements, which said property shall be assessed for a portion of the costs and expenses of such improvements in accordance with the special benefits to such property to be determined and fixed by the Council when the District is created, all as provided by Section 50-1712, Idaho Code; and,

WHEREAS, the estimated total cost of said Enlarged District and of said improvements is \$55,000.00, of which sum \$6,600.00 is the total estimated cost of said improvements within street and alley intersections; and,

WHEREAS, the City Council is authorized by law to assess the entire cost of said District and of said improvements against the properties to be benefited thereby; and,

WHEREAS, the City Council proposes to defray all the costs and expenses 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 and alleys, easements and rights-of-way in which said sewers are constructed and against all tracts, lots and parcels of land in said District specially benefited by such improvement, except for the sum of \$6,600.00 to be paid by the City of Idaho Falls, and to defray the cost by such assessments to the extent of \$48,400.00;

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 sanitary 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 an Enlarged Local Improvement District therein, to be known as "Enlarged Local Improvement District No. 38 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 a point that is the intersection of the westerly right-of-way line of the Oregon Short Line Railroad and the northerly right-of-way line of the U. S. Highway No. 20, and proceeding thence easterly along the projected northerly right-of-way line of U. S. Highway No. 20 (excluding the northern off-on ramp) to a point on the west bank of the Snake River; thence northerly along the west bank of the Snake River to the Section Line between Section Twelve (12) and Section Thirteen (13), Township Two (2) North, Range Thirty-Seven (37) , East of the Boise Meridian, thence westerly along said Section Line to the west right-of-way line of the Porter Canal; thence northerly along

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said west canal right-of-way line a distance of 450 feet; thence west to the centerline of Lindsay Boulevard; thence northerly along said centerline 300 feet; thence west to the easterly right-of-way line of Interstate 15; thence southerly along said east right-of-way line to the northerly right-of-way line of the U. S. Highway No. 20; thence easterly along said right-of-way to the original point of beginning and containing approximately 65 acres, the afore-described tract all located in the Southwest Quarter (SW $\frac{1}{4}$), Section Twelve (12), and the Northwest Quarter and Northeast Quarter (NW $\frac{1}{4}$ and NE $\frac{1}{4}$), Section Thirteen (13), Township Two (2) North, Range Thirty-Seven (37), East of the Boise Meridian.

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

In Lindsay Boulevard from the north right-of-way line of the U. S. Highway No. 20 northerly approximately 2700 feet.

In the U. S. Highway No. 20 north access ramp beginning at Lindsay Boulevard and running east approximately 550 feet to the west right-of-way line of the Porter Canal; thence east in a dedicated sanitary sewer easement 100 feet to the east right-of-way line of the Porter Canal.

In a dedicated sanitary sewer easement beginning approximately 500 feet east of Lindsay Boulevard on the north right-of-way line of the U. S. Highway No. 20 north access ramp and running thence northerly approximately 460 feet; thence easterly approximately 220 feet to the east bank of the Porter Canal.

In a dedicated sanitary sewer easement beginning at a point on Lindsay Boulevard directly opposite the U. S. Highway No. 20 north access ramp and running westerly approximately 215 feet to the west property line of the Oregon Short Line Railroad.

Section 2: The kind and character of said improvements are the construction of sanitary 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.

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Section 4: The estimated cost and expense of said District and of said improvement is \$55,000.00, all of which is to be assessed against those lands in said District which will be benefited thereby, except the sum of \$6,600.00 which will be paid by the City of Idaho Falls.

Section 5: The cost of said District and of said improvement shall be paid by special assessments, levied and assessed against the lands of said District which will be benefited by said improvements as follows:

The lots and land benefited by such improvement and included in the improvement district heretofore particularly described, in proportion to the number of square feet of said lands as specially benefited, sufficient to cover the entire cost and expenses of said District and said improvements except for the sum of \$6,600.00 to be paid by the City of Idaho Falls.

Section 6: The lots, parcels and tracts of land included in said District which will be benefited by said improvements and which will be assessed for such improvements of said District are heretofore described in Section 1 herein.

Section 7: Said improvement is to be made by the installation of sanitary sewers in the locations as set forth in Section 1 hereof.

Section 8: The cost and expenses of the improvement within the intersections will be paid by the City as aforesaid.

Section 9: That Thursday, the 22nd day of May, 1969, at 7:30 o'clock p.m. of said day, in the Chambers of the City Council, in the City Hall in the City of Idaho Falls, Idaho, be, and the same are hereby designated as the time and the place when and where protests against the creation of said District for the making of said improvements shall be heard and considered by the City Council.

Section 10: All protests against the creation of said District or the making of said improvements to be considered must be in writing, filed in the Office of the City Clerk, prior to the time set for the hearing thereof.

Section 11: The City Clerk shall give notice of the passage of this Resolution and the time within which protests against said proposed improvements or creation of said District may be filed, and the date when such protests will be heard and considered by the Council, such notice to further describe the general character of the improvement or improvements proposed to be made, and the estimated total cost thereof, and shall refer to the Resolution on file thereto. Said City Clerk shall cause such notice to be published in the Post Register, the official newspaper of this municipality, in three consecutive issues, and shall cause a copy of such notice to be mailed to each owner of property, if known, or his agent, if unknown, within

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the limits of said proposed improvement district, addressed to such person at his post office address, if known or if unknown, to the post office in the City of Idaho Falls, where said improvements are to be made, said notice to provide the expiration of the filing of protest shall be not less than five days after the date of the last publication of such notice or of the posting and mailing of the same. Said City Clerk shall file and maintain in his office proof of publication and an affidavit showing posting and mailing of such notices.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF IDAHO FALLS, IDAHO, this 29th day of April, 1969.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

Councilman Parish seconded the adoption of the Resolution No. 1, declaring the intention of the City Council of the City of Idaho Falls, Idaho, to create Enlarged Local Improvement District No. 38, and the same on being put to a vote, was unanimously carried by the affirmative vote of all Councilmembers present, the vote being as follows: Councilwoman Lyn Smith, Councilmen Jim Freeman, Dale Parish, Gordon Nelson, Mel Erickson, and Jack Wood.

The Mayor announced that he would like discussion and consideration concerning the applications for a franchise for CATV. At his own request, Councilman Mel Erickson was thereupon excused from further deliberation and he left the meeting. The Mayor then emphasized that it would be to the advantage of the City to award a franchise as early as possible, in view of the limited construction season for the installation of the system. The Councilmen then discussed, in depth, the various franchise applications and each stated that he had thoroughly studied them. Councilman Freeman, having been absent from the formal hearing, stated that he had studied the taped records made of that hearing. After lengthy discussion, Councilwoman Smith then summarized the above by stating that she believed the Council had thoroughly analyzed the applications and was ready to act. She then moved that the City grant a franchise to Upper Valley Telecable, Inc., conditioned upon the company's executing the Pole Line Agreement with the City and entering simultaneously into an agreement with Mountain States Telephone and Telegraph Company. The motion was then seconded by Councilman Nelson. Roll call as follows: Ayes, 5; No, none; carried. The Mayor then announced that the motion had passed and that the Franchise Ordinance would be brought before the Council at its next Regular Meeting for consideration.

There being no further business, it was moved by Councilman Wood, seconded by Nelson, that the meeting adjourn at 2:15 p.m.; carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
