

DECEMBER 28, 1967

The City Council of the City of Idaho Falls, Bonneville County, State of Idaho, met in a regular meeting on Thursday, the 28th day of December, 1967, at the hour of 7:30 o'clock P.M. at the regular meeting place of the City Council in the Council Chambers in 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; Councilwomen Marilyn Smith, Councilmen Gordon L. Nelson, Dale D. Parish, Melvin Erickson, and Jack A. Wood, Jr. Absent: Councilman Jim R. Freeman. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; LaWayne Chapman, Personnel Director; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; William Fell, Electrical Engineer.

Minutes of the last regular meeting, held December 7th, 1967, were read and approved.

The Mayor announced that this was the time and the place to reconvene a zoning hearing, recessed until this night, for consideration of rezoning Lots 8 and 9, Block 1, Blackburn Addition. Councilman Wood reported that the attorney for the petitioner has requested a further recess on this matter until January 25, 1968, on the grounds that he and the petitioner planned, in the interim period, to meet with the Planning Commission in a further effort to resolve the problem in a manner acceptable to that body. It was moved by Councilman Wood, seconded by Parish, that this request for a further recess be granted. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor, noting a series of recent fires within the City, commended the Fire and Police Departments for their effective handling in each instance and, also, special commendation to the Policeman who spotted the most recent one, involving the Flame Lounge, before it got out of control.

Mr. Terrell Toone, owner and operator of the Super Sonic Car Wash, appeared before the Council, accompanied by his insurance broker, Mr. William Lawrence of the Farmers Insurance Group. Mr. Toone explained that the reason for his appearance was to learn the disposition to be made of his license application, recently made through the office of the City Clerk, for a permit to operate eight taxicabs within the City. The City Clerk then proceeded to present applications for 31 taxi permits as follows: 8 in the name of Terrell Toone, expected to operate under the name of the City Cab Company; 18 in the name of Norris Hendrickson, operating under the name of the Falls Cab Company. Councilman Erickson then reminded the Council that the City Code provides for the issuance of one taxi cab permit for every 1500 of population and that, based upon the special census of 1966, would permit the total issuance of 23 cabs. He pointed out, further that in the past, Mr. Hendrickson has applied for and received, each year, permits for 22 cabs. The City Code, continued Erickson, also requires that no permits shall be issued without the cabs first being inspected and that a very recent inspection by the Police Chief found 12 cabs owned by Mr. Hendrickson to be in satisfactory operating condition. Erickson concluded his remarks by recommending that, to avoid the hazards of having cabs operating on the streets within the City without being properly licensed for the year 1968, there be no delay in licensing this many to the Yellow Cab Company but that, in view of the fact that time was not of the essence, the Police Committee, working with the City Attorney, would like more time, at least until the next regular Council Meeting, to submit a recommendation on the other applications. Asked by the Mayor if this was satisfactory, Mr. Toone concurred. It was moved by Councilman Erickson, seconded by Wood, that a permit for the operation of 12 taxicabs be granted and that a decision on the other 19 be tabled until the next regular Council Meeting. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to page 635 in this book of minutes and more specifically, blanket authorization for the City Clerk, in the interest of time, to issue beer, grocery store and restaurant renewals as soon as the application was received and until December 31, 1967, subject only to the approval of the appropriate Division Director. Following then, is a list of licenses handled in that manner: RESTAURANT, Scotty's Drive Inn, J. J. Newberry Co., Gas Lampe Pizza Shoppe, Frontier

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Bar; GROCERY STORE, Northgate Savings Center, Idaho Food King #1, Monty's Food King, Bus's Food King, Mit-E-Mart, Murphy's Market, Earl's Food Stores #1 and #2, Glenn's Cold Storage, Minit Market, Skyline Market, Village Market, Bybee's Market, Saving Center Inc., Harvey's Store, Midget Market; BEER (Transfer only, canned, bottled and draught to be consumed on the premises), from Ray A. Hardison to Don L. Border, Jr., for Geno's Bar; BEER (Canned, bottled and draught to be consumed on the premises), 191 Club, Mint Bar, Buckhorn Gardens, Fords Cigar Store, Bon Villa, Stockman's Bar, New Grand, Gas Lampe Pizza Shoppe, B.P.O.E. Elks Lodge #1087, Hollywood, Bowl Lounge, Frontier Bar, Ray's Bar, Blue Room, Flamingo Restaurant & Lounge; BEER, (Canned and bottled to be consumed on the premises), Stardust Restaurant & Lounge, Hawaiian Supper Club, Red Fox Lounge, Samoa Club, Leonard's Airport Lounge & Dining; BEER, (Canned and bottled not to be consumed on the premises), Skaggs Drug Center, Minit Market, Wayne Palmer for Cook's Super Market, Skyline Market, Village Market, Bybee's Market, Harvey's Store, Glenn's Cold Storage, O.K. Food Center, Idaho Food King #1, Monty's Food King, Bus's Food King, Midget Market, Fairway Service, Saving Centers (2), Mit-E-Mart, Murphy's Market, Earl's Food Stores #1 and #2, Gamble's Fine Foods, were presented. It was moved by Councilman Wood, seconded by Erickson that this action on the part of the City Clerk be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for PHOTOGRAPHER, Jack B. Nimble Portraits, DBA Pictureland Studios; HOTEL, New Grand Hotel; ROOMING HOUSE, Park Rooms, Rialto Rooms, Gem Rooms; ELECTRICAL CONTRACTORS, School District No. 91, A. L. Brown Electric, Electric Sales, Fisher Electric, Foncesbeck Electric, Groesbeck Furnace Electrical Equipment, C. L. Electric, Nelson Electric, Whipple Electric; JOURNEYMAN ELECTRICIAN, Orlan Edgerton, Wayne M. Harris, Marshall D. Rapp, Neal Pifer, Francis Irving Shearer, Dale Dockstader, Almon L. Brown, Claude A. Lewis, Ira Don Tibbitts, Lee A. Williams, Jr., Elvin C. Christensen, Kay Thurman, Kenneth J. Fisher, Delbert H. Foncesbeck, Tillman H. Foncesbeck, Larry E. Jensen, Ariel Hill, William Dan Blake, Derlin Campbell, H. M. Broesbeck, Albert Dale Nyman, Max Cobbly, Norman Reno, Earl Nelson, Norman R. Turner, Irvin L. Bray, Walter L. Whipple; APPRENTICE ELECTRICIAN, Michael Peck, Doug Sweat, R. Dee Foncesbeck, Erwin E. Wirkus, James P. Crook, Weldon Whipple, Wilford Whipple, William Whipple; CLASS C CONTRACTOR, WARM AIR, HEATING AND GAS, H. M. Groesbeck; CLASS D CONTRACTOR, GAS FITTING, Jay Rowley; CLASS C JOURNEYMAN, GAS FITTING & WARM AIR HEATING, Elbert M. Willis, Clarence O. Benson; CLASS C JOURNEYMAN, GAS FITTING AND WET HEAT, Dallas D. Pope, Daniel R. Lewis; CLASS D JOURNEYMAN, REFRIGERATION, Darrell D. Smith, JOURNEYMAN CLASS D GAS FITTING, Ken C. Worthing, Jay Rowley; CLASS D JOURNEYMAN, WARM AIR HEATING, Rex Onan, H. M. Groesbeck; JOURNEYMAN PLUMBER, Lewis S. Thompson, Daniel R. Lewis, Dallas D. Pope; CLASS D APPRENTICE GAS FITTING, Truman D. Atwood; CLASS D APPRENTICE, WARM AIR HEATING, Richard Jiminez; TAXI CAB DRIVERS, Don W. Christensen, James I. Roland, Bonnie Mae Telford, William Dee Prichard, Donald Fouts, Donald R. Wilson, all with Falls Cab Company; BARTENDER, Lowell G. Bybee; BEER (Canned, bottled and draught, to be consumed on the premises), Don L. Border, Jr., for Don's Bar, Don Border and Ray Hardison for Geno's Bar; BEER (Canned and bottled to be consumed on the premises), LaVar F. Alvery for Alvery's Beeline, Wayne Aiman for Aiman's Supperette; LIQUOR, John M. and Helen Hart Ransom for Lobby Bar, Millard M. Divine for Broadway Café and Lounge, Willard R. Wood for Westbank Coffee Shop, Inc.; GROCERY STORE, LaVar F. Alvery for Alvery's Beeline, Wayne Aiman for Aiman's Supperette, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

This Damage Claim was presented and read:

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270 East 18th Street
Idaho Falls, Idaho
December 20, 1967

Eddie Pedersen, Mayor
City of Idaho Falls
City Building – C Street
Idaho Falls, Idaho

Dear Mayor Pedersen:

On November 30, 1967 while the City Electrical Department crews were changing a transformer behind our home, located at 270 East 18th Street in Idaho Falls, they negligently caused a surge of power through our home. This caused extensive damage to the wiring, the T. V. set and appliances throughout our home.

We have attempted to obtain a satisfactory settlement, but have received no proper consideration.

This letter will serve as formal notice that it is our intention to file suit against the City of Idaho Falls, if satisfactory settlement is not made within the next ten (10) days.

Sincerely,
s/ Cyril R. and Bardella
Hersley

It was moved by Councilwoman Smith, seconded by Councilman Erickson, that this be referred to the City Insurance Adjustor for investigation and proper handling. Roll call as follows: Ayes, 5; No, none; carried.

This written appeal was presented and read:

130 Carol Avenue
Idaho Falls, Idaho
December 11, 1967

City Clerk, Idaho Falls Municipality
Municipal Building
Idaho Falls, Idaho 83401

Gentlemen:

I wish to register an appeal to the City Council in accordance with the “Recourse from Decision of the Board of Adjustment”, Zoning Ordinance No. 1115, Page 72-J-1. This recourse is filed since it is my belief that the Board of Adjustment erred in its determination of my appeal requesting permission to leave an existing six (6) foot wood fence where it exists on my property, and as presented to the Board of Adjustment at its regular meeting held Tuesday evening, November 21, 1967.

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In the Board's finding in writing to me, they stipulated, "Your appeal was denied because the Board cannot grant a request which would be contrary to the spirit of the Zoning Ordinance or its objectives and purposes". It is my contention that the location of my fence is not in violation of the Ordinance, and that it is not contrary to the spirit of the Zoning Ordinance or its objectives and purposes and for the following reasons:

1. Section 4-26-N (fences) of Zoning Ordinance No. 1115 stipulates, "No fence which is more than three (3) feet in height shall be constructed within fifteen (15) feet of a front lot line or side lot line which abuts on a street". My side lot line (south) in question runs parallel to First Street, but it does not abut on First Street. The edge of First Street is approximately 17 feet from my lot line, and my fence in question is approximately 9 feet in from my lot line. To further clarify what exists, going from the north edge of First Street (as shown on the City's map of the same) toward my fence, one traverses the following in sequence:

- a. Approximately 17 feet of off-street, paved parking terminated by a curb.
- b. An approximate 5 feet boulevard.
- c. An approximate 4 feet sidewalk.
- d. My 6-foot high fence.

2. Under these existing conditions, this fence does not provide any obstruction to the clear view of the intersecting streets. Even the City Inspector admitted this to be the case, and my appeal to the Building and Zoning Division had the required signatures of members of the neighborhood attesting to their agreement that the fence provided no view obstruction and further testifying that they had no objection to the fence in its present position. The present location of my fence then meets both the written requirement and the intent or spirit of the Ordinance.

I am in full sympathy with the Zoning Ordinance and its primary intent to protect the clear view of intersecting streets and thereby insure reasonable visibility and safety in residential districts such as ours. I would be the first to object if a neighbor of mine had an obstruction in violation to the Ordinance.

I only ask that the City Council give my appeal a fair and reasonable review and look at the Ordinance in terms of intent and spirit. I would be pleased to provide any additional facts and information that may be of use to the Council in reaching a fair and equitable decision.

Sincerely,
s/ J. E. Hebert

Councilwoman Smith said she had reason to believe that Mr. Hebert had not been notified that this matter was to be presented this night and that, had he known, he would have been present. It was moved by Councilwoman Smith, seconded by Councilman Wood that, in view of this circumstance, this appeal be tabled until the next regular Council Meeting on January 11, 1968. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Purchasing Department was studied:

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City of Idaho Falls
December 28, 1967

Three (3) Pickups – Electric Light Division

Honorable Mayor and Councilmembers:

Tabulation of bids for three (3) pickups with trade-in is attached.

Low bid as submitted by Ellsworth Brothers on Dodge Pickups as follows:

1 - ½ Ton Pickup with 6-Foot Box	\$1,925.26
1 - ½ Ton Pickup with 8-Foot Box	\$1,948.45
1 - ¾ Ton Pickup with 8-Foot Box	\$2,189.67

Trade-in allowance by Ellsworth Brothers as follows:

Unit No. 303 – 1956 Chevrolet ½ ton pickup	\$ 126.00
Unit No. 306 – 1960 ½ ton Studebaker pickup	\$ 176.00
Unit No. 308 – 1951 Ford ½ ton pickup	\$ 76.00

Total price for (3) pickups less trade-in:

\$6,063.38 Less \$378.00 - \$5,685.38 Net Total

It is the recommendation of the Electric Light Division and the Purchasing Department that the above low bid of Ellsworth Brothers be accepted.

This recommendation is subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Smith, seconded by Councilman Erickson, that these low bids, with trade-in, be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

Also from the Purchasing Department, this memo was submitted:

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Four (4) Standard 4-door sedans – Police Department – Bid IF 67-15

Honorable Mayor and Councilmembers:

Tabulation of bids for four (4) Standard 4-door sedans is attached.

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Bids show Imperial Motors and Smith Chevrolet submitting the tie bids of \$2,496.00 per car.

Either car meets specifications called for and are satisfactory for Police use.

NOTE: Chapter 50, Section 67-J-HB-3 provides: "If two (2) or more bids are the same and the lowest responsible bids, the City Council may accept the one it chooses."

This recommendation is subject to your approval.

s/ W. J. Skow
Purchasing Department

Councilman Erickson, noting the identical price from two different vendors, said with car meets the specifications of the Police Department. He said he had contacted both dealers and they were agreeable to sharing the bid. It was moved by Councilman Erickson, seconded by Wood, that this bid be awarded in the amount of \$2,496.00 per car; two being supplied by Imperial Motors and two by Smith Chevrolet. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Nelson registered concern that these aforementioned vehicles were purchased without trade in and also, even where trade in is involved, the possibility that not sufficient care and analysis is placed on the selection of said trade-in, regardless of which department they might be assigned to. Nelson continued by saying he felt a carpool, properly administered, would correct any deficiencies which might exist. Nelson noted that a study was once made on the advisability of a carpool and moved that said study be reactivated. This motion was seconded by Councilman Parish. Roll call as follows: Ayes, 5; No, none; carried.

Finally, from the Purchasing Department, this memo was submitted:

City of Idaho Falls
P.O. Box 220
December 28, 1967

Motor Fuels & Lubricants (School & City)

Honorable Mayor and City Councilmembers:

Tabulation of bids for Motor Fuels and Lubricants is attached:

Ethyl Gasoline	Ray Groth Oil Co.	\$.20946 per gal.
Diesel Fuel	Ray Groth Oil Co.	.11924 per gal.
Diesel Oil	Ray Groth Oil Co.	.5789 per gal.
Motor Oil – Regular	American Oil Co.	.5825 per gal.
Motor Oil – Multiple Viscosity	American Oil Co.	.7925 per gal.

This is a joint bid, City of Idaho Falls and School District #91, for fuel and oil for City vehicles for the year 1968.

This recommendation is subject to your approval.

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s/ W. J. Skow
Purchasing Department

Councilman Nelson asked about the possibility of County participation on bids of this nature. Controller Jenkins said the County has been invited in, that they have indicated interest and probably would be included when joint bids are again requested on motor fuel and lubricants. It was moved by Councilman Nelson, seconded by Parish that these low bids be accepted as recommended. Roll call as follows: Ayes, 5; No, none; carried.

From the Building Official came this memo:

Building & Zoning Div.
December 28, 1967

MEMORANDUM

TO: Honorable Mayor and City Council

Gentlemen & Madam:

We have a request from the Riv-Eon Sign Company to remodel an existing pole sign lighted by floodlights, located at 960 John Adams Parkway in front of the Texaco Service Station.

To be changed as shown on the attached plan with interior lighting. Sign is located in an R-1 zone and requires Council action.

Respectfully submitted,
s/ Ray Browning
Building Official

Councilman Wood suggested that, even though no protests are anticipated, a petition be circulated to near-by neighbors so that they are given an opportunity to be advised and to approve or disapprove. It was moved by Councilman Wood, seconded by Councilwoman Smith that this request be tabled and referred to the appropriate Council Committee for the reason as stated. Roll call as follows: Ayes, 5; No, none; carried.

The Personnel Director submitted the following:

City of Idaho Falls
Personnel Officer
December 13, 1967

MEMORANDUM

TO: Mayor and City Council
FROM: LaWayne Chapman, Personnel Officer
SUBJECT: CLASSIFICATION CHANGE – CUSTODIANS

On December 12th the City Controller and I met with Mr. Peter Hill, your Director of Aviation and Airport Manager, with regard to budgetary matters.

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In analyzing the personnel at the Airport, we find that most of Mr. Hill's employees are classified as custodians, which falls in Range 4 of our Classification Schedule. It was felt that there should be some changes made in this regard and to better bring you up to date, may I review our Classification Schedule briefly. When it was originally developed, we had custodians and laborer employees classified in Range 4. In August 1966, the Public Works Director and I had reviewed the labor situation and had conducted a survey in the area regarding salaries of laborers and the recommendation was made to the Council and approved by the Council in their Council Meeting dated August 25, 1966 to change laborers from Range 4 to Range 6 and all other affected classifications upgraded accordingly. Perhaps this should have been done at the same time with custodians inasmuch as their job is essentially that of a laborer.

We are now respectfully requesting that authorization be given to change custodians from Range 4 to Range 6 and in the case of the Airport personnel, we would further request that the supervising custodian be changed from Range 6 to Range 7 and that the supervising groundskeeper also be changed from a Range 6 to Range 7. This would be more in keeping with the labor market and would permit Mr. Hill to retain the high caliber employees he now has. We would recommend that this change be effective December 31, 1967. This would be in line with our pay period schedules.

Respectfully submitted,
s/ LaWayne Chapman
Personnel Director

It was moved by Councilman Wood, seconded by Councilwomen Smith, that the salary classification for custodians at the airport be revised as recommended. Roll call as follows: Ayes, 5; No, none; carried.

The Traffic Safety Committee presented the following through the Police Chief, Chairman:

City of Idaho Falls
Police Division
December 18, 1967

TO: Honorable Mayor and City Council
FROM: Traffic Safety Committee
SUBJECT: RECOMMENDATIONS

The following is submitted for your consideration and approval.

1. Re-evaluation of Intersection at John Adams and St. Clair referred back to Committee at Council Meeting on December 7, 1967.

The Traffic Safety Committee resubmits the recommendation that John Adams be the through street at St. Clair. The following considerations are mentioned.

1. To encourage use of John Adams by traffic from Woodruff and on east. Fanning Avenue suggested as a good access to First Street.

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2. Discourage traffic entering First Street on St. Clair because of the hazardous approach due to road width and elevation visibility is obstructed both to the east and west.

2. To install YIELD signs on Fanning Avenue yielding to Garfield Street. (There have been two accidents since Fanning was opened on through from 1st Street.)

Respectfully submitted,
s/ Robert D. Pollock

Recommendation #1 was first considered. Councilman Parish reiterated his previous comments to the effect that it is not sensible nor congruous to encourage east-west traffic on John Adams and, in fact convert it to an arterial and still maintain a 25 miles per hour speed limit. Police Chief Pollock appeared to say that the Traffic Safety Committee would agree just as soon as a school crossing location can be determined and installed. He said the Council could expect a recommendation on this matter soon. It was moved by Councilman Erickson, seconded by Wood, that John Adams be converted to a through street at the St. Clair intersection, this sustaining the previous Council action as of November 9th, 1967. Roll call as follows: Ayes, 5; No, none; carried.

Recommendation #2 was then considered. It was moved by Councilman Erickson, seconded by Wood, that a YIELD sign be installed at the location as recommended. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor reported that two representatives from the Pocatello Trainmen's Union have asked the City Council to request an Interstate Commerce Hearing pertaining to railroad passenger trains passing through Idaho Falls and the proposal that same be discontinued. It was moved by Councilman Nelson, seconded by Councilwomen Smith that consent be given accordingly. Roll call as follows: Ayes, 5; No, none; carried.

Councilwomen Smith presented the following memo:

November 30, 1967

POWER TRANSFORMER ADDITION REQUIREMENTS

Summary: A \$150,000 transformer is required in 1969-1970 for Eagle Rock Substation. Delivery may be approximately 90 weeks, hence bid-processing authorization is essential at this time.

Winter 1967-1968 loads on two 10 MW oil-air units at Eagle Rock and 9th Street substations is 5 MW and 8 MW respectively for a total of 13 MW.

Annual load increases are estimated as follows:

- 3 MW electric heat (6.5 MW has been sold in 1967 to date).
- 2 MW conversion from 2.4 to 7.2 (Kelsey Addition & Misc. in 1968).
- 1 MW additional overall load growth
- 6 MW additional to 12 KV system annually

Yearly loads on 12 KV system (estimated)

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<u>Year</u>	<u>Additions</u>	<u>Total Load</u>
1967-1968		13 MW
1968-1969	6 MW	19 MW
1969-1970	6 MW	25 MW
1970-1971	6 MW	31 MW

The oil-air rating will probably be exceeded on one of the units in 1968-1969. It is forecast that the basic forced air rating of 12 MW per unit will be exceeded in 1969-1970. This could seriously overload equipment as well as eliminate all reserve capacity for emergency conditions.

A 18/24/30 MW oil-air forced air, forced air (QA-FA-FA) load top changing transformer complete with protection at 44.000 to 7200/12470 volt levels is essential for load requirements. Eagle Rock Substation was designed and constructed to utilize this unit. Additional power facilities will also be required by our power supplier.

Asked for comment, Electrical Engineer Fell said that even though an order was placed now, delivery could not be expected until the winter of 1969. He said this size and capacity transformer is needed to meet future requirements of the electrical system. It was moved by Councilwomen Smith, seconded by Councilman Erickson, that authorization be granted to advertise for bids as proposed. Roll call as follows: Ayes, 5; No, none; carried.

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

RESOLUTION NO. 1 (Resolution No. 1967-37)

A RESOLUTION DECLARING THE INTENTION 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 A LOCAL IMPROVEMENT DISTRICT TO BE KNOWN AS LOCAL IMPROVEMENT DISTRICT NO. 37 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 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 \$22,700.00 TO BE PAID BY THE CITY OF IDAHO FALLS; PROVIDING THE BASIS UPON WHICH SUCH SPECIAL ASSESSMENTS SHALL BE LEVIED; GIVING THE KIND OF 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 SAID PROTESTS WILL BE HEARD AND CONSIDERED BY

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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 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. 37 for the City of Idaho Falls, Idaho, and

WHEREAS, the estimated costs of said District and of said improvements are \$125,000.00, 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 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 \$22,700.00 to be paid by the City of Idaho Falls, and to defray the cost by such assessments to the extent of \$102,300.00;

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. 37 of the City of Idaho Falls, Idaho", the lands and lots in District and the boundaries of said District are described as follows:

Beginning at a point on the centerline of Lake Avenue and the centerline of "G" Street and thence running northwesterly 180 feet along the centerline of "G" Street to the centerline of Park Avenue; thence southwesterly 80 feet along the centerline of Park Avenue; thence northwesterly 730 feet and parallel to the centerline of "G" Street to the centerline of Memorial; thence north 220 feet along the centerline of Memorial Drive; thence southwesterly 250 feet to a point which is specifically defined as being 210 feet west of the west property line of Memorial Drive along the centerline of South Temple Drive and south 235 feet south of and at right angles to the centerline of South Temple Drive; thence northwesterly 235 feet to the centerline of South Temple Drive; thence northwesterly 510 feet to a point on the centerline of North Temple Drive, said point being 310 feet west along North Temple Drive from the centerline of Memorial Drive; thence east 310 feet to the centerline of Memorial Drive; thence southeasterly 180 feet along the centerline of Memorial Drive to the centerline of Mound Avenue extended; thence northeasterly 1565 feet along the centerline of Mound Avenue to the centerline of Elva Street; thence 400 feet east along the centerline of Elva Street to the centerline of Bannock Avenue extended, thence

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northeasterly 345 feet from the intersection of the centerline of Elva Street and Bannock Avenue to the northwest corner of Lot 11, in Block 79, Highland Park Addition; thence east 790 feet along the extension of north line of Lot 11, Block line of Lot 9, Block 9 of the South Hillcrest Addition; thence north 365 feet along the west boundary of the South Hillcrest Addition to the south boundary line of Block 1 of the Willowbrook Addition; thence east 275 feet along the south boundary of the Willowbrook Addition to the southwest corner of Lot 9, Block 1 of the Willowbrook Addition; thence northeasterly 230 feet diagonally across and to the northeast corner of Lot 9 and thence to the centerline of Lee Avenue and Sunset Drive; thence east 430 feet from the centerline of Lee Avenue along the centerline of Sunset Drive to the west property line of Lot 8, Block 1 South Hillcrest Addition, thence south 110 feet along the west property line of Lot 8, Block 1, South Hillcrest Addition; thence east 120 feet along the south property line of Lots 8 and 9, Block 1, South Hillcrest Addition; thence southwesterly 790 feet along the east boundary of South Hillcrest Addition to the south property line of Elva Street; thence west 50 feet along the south property line of Elva Street to the east property line of Lot 15, Block 1, Dwights Addition; thence south 140 feet along the east property line of Lot 15, Block 1, Dwights Addition to the south property line of the alley, Block 1, Dwights Addition, thence west 50 feet along the south property line of the alley to the east property line of Lot 30, Block 1, Dwights Addition; thence south 180 feet along the east property line of Lot 30, Block 1, Dwights Addition to the south property line of Whittier Street; thence west 175 feet along the south property line of Whittier Street to the east property line of Lee Avenue; thence south 325 feet along the east property line of College Street; thence west 110 feet along the south property line of College Street to the east property line of Lot 3, Block 6, Dwights Addition; thence south 130 feet along the east property line of Lot 3, Block 6 to the centerline of the alley; thence west 450 feet along the centerline of the alley to the east property line of Lot 28, Block 6, Dwights Addition; thence south 450 feet along the east property line of Lot 28, Block 6, and Lot 21 and 28, Block 7, Dwights Addition to the north property line of Garfield Street; thence west 100.0 feet to the east property line of North Boulevard; thence south 590 feet along the east property line of North Boulevard to the point of intersection of the east property line of North Boulevard and the east property line of Centre Avenue; thence southwesterly 800 feet along the east property line of Centre Avenue to the centerline of the alley in Block 56, Original Townsite Addition; thence northwesterly 250 feet along the centerline of alley, Block 57 of said Original Townsite Addition to the east property line of Lot 11; thence northwesterly 220 feet diagonally across Lots 11 and 12 to the centerline of "H" Street and Lake Avenue; thence southwesterly 365 feet along the centerline of Lake Avenue to the original point of beginning.

The points between which 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 northwesterly along "G" Street to Memorial Drive; thence northwesterly along Memorial Drive to the centerline of Mound Avenue; thence northeasterly along Mound Avenue to the north property line of "K" Street.

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Also, construct drainage lines complete with catch basins, manholes and appurtenances, along the following described streets;

MOUND AVENUE, from the north property line of "K" Street to the centerline of "L" Street.

SAGE AVENUE, from the existing drainage tunnel on Memorial Drive to the centerline of "H" Street; and from the centerline of the alley in Block 76, Riverside Addition, to the centerline of "J" Street; and from the centerline of "K" Street to the centerline of "L" Street.

CANAL AVENUE, from the existing drainage tunnel on "G" Street to the centerline on "I" Street; and from the centerline of "K" Street to the centerline of Elva Street.

IDAHO AVENUE, from the existing drainage tunnel on "G" Street to the centerline of "J" Street; and from the centerline of Highland Drive to the centerline of Whittier Street.

CENTRE AVENUE, from the centerline of "H" Street approximately 200 feet north to a manhole on an existing drainage line; and from the centerline of "I" Street south approximately 200 feet to the same manhole above described.

NORTH LEE AVENUE, from the centerline of Whittier Street to a point on the south boundary line of South Hillcrest Addition.

ELVA STREET, from the centerline of Ada Avenue to the centerline of North Boulevard.

WHITTIER STREET, from the centerline of North Boulevard to the centerline of North Lee Avenue.

HIGHLAND DRIVE, from the centerline of Canal Avenue to the centerline of Idaho Avenue.

"K" STREET, from the existing drainage tunnel on Mound Avenue to the centerline of Idaho Avenue.

"J" STREET, from the existing drainage tunnel on Mound Avenue to the centerline of Canal Avenue.

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.

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Section 4. The estimated cost and expense of said District and of said improvement is \$125,000.00, all of which is to be assessed against those lands in said District which will be benefited thereby, except the sum of \$22,700.00, 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 improvement as follows:

The lots and lands 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 \$22,700.00 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 as heretofore described in Section 1 herein.

Section 7. Said improvement is to be made by the installation of drainage 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 from land benefited thereby and by the City aforesaid.

Section 9. That Thursday, the 18th day of January, 1968, at 7:30 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 place when and where protests against the creation of said District for the making of such 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 in the Office of the City Clerk for further information in regard 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 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

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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 28th day of December, 1967.

s/ S. Eddie Pedersen
MAYOR

ATTEST: s/ Roy C. Barnes
CITY CLERK

Councilman Parish seconded the adoption of Resolution No. 1, declaring the intention of the City Council of the City of Idaho Falls, Idaho, to create Local Improvement District No. 37, and the same on being put to vote was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Councilwoman Smith, Councilmen Nelson, Parish, Erickson, Wood.

City Attorney Smith presented a right-of-way contract from Frank and Vivian Mikesell covering property legally described in metes and bounds as follows:

Beginning at a point that is North 0° 27' 51" East 19.53 feet along the section line and north 89° 58' 53" East 399.53 feet from the South Quarter Corner of Section 7, Township 2 North, Range 38 East of the Boise Meridian; thence North 89° 58' 53" East 50.00 feet; thence North 0° 01' 07" West 35.55 feet to a point on a curve with a radius of 1131.30 feet; thence Northwesterly along said curve a distance of 50.50 feet whose chord bears North 82° 01' 07" West 50.49 feet to a point on the curve; thence South 0° 01' 07" East 42.57 feet to the point of beginning, containing 1,950 square feet, more or less.

Mr. Smith explained that this was property required for the Fairview Street Extension Project, that it had been the subject of condemnation, that a settlement price in the amount of \$4,600 had been agreed upon by Mr. Mikesell and that this appeared fair and equitable. It was moved by Councilman Parish, seconded by Nelson, that the contract be accepted, that the Mayor be authorized to sign and that the Controller be authorized to make payment in the amount stated. Roll call as follows: Ayes, 5; No, none; carried.

City Attorney Smith then presented a tentative draft of a cooperative agreement between the City and Bonneville County for construction of the 17th Street Bridge. He explained that it had been prepared by the City and the County Attorneys and, although the County Commissioners were believed to be generally in agreement with its provisions, they had asked for a joint public hearing before proceeding further. It was moved by Councilman Nelson, seconded by Councilwoman Smith that the Mayor be authorized to arrange such a hearing, jointly with the County and that the City Clerk be authorized to publish an appropriate legal notice as prepared by the Legal Department. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson drew attention to the recent power outages. He commended the Electrical Department for their efficient response and handling of the problem and emphasized that these outages certainly prove the need for continued maintenance of the City owned generation facilities.

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There being no further business, it was moved by Councilman Parish, seconded by Wood, that the meeting adjourn at 8:47 p.m.; carried.

ATTEST: s/ Roy C. Barnes
 CITY CLERK

s/ S. Eddie Pedersen
 MAYOR

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