

AUGUST 26, 1965

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Regular Meeting, on Thursday, the 26th day of August, 1965, at the hour of 7:30 o'clock P.M. at the City Council Chambers in the City Hall in the City of Idaho Falls, Idaho; due and legal notice of said Meeting having been given as required by law and the rules and ordinances of the City.

On roll call, the following members, constituting a quorum, were present: Mayor S. Eddie Pedersen; Councilmen Karl G. Page, Philip C. Leahy, Jim R. Freeman, Gordon L. Nelson, Roy J. Keller, Dale D. Parish. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Luther Jenkins, City Controller; Don Lloyd, Public Works Director; William Fell, Electrical Engineer; Les Corcoran, Fire Chief.

Minutes of the last Recessed Regular Meeting, held August 9th, 1965, were read and approved as amended.

The Mayor announced that this was the time and the place for a public hearing, as advertised, for the presentation of additional protests and other comments pertaining to the establishment of Local Improvement District No. 35. The Mayor instructed the City Clerk to present and read all written protests, as follows:

Northridge, Calif.
August 23, 1965

Sirs:

Thank you for sending the notices on the intention of improvement of Bel Aire Addition.

I am opposed to the improvement.

Respectfully yours,
s/ G. Elbert Smith

I protest this Local Improvement District No. 35 of the City of Idaho Falls. I protest.

s/ Gary Duncan

July 30, 1965
1024 Kearney
Idaho Falls, Idaho

Dear sirs:

In regard to the notice of intention to establish Local Improvement District No. 35 of the City of Idaho Falls, Idaho, we wish to protest.

We believe the whole Bel-Aire School District area should be taxed. This drainage is for the School area. It is not fair to tax a limited number of us. We never have water standing around our homes and we really don't need this. We understand the water does stand at school

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and something should be done but why by so few homeowners. **Don't we even have a chance to vote on this?**

Yours truly,
s/ Ned Mitchell
s/ Melva Mitchell
1024 Kearney

This was our first written protest to the City, with some 34 signatures of homeowners on it. The reason for this was to try to get the City Council to spread Improvement District No. 35 out over more area. We, the homeowners of this District, felt it should have included "at least" all of South Bel-Aire up to Garfield Street, if not all of South Bel-Aire. We, the homeowners, so not want to pay \$14,100 between 117 homeowners, because 90 some of these homeowner's water does not drain to the school. The City Council voted to check into this and talk to the City Attorney and try to spread this Improvement District No. 35 out. The City Attorney explained to us the rest of South Bel-Aire down to Bonneville had a drainage system that was sufficient and their drainage was the Crow Creek drainage system. If any work needed to be done there the City would have to pay for it. They are therefore excluded. Now this same drainage system was paid for by us the homeowners of South Bel-Aire. Their homes cost them no more than ours. Therefore, we should be excluded the same as they. The City can pay for drainage at the school. We 88 homeowners in Improvement District No. 35 down to Garfield Street, whose water does not drain to the school, **PROTEST**. We do not want to be connected to the school problem then.

Yours truly,
s/ Ned & Melva Mitchell
1024 Kearney

s/Willard Ooley	1023 Kearney	William E. Bryant	750 Sharp
Raymond Jorgensen	755 Sharp	R. O. Lambert	1047 Kearney
Elmer Price	960 Lovejoy	Lyda Price	960 Lovejoy
Vernon Byington	850 Royal	A. D. Maag	1008 Lovejoy
Nedra V. Maag	1008 Lovejoy	Bob D. Clark	1015 Kearney
Joyce A. Clark	1015 Kearney	Vaudis Griggs	1039 Kearney
Trudy Gisin	1087 Kearney	Janice Cave	1064 Kearney
Edwin E. Cave	1064 Kearney	Ralph L. Johnston	1088 Johnson
Raymond E. Rhoades	1064 Johnson	Edna M. Brininger	1072 Johnson
Dallon J. Mason	1080 Johnson	Paul Erickson	725 Northrup
Mrs. Paul Erickson	725 Northrup	Jack R. Martin	755 Northrup
Madeline Moon	625 Northrup	Jerome J. Junk	1007 Kearney
James E. Smith	102 Kearney	Laura Ray	1055 Garfield
Sheri Oram	1087 Garfield	Carlis W. Hammer	1115 Garfield
John J. Edwards	1139 Garfield	Clifton D. Potter	1131 Halsey
Elise Duncan	1115 Halsey	Mrs. H. N. Mayab	1071 Halsey

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H. N. Mayab	1071 Halsey	Mr. Charles Jones	1031 Kearney
Mr. I. U. Rowland	1079 Kearney	Cecil Allen	980 Lovejoy
Donald J. Ball	705 Sharp	Betty Jean Miller	1072 Kearney
Mrs. Helen Scheer	1088 Kearney	Richard V. Scheer	1088 Kearney
Mike Purcell Family	1087 Johnson	Robert Hill Family	1063 Irving
Wm. E. Clapp Family	1071 Irving	Burt Garner Family	1088 Irving
Gordon D. Leavitt	1095 Irving	George Sparr Family	1107 Irving
Robert Larna Family	1080 Irving	Wm. Louis Grant	1072 Irving
Dick Purcell	605 Northrup	Richard L. Starnes	545 Northrup
Robert Robinson	1072 Halsey	Robert C. Hoogs, Jr.	1080 Halsey
Joseph G. Mayall	1079 Halsey	C. G. Mayall	695 Northrup
Gary Duncan	1115 Halsey	H. R. Fugua	1107 Halsey
Mary L. Claymore	1116 Halsey	Golda Burke	1080 Kearney
Mrs. Verle K. Doan	970 Lovejoy	Dorothy G. Watson	1079 Irving
Jess Brown	1040 Kearney	Martha Pritchett	1071 Johnson
Vernon Cole	1095 Halsey	Howard Bruderer	1107 Garfield
Max V. Keller	565 Northrup	Mr. Marlin Burke	1016 Kearney

Mr. Ned Mitchell, 1024 Kearney, appeared before the Council, author of the foregoing written protest and said he represented 88 property owners in South Bel-Aire who were asking to be excluded from the district on the grounds that their storm water does not contribute to the drainage problem at Garfield and Royal. He suggested that the existing drain at Garfield and Marshall could be moved fifty feet and this would solve the problem at that drainage location. He said this drain is too high to be effective. He also proposed a shorter drainage route, through the Pine Acres area. He said the people he represents feel they would be paying for this service twice and if they are assessed then all South Bel-Aire residents should be. Councilman Leahy proposed that an investigation be made to determine the cost of correcting just the drainage problem at Marshall and Garfield as a possible solution to re-evaluating all assessments. It was moved by Councilman Nelson, seconded by Parish, that Councilman Leahy's proposal be pursued by the Engineering Department in hopes that a more equitable formula can be devised. Roll call as follows: Ayes, 6; No, none; carried. Meanwhile, it was moved by Councilman Leahy, seconded by Parish, that this hearing be recessed until a later date, yet to be determined. Roll call as follows: Ayes, 6; No, none; carried.

The following memo was presented and read:

CITY OF IDAHO FALLS
8/20/65

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: L.I.D. NO. 36

On August 18, 1965, the City Council Public Works Committee met with the Director of Public Works and the City Attorney for the purpose of reviewing the protests on Local Improvement

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District No. 36. Also present was Donald Ellsworth, one of the protestants regarding the method of assessing the cost on this District.

The attached list of the protests and the suggested recommendations for disposition of same is submitted for your review prior to the Council Meeting on August 26th when the resolution forming the District will be introduced by the City Attorney.

Respectfully submitted,
s/ Donald F. Lloyd, P.E.
Public Works Director

The above memo was attached to a list of all protestants to the establishment of L.I.D. No. 36, together with a recommendation, in each instance, for disposition of same as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>PROTESTED</u>	<u>RECOMMENDATION</u>
Jay Eckersley	276 W. 16 th Street	Inclusion of South	All of these protestants are on the east side of Alice Ave. Recommend leaving off the sidewalk BUT deny protest as there is more than 50% of the property facing the street to be improved that did not protest. West side sidewalk will have to be eliminated due to omission in original advertizing.
Clem Page	284 W. 16 th Street	Lawn Addition in the	
Claude Christensen	302 W. 16 th Street	District	
J. W. Briggs	312 W. 16 th Street	"	
Clive Short	456 E. 18 th Street	"	
Roy Armfield & wife	1065 Orlin Drive	"	
Glen Johnson	315 W. 19 th Street	"	
Joseph W. Tolley	295 W. 15 th Street	"	
Wm. Thayne Earl	234 W. 18 th Street	"	
Dorothy Norell	244 W. 15 th Street	"	
J.M. & Wilma Madsen	230 W. 15 th Street	"	
Velma R. Petersen	264 W. 15 th Street	"	
Ellis M. Storms	261 W. 15 th Street	"	
Jean Cutler	257 W. 15 th Street	"	
A. K. Larson	1525 Alice Ave.	"	
Gary D. Huskinson	285 W. 15 th Street	"	
Frank Bird	271 W. 15 th Street	"	
Mary B. Ryset	225 W. 14 th Street	"	
Alfred Crandall	227 W. 15 th Street	Concerned about hardship to a widow living on Alice Avenue	This is not a protest but possibly some relief may have to be extended in a hardship case or two.

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<u>NAME</u>	<u>ADDRESS</u>	<u>PROTESTED</u>	<u>RECOMMENDATION</u>
Don Ellsworth James Enke Max Laughlin	984 Syringa 120 Linden Drive 125 Linden Drive	Method of Assessment by "end costs"	Deny protest. Assessment conforms to the method that has been proven over the years. It is too late to make changes now in this District.
Cecil Owens W. C. Burns	470 8 th Street 164 N. Lloyd Cir.	Sidewalk for west side of Rollandet between 16 th and 17 th Streets	Allow this protest. Eliminate the sidewalk for the west side of this block.
C. E. Browning	125 N. Yellowstone	Improvement of South Utah Avenue	Deny protest. This improvement too badly needed. Delete sidewalk.
First Christian Church	18 th Street	Construction of the sidewalk on the church property to be assessed. Members would do the work.	Allow protest.
Jerry Jacobsen Lelan Staten John McQuire	991 1 st Street 995 1 st Street 981 1 st Street	Complete reconstruc- tion on 1 st Street when center portion seems to be in good condition.	It would be impossible to fit the existing grade when the street is improved. Recommend the protest be denied. North side sidewalk to be eliminated.
H. F. Rhoades	705 1 st Street	First Street drainage should also be corrected. Being an arterial, it should be financed by entire City.	The drainage is corrected by this improvement. The street does not qualify as an arterial street. Recommend protest be denied.
Molly Micek	1035 12 th Street	Preferred 50 feet of curb cut at another location	She was granted 40 feet curb cut and agreeable. Deny protest.
Emmett Gallup R. C. Sherman	130 Ronglyn 200 Ronglyn	Inquiring as to method of assessment	Explained the method. Deny protest.

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<u>NAME</u>	<u>ADDRESS</u>	<u>PROTESTED</u>	<u>RECOMMENDATION</u>
Richard Caughie Howard Nelson Kay Simmons	1128 Boise Avenue 1129 Boise Avenue 1156 Cassia	Prefers wider street and no parking "	Allow this as requested. " "
D. L. Westergard Ross Clements	912 Jackson	Would like to be de- leted from the District & accomplish his own improvement	Allow this if the work is started before the District is formed.
Ken Kugler	West Highway	Protests improvement of Mountain View as it is undeveloped	Deny protest but eliminate the sidewalk on the south side of the street.
Orland Eddins	Afton Wyoming	Protests the improvement on Higbee Ave. from Poulson to Keefer, (this protest was entered on Aug. 18 th and therefore is not legal.)	Deny protest. Would not be good to do a block on either side and leave out the two blocks in the center. However, eliminating side- walks on both Higbee and Keefer.

NOTE: The City Attorney recommends 16th Street, from Curtis to Rollandet, be eliminated due to the omission in the original advertising.

It was moved by Councilman Leahy, seconded by Freeman, that all the recommendations, as made, be honored and accepted and construction adjustments be authorized accordingly.

The City Council, having heard and considered protests against the creation of Local Improvement District No. 36 at its meeting on August 9, 1965, and having taken protests under advisement, now, on motion of Councilman Nelson, seconded by Keller, the following Resolution was adopted by the unanimous vote of the Council and Mayor:

RESOLUTION (Resolution No. 1965-18)

“RESOLVED: THAT THE ACTUAL VALUE OF THE REAL PROPERTY INCLUDED IN PROPOSED LOCAL IMPROVEMENT DISTRICT NO. 36 IS \$2,745,000.00; THAT THE ACTUAL VALUE OF THE REAL PROPERTY INCLUDED IN SAID DISTRICT, EXCLUSIVE OF THE IMPROVEMENTS THEREON IS \$670,000.00; THAT SEVERAL PROTESTS AGAINST PORTIONS OF THE PROPOSED WORK HAVE BEEN MADE IN WRITING BY PROPERTY OWNERS AND FILED WITH

THE CITY CLERK; THAT SUCH PROTESTS HAVE BEEN MADE BY THE OWNERS OF LESS THAN TWO-THIRDS OF THE ABUTTING, ADJOINING, CONTIGUOUS AND ADJACENT LOTS AND LANDS WITHIN SUCH PROPOSED IMPROVEMENT DISTRICT; THAT EACH AND ALL OF SAID PROTESTS HAVE BEEN CAREFULLY CONSIDERED; THAT CERTAIN PROPERTY IS INCLUDED WITHIN SAID DISTRICT WHICH SHOULD NOT BE ASSESSED TO PAY THE COSTS AND EXPENSES OF SUCH IMPROVEMENT, AND THAT PORTIONS OF SUCH IMPROVEMENT SHOULD NOT BE MADE, AND THE SAME MAY BE ELIMINATED FROM THE DISTRICT; THAT THE PETITION REQUESTING THE ORGANIZATION OF THE DISTRICT IS PROPER AND THE DISTRICT, AFTER SUCH PORTIONS ARE ELIMINATED THERE FROM, WILL BE FOR THE BEST INTERESTS OF THE PROPERTY AFFECTED AND THE CITY OF IDAHO FALLS, IDAHO; THAT THERE IS REASONABLE PROBABILITY THAT THE OBLIGATIONS OF SUCH DISTRICT, AS MODIFIED, WILL BE PAID; THAT THE RESOLUTION OF INTENTION PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON JULY 22, 1965, SHALL BE, AND THE SAME HEREBY IS, AMENDED AND MODIFIED AS TO THE STREETS AND PARTS OF STREETS AND ALLEYS AND PARTS OF ALLEYS AND LOTS AND LANDS TO BE INCLUDED WITHIN THE BOUNDARIES OF LOCAL IMPROVEMENT DISTRICT NO. 36, TO READ AS FOLLOWS, TO-WIT:

DESCRIPTION OF WORK

STREET PAVING IN JOHN ADAMS HEIGHTS ADDITION

First Street: From the west boundary to the east boundary of John Adams Heights Addition.

STREET PAVING IN CAPITOL HILL ADDITION

College Street: From the east property line of Higbee Avenue to the west property line of Holmes Avenue.

May Street: From the east property line of Higbee Ave. to the west property line of Holmes.

STREET PAVING IN FAIRMONT PARK ADDITION, DIVISION NO. 3

12th Street: The south half of 12th Street from the east lot line of Lot 10, Block 7, to the west property line of Woodruff Avenue.

STREET PAVING IN HIGHLAND PARK ADDITION

- Boise Avenue:** From the north boundary of Elva Street to the north boundary of the Highland Park Addition.
- Canyon Avenue:** From the north boundary line of Elva Street to the south boundary of Shelley Street.
- Cassia Avenue:** From the north boundary of Shelley Street to the north boundary of Highland Park Addition.
- Elmore Avenue:** From the north boundary of Jackson Drive to the south boundary of Shelley Street.
- West Elva Street:** From the northeast boundary of Riverside Drive to the west boundary of Jefferson Avenue.
- Iona Street:** From the east boundary of Elmore Avenue to the west boundary of Jefferson Avenue.
- Jackson Drive:** From the west boundary of Riverside Drive 800 feet more or less, northwesterly.
- Latah Street:** From the north boundary of Jackson Drive north 1150 feet, more or less.
- Riverside Drive:** From the south boundary of Elva Street to the northeast corner of Lot 2, Block 70.

STREET PAVING IN KUGLAR ADDITION

- Mountain View Lane:** From the east property line of Saturn Avenue to the east property line of Kuglar Addition

STREET PAVING IN THE W. O. KUNTER ADDITION

- First Street:** From the west boundary to the east boundary of Kunter Addition.

STREET PAVING IN LINDEN PARK ADDITION

- First Street:** From the west boundary of Linden Park Addition to the northwest corner of Lot 5, Block 20, Linden Park Addition.

STREET PAVING IN SOUTH LAWN ADDITION

- Alice Avenue:** From the south boundary of 14th Street to the north boundary of 16th Street

STREET PAVING IN MAPLEWOOD ADDITION

First Street: From the west boundary to the east boundary of the Maplewood Addition

STREET PAVING IN MAYFLOWER ADDITION

Higbee Avenue: From the north boundary of Yellowstone Highway to the north boundary of Keefer Street.

Keefer Street: From the east boundary of Higbee Avenue to the west boundary of Holmes Avenue.

STREET PAVING IN PACKER ADDITION, DIVISION NO. 3

12th Street: The south half of 12th Street from the west property line of Lot 12, Block 15, to the west boundary line of Woodruff Avenue.

STREET PAVING IN SOUTH PARK ADDITION

Alice Avenue: From the south boundary of 14th Street to the north boundary of 16th Street.

STREET PAVING IN PINE ACRES ADDITION

First Street: From the east boundary line of Lot 3, Block 4, to the west boundary line of Pine Acres Addition.

STREET PAVING IN SECTION 13, TWP. 2N., RGE. 37, E.B.M.

Mountain View Lane: From the east property line of Kuglar Addition to the west property line of North Colorado Avenue.

STREET PAVING IN SECTION 24, TWP. 2N., RGE. 37, E.B.M.

Rollandet Avenue: From the north boundary of 17th Street to the north boundary of 16th Street.

Utah Avenue: From the south boundary line of West Broadway to the main tracks of the Oregon Short Line Railroad.

STREET PAVING IN SECTION 17, TWP. 2N., RGE. 38, E.B.M.

First Street: From the west boundary of Pine Acres Addition to the east boundary of Wabash Avenue.

STREET PAVING IN SECTION 18, TWP. 2N., RGE. 38, E.B.M.

Boise Avenue: From the north boundary of Highland Park Addition to the south boundary of Anderson Street.

Cassia Avenue: From the south boundary of Anderson Street to the north boundary of Highland Park Addition.

STREET PAVING IN SECTION 20, TWP. 2N., RGE. 38, E.B.M.

First Street: From the east boundary of the Kunter Addition to the west boundary of Maplewood Addition. From the east boundary of Maplewood Addition to the west boundary of Linden Park Addition.

Terry Drive: The east half of Terry Drive from the north boundary of Orlin Park Addition, Division No. 5, north 140 feet, more or less.

SIDEWALKS IN THE JOHN ADAMS HEIGHTS ADDITION

First Street: From the west boundary of Fanning Avenue west 100 feet, more or less.

SIDEWALKS IN CAPITOL HILL ADDITION

College Street: From the southwest corner of Lot 23 to the southeast corner of Lot 44, Block 6. From the northwest corner of Lot 22 to the northeast corner of Lot 1, Block 11.

May Street: From the northwest corner of Lot 22 to the northeast corner of Lot 1, Block 14. From the southwest corner of Lot 23 to 5 feet east of the southeast corner of Lot 28, Block 11. From the southwest corner of Lot 32 to the southeast corner of Lot 33, Block 11. From the southwest corner of Lot 36 to the southeast corner of Lot 44, Block 11.

SIDEWALKS IN FAIRMONT PARK, DIVISION NO. 3

12th Street: From the northeast corner of Lot 10, Block 7, to the east boundary of Woodruff Avenue.

SIDEWALKS IN THE HIGHLAND PARK ADDITION

Boise Avenue: From the southeast corner of Lot 1 to the northeast corner of Lot 24, Block 74. From the southwest corner of Lot 48 to the northwest corner of Lot 25, Block 75. From the southeast corner of Lot 1 to the northeast corner of Lot 24, Block 61. From the southwest corner of Lot 48 to the northwest corner of Lot 25, Block 60. From the southeast corner of Lot 1 to the northeast corner of Lot 24, Block 48.

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From the southwest corner of Lot 48 to the northwest corner of Lot 25, Block 49.
From the southeast corner of Lot 1 to the northeast corner of Lot 17, Block 33.
From the southwest corner of Lot 36 to the north west corner of Lot 19, Block 32.

Canyon Avenue: From the southeast corner of Lot 1 to the northeast corner of Lot 4 and from the southeast corner of Lot 8, to the northeast corner of Lot 24, Block 71. From the southwest corner of Lot 48 to the northwest corner of Lot 32 and from the southwest corner of Lot 27 to the northwest corner of Lot 25, Block 72. From the southeast corner of Lot 1 to the northeast corner of Lot 24, Block 64. From the southwest corner of Lot 48 to the northwest corner of Lot 38 and from the southwest corner of Lot 33 to the northwest corner of Lot 25, Block 63.

Cassia Avenue: From the southeast corner of Lot 1 to the northeast corner of Lot 24, Block 47. From the southwest corner of Lot 48 to the northwest corner of Lot 25, Block 48. From the southeast corner of Lot 1 to the northeast corner of Lot 17, Block 34. From the southwest corner of Lot 34 to the northwest corner of Lot 18, Block 33.

Elmore Avenue: From the southeast corner of Lot 1 to the northeast corner of Lot 12, Block 70. From the southeast corner of Lot 1 to the northeast corner of Lot 24, Block 65. From the southwest corner of Lot 48 to 5 feet north of the northwest corner of Lot 36 and from a point 10 feet south of the northwest corner of Lot 33 to the northwest corner of Lot 25, Block 64.

West Elva Street: From the southwest corner of Lot 48 to the southeast corner of Lot 1, Block 72.

Iona Street: From the southwest corner of Lot 48 to the southeast corner of Lot 1, Block 64. From the southwest corner of Lot 48 to the southeast corner of Lot 1, Block 63. From the northwest corner of Lot 25 to the northeast corner of Lot 24, Block 71. From the northwest corner of Lot 25 to the northeast corner of Lot 24, Block 72.

Jackson Drive: From the southeast corner of Lot 1 to the northwest corner of Lot 43, Block 66. From the south corner of Lot 1 to the west corner of Lot 25, Block 67.

Latah Avenue: From the south corner of Lot 1 to the northeast corner of Lot 1, Block 67.

Riverside Drive: From the west property line of Elmore Avenue to the south property line of Iona Street.

SIDEWALK IN W. O. KUNTER ADDITION

First Street: From the east property line of Fanning Avenue to the west property line of Chatham, and from the east property line of Chatham to the east property line of Kunter Addition.

SIDEWALK IN LINDEN PARK ADDITION

First Street: From the west boundary of Linden Park Addition to the west boundary of Linden Drive and from the east boundary of Linden Drive to the northwest corner of Lot 5, Block 20.

SIDEWALK IN MAPLEWOOD ADDITION

First Street: From the northwest corner of Maplewood Addition east 490 feet and also beginning at a point that is 550 feet from the northwest corner of the Addition and extending easterly 96 feet to the east property line of said Addition.

SIDEWALK IN PACKER ADDITION, DIVISION NO. 3

12th Street: From the west boundary of Lot 12, Block 15, to the west boundary of Woodruff Avenue.

SIDEWALKS IN SECTION 18, TWP. 2N., RGE. 38, E.B.M.

Boise Avenue: Both sides of Boise Avenue from the south boundary of Anderson Street to the north boundary of Highland Park Addition.

Cassia Avenue: Both sides of Cassia Avenue from the south boundary of Anderson Street to the north boundary of Highland Park Addition.

SIDEWALK IN SECTION 20, TWP. 2N., RGE. 38, E.B.M.

First Street: On the south side of First Street from the east property line of Kunter Addition to the west property line of Maplewood Addition, and from the east property line of Lot 3, Block 1, Maplewood Addition to the west property line of Lot 4, Block 19, Linden Park Addition.

Terry Drive: The east half of Terry Drive from the north boundary of Orlin Park, Division No. 5, 140 feet north.

LOTS AND LANDS

JOHN ADAMS HEIGHTS ADDITION

Block 3, Lots 1 to 7, and 23 to 31, inclusive
Block 4, Lots 1 to 7, and 21 to 29, inclusive
Block 5, Lots 10 to 17, inclusive

CAPITOL HILL ADDITION

Block 6, Lots 23 to 44, inclusive
Block 11, Lots 1 to 22, and 23 to 44, inclusive
Block 14, Lots 1 to 22, inclusive

FAIRMONT PARK ADDITION

Block 7, Lot 10

HIGHLAND PARK ADDITION

Block 32, Lots 19 to 36, inclusive
Block 33, Lots 1 to 17, and 18 to 34, inclusive
Block 34, Lots 1 to 17, inclusive
Block 47, Lots 1 to 24, inclusive
Block 48, Lots 1 to 24, and 25 to 48, inclusive
Block 49, Lots 25 to 48, inclusive
Block 60, Lots 25 to 48, inclusive
Block 61, Lots 1 to 24, inclusive
Block 63, Lots 1 to 12, and 25 to 48, inclusive
Block 64, Lots 1 to 48, inclusive
Block 65, Lots 1 to 24, inclusive
Block 66, Lots 1 to 12, and 35 to 44, inclusive
Block 67, Lots 1 to 7, and 20 to 25, inclusive
Block 70, Lots 1 to 19, inclusive
Block 71, Lots 1 to 48, inclusive
Block 72, Lots 1 to 48, inclusive
Block 74, Lots 1 to 48, inclusive
Block 75, Lots 25 to 48, inclusive
Block 81, All of Block
Block 82, All of Block

KUGLER ADDITION

Block 1, Lots 6 to 13, inclusive

W. O. KINTER ADDITION

Block 1, Lots 1 to 5, inclusive
Block 2, Lots 4 to 10, inclusive

SOUTH LAWN ADDITION

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Block 2, Lots 3 and 4, and 5 to 9, inclusive
Block 3, Lots 7 to 24, inclusive

LINDEN PARK ADDITION

Block 19, Lots 2 to 4, and that park area lying north of Lot 3
Block 20, Lot 1 and that park area lying north of Lot 1

MAPLEWOOD SUB-DIVISION

Block 1, Lots 1 to 3 and 31 to 33, inclusive

MAYFLOWER ADDITION

Block 9, Lots 24 to 46, inclusive
Block 11, Lots 1 to 5, and 41 to 48, inclusive
Block 12, Lots 2 to 35, inclusive
Block 13, Lots 16 to 30, inclusive
Block 14, Lots 1 to 6, and 41 to 48, inclusive
Block 15, Lots 1 to 9, and 38 to 48, inclusive
Block 16, All of that portion lying westerly of the North Yellowstone Avenue

PACKER ADDITION

Block 15, Lot 12

SOUTH PARK ADDITION

Block 10, Lots 11 to 20, inclusive
Block 12, Lots 1 to 34, inclusive

PINE ACRES SUB-DIVISION

Block 4, Lots 3 to 6, inclusive
Block 5, Lots 47 to 51, inclusive, according to 1st amended plat

SECTION 13, TWP. 2N., RGE. 37, E.B.M.

That parcel of land lying north of Mountain View Lane for 125 feet extending from the east property line of Saturn Avenue to the west line of North Colorado Avenue. That parcel of ground lying south of Mountain View Lane for 125 feet, extending from the east property line of the Kuglar Addition to the west property line of Interstate Highway 15. That parcel of land lying between Riverside Drive and Jackson Drive, and the Snake River.

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SECTION 17, TWP. 2N., RGE. 38, E.B.M.

That parcel of land lying north of First Street for 125 feet, extending from the east property line of Wabash Avenue to the west property line of Pine Acres Sub-division.

SECTION 18, TWP. 2N., RGE. 38, E.B.M.

That parcel of land lying east of the east line of Boise Avenue for 125 feet, extending from the north property line of Lot 19, Block 32, Highland Park Addition, to the south property line of Anderson Street. That parcel of land lying west of the west line of Boise Avenue for 125 feet, extending from the north property line of Lot 17, Block 33, Highland Park Addition to the south property line of Anderson Street. That parcel of land lying east of the east line of Cassia Avenue for 125 feet, extending from the north property line of Lot 18, Block 33, Highland Park Addition, to the south property line of Anderson Street. That parcel of land lying west of the west line of Cassia Avenue for 125 feet, extending from the north property line of Lot 17, Block 34, Highland Park Addition, to the south property line of Anderson Street.

SECTION 20, TWP. 2N., RGE. 38, E.B.M.

That parcel of land laying south of First Street for 125 feet, extending from the east property line of the W. O. Kunter Addition to the west property line of Lot 31, Block 1, Maplewood Addition. That parcel of land lying south of First Street for 125 feet, extending from the east property line of Lot 3, Block 1, Maplewood Addition, to the west property line of Lot 4, Block 19, Linden Park Addition. That parcel of land lying east of Terry Drive for 125 feet, extending from the north property line of Lot 13, Block 22, Orlin Park Addition, northerly 140 feet.

SECTION 24, TWP. 2N., RGE. 37, E.B.M.

That parcel of land lying west of South Utah Avenue for 125 feet, extending from the south property line of Broadway to the Oregon Short Line Mainline Railroad Tracks. That parcel of land lying east of South Utah Avenue for 125 feet, extending from the south property line of Broadway to the Oregon Short Line Mainline Railroad Tracks. That parcel of land lying west of Rollandet Avenue for 125 feet, extending from the north property line of West 17th, to the north property line of West 16th Street.

That said Resolution of Intention as so amended and modified shall be, and the same hereby is, ratified and approved.

ATTEST: s/ _____
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

Councilman Leahy introduced Ordinance No. 1144 entitled:

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ORDINANCE NO. 1144

AN ORDINANCE CREATING AND SETTING FORTH THE BOUNDARIES OF LOCAL IMPROVEMENT DISTRICT NO. 36 IN AND FOR IDAHO FALLS, IDAHO, FOR THE PURPOSE OF GRADING, GRAVELING, PRIME-COATING, TACK-COATING, PAVING, CURBING, GUTTERING, SURFACE DRAINING, AND CONSTRUCTING SIDEWALKS ON CERTAIN STREETS AND PARTS OF STREETS, ALLEYS AND PARTS OF ALLEYS THEREIN; PROVIDING THAT SUCH IMPROVEMENT SHALL BE MADE AND THAT THE COST AND EXPENSE OF SUCH IMPROVEMENTS SHALL BE TAXED AND ASSESSED UPON ALL PROPERTY IN SAID DISTRICT IN PROPORTION TO THE NUMBER OF SQUARE FEET OF LANDS AND LOTS ABUTTING, ADJOINING, CONTIGUOUS AND ADJACENT THERETO INCLUDED IN SAID DISTRICT AND IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS; AND PROVIDING THAT THE WHOLE COST AND EXPENSE OF SAID IMPROVEMENTS WITHIN STREET INTERSECTIONS AND ALLEY INTERSECTIONS SHALL BE PAID FROM THE GENERAL FUNDS OF THE CITY AND FIXING THE AMOUNT THEREOF, AND IN ADDITION THERETO THE CITY WILL CONTRIBUTE AND PAY FROM THE GENERAL FUNDS OF THE CITY THE SUM OF \$14,900.00; AND PROVIDING FURTHER THAT THE MAKING OF SAID IMPROVEMENTS IS DEPENDENT UPON THE ISSUANCE AND SALE OF LOCAL IMPROVEMENT BONDS TO DEFRAY THE COST OF SAID IMPROVEMENTS OTHER THAN THE COST AND EXPENSE TO BE PAID FROM THE GENERAL FUNDS OF THE CITY

and moved that the Ordinance be adopted and passed by the Council on its first reading. Motion was seconded by Councilman Parish, and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Freeman, seconded by Councilman Keller, that the Ordinance pass its second reading, and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all Councilmen present.

It was moved by Councilman Leahy, seconded by Councilman Parish, that the Ordinance pass its third reading, and that the same be adopted, and the Clerk be instructed to publish the same as required by law, and the same being put to a vote, it was unanimously carried, the vote being as follows: Councilmen Page, Freeman, Nelson, Parish, and Keller.

The Ordinance having been passed, this memo was presented and read:

CITY OF IDAHO FALLS
8/25/65

AUGUST 26, 1965

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ADVERTISING FOR BIDS FOR THE CONSTRUCTION OF L.I.D. NO. 36

The plans and specifications will be complete and ready for contractors review for the construction of L.I.D. No. 36 during the second week in September. We are therefore requesting that the City Clerk be authorized to advertise for this project September 4, 11 and 18 and that the bids be opened at 10:00 A.M., September 21, 1965.

Respectfully submitted,
s/ Donald F. Lloyd
Public Works Director

It was moved by Councilman Keller, seconded by Freeman, that authorization be granted for bid advertising on the project as described, to be opened as suggested. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented three informal, written, unsealed proposals from security dealers to act in the capacity of selling or fiscal agent for the marketing of the bonds to be issued to finance construction of L.I.D. No. 36, revealing the following:

Thornton D. Morris & Company to be joined with Goodbody & Co., both of Salt Lake City, Utah: Bonds maturing from 1966 to 1970, inclusive, 3.50%; Bonds maturing from 1971 to 1975, inclusive, 3.75%; Fee for services, \$2.00 for each one hundred dollars of bonds sold.

Burrows, Smith Company, Salt Lake City, Utah, to be joined with First Security Bank of Idaho; Bonds to be advertised and sold to high bidder, fee for services, \$2.00 for each one hundred dollars of bonds sold.

Continental Bank & Trust Company, to be joined with Lincoln Ure & Company, both of Salt Lake City, Utah; Bonds maturing 1 and 2 years, 3.00%; Bonds maturing 3, 4 and 5 years, 3.25%; Bonds maturing 6 and 7 years, 3.50%; Bonds maturing 8, 9, and 10 years; Fee for services, \$1.90 for each one hundred dollars of bonds sold.

It was understood that, in each instance, their services would include paying for the legal opinion, printing and delivering the bonds. It was moved by Councilman Nelson, seconded by Page, that these proposals be referred to the Fiscal Committee, the Mayor and City Attorney and that this group be authorized to act on behalf of the Council to study same and make a selection of a selling or fiscal agent accordingly. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor welcomed a group of petroleum dealers who were present in the Council Chambers for purposes of discussing one or more proposed ordinances which would prohibit or control coin operated service stations. Mr. Eugene Bush, local attorney representing the group, appeared before the Council to again remind the Council that danger can exist from non attended coin operated gas vending machines. He said he had been instrumental in drafting one ordinance

which more clearly defined the words "attended", and also a second ordinance which would prohibit the coin operated station. Even recognizing that with the latter approach there was a question of constitutionality, he suggested that the Council's main concern should be one of safety. He said he firmly believed, as an attorney, that it would be within the Council's power to pass and enforce, citing bans on fire works and fire arms as examples. He said if not prohibited, coin operated stations will increase and so would the danger.

Mr. Don Piper, local petroleum dealer, appeared and urged passage of the prohibitive ordinance. He said he knew of certain companies anxious to secure locations in this City. He pointed out the extent that conventionally attended stations contribute to the local economy and that coin operated stations would create price disturbances resulting in an unhealthy economic impact. Mr. Forde Johnson, local petroleum dealer, appeared briefly and also urged passage of the prohibitive ordinance. Mr. John Boozer, local petroleum dealer, appeared and pointed out that it would cost the City substantially in dollars and services to try and police such stations. He said the ordinance if passed should, in his opinion, specify that such devices would be prohibited at the retail level. After some discussion this was felt to be unwise, inasmuch as the term in itself, if used, might create a loophole. Mr. Alex Creek, local petroleum dealer, appeared and pointed out that coin operated gasoline dispensing devices are not new but that there is a weakness in the most recent edition of the Fire Prevention Code in definition and this had prompted renewed interest in installations. He said the old code prohibited and clearly stated as such. Therefore, passage of a prohibitive ordinance at the local level would do nothing more than protect this community even as it was protected under the old National Code.

Fire Chief Corcoran appeared and said there are known cases where the coin operated station has been declared prohibitive. However, he warned that if such an ordinance was passed and later declared unconstitutional, the City would find itself without any ordinance. He said that, from the standpoint of safety, the City's concern could be with all stations and that a regulating ordinance should apply to all dispensing at any station under any conditions, rather than just the coin operated.

City Attorney Smith pointed out that such an ordinance, if considered, should encompass more than prohibiting or policing coin operated stations and should also spell out definite requirements for the proper attending of all stations. Therefore, he presented the following ordinance and explained its contents;

ORDINANCE NO. 1145

AN ORDINANCE PROHIBITING THE INSTALLATION AND USE OF UNATTENDED DISPENSING DEVICES FOR CLASS I LIQUIDS; DEFINING THE TERMS "UNATTENDED" AND "CLASS I LIQUIDS"; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Nelson, that the provisions of Section 50-2004 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 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No,

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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.

Mr. Piper reappeared and reminded the Council that the Stinker Station on the North Highway, presently non-operative, has on the premises a gasoline storage tank above ground which is in conflict with the Code. The Mayor referred this to the Fire Chief for appropriate attention.

Mr. James Shane, co-owner and manager of the Rogers Hotel, appeared before the Council to again register a plea for consideration and passage of an ordinance, earlier introduced to the Council and denied, which would permit accumulation of all readings from all water meters serving on building, for purposes of billing. He had studied billings of other water users in this category and noted that, in the final analysis there was, in his opinion, very little difference in annual revenue to the City, approximately \$1,200. He also noted that his percentage of over-cost was substantially greater than any other water user in this category. It was moved by Councilman Parish, seconded by Freeman, that this be referred to the Public Works Committee for reconsideration and study. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Nelson reported on the Brad Lewis fence which had been referred to the Building Official for negotiation. Noting that the City had originally approved its location, Nelson felt some leniency was in order, providing a change could be made which would be beneficial and acceptable to both the City and Mr. Lewis. He said Mr. Lewis was agreeable to moving the fence back 5 feet from the curb line and lowering its height enough to eliminate the obstruction problem. It was moved by Councilman Leahy, seconded by Keller, that this be permitted and be accepted as satisfactory in response to a correction notice issued by the Building Official. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY STORE, previously approved by the City Sanitarian, John Gamble for Gamble's Find Foods; APPRENTICE REFRIGERATION, previously approved by the Heating Inspector, Robert Archer, George R. Sosie were presented. It was moved by Councilman Parish, seconded by Freeman, that these license be approved. Roll call as follows: Ayes, 6; No, none; carried.

License application for ELECTRICAL CONTRACTOR, Ben Lindsay for L.O.C. Electric; JOURNEYMAN ELECTRICIAN Ben Lindsay, Victor Owens, Gary Jones; APPRENTICE ELECTRICIAN, Gary Oakey, Wallace Vander Linden, were presented. It was moved by Councilman Parish, seconded by Freeman, that these licenses be granted, subject to the approval of the Electrical Inspector. Roll all as follows: Ayes, 6; No, none; carried.

License application for DANCE HALL, previously approved by the Police Chief, C. B. McNeill for Bon Villa Club was presented. It was moved by Councilman Freeman, seconded by Keller, that this license be granted, subject to the approval of the Police Committee. Roll call as follows: Ayes, 6; No, none; carried.

This claim denial recommendation was read:

Safeco, Lifeco General Insurance
258 Broadway
Idaho Falls, Idaho
August 9, 1965

AUGUST 26, 1965

City of Idaho Falls
308 "C" Street
Idaho Falls, Idaho

TO: City Clerk, Roy Barnes

RE: Your Policy: BLP 232171
Date of Loss: 6-64
Claimant: Elmer E. Price

Dear Mr. Barnes:

I have completed the investigation of the claim which Mr. Price has presented to the City of Idaho Falls, in his letter dated June 15, 1965. He claims that a water main broke on his property June of 1964 and has caused his garage and apron to settle, and an estimate of repairs came to \$431.00.

After completing my investigation, I discussed this claim with the City Attorney and our recommendation to the City of Idaho Falls is that they deny Mr. Price's claim.

Sincerely yours,
Safeco Insurance Group
s/ Merlyn D. Colpron
Claims Adjustor
Idaho Falls Field Office

It was moved by Councilman Parish, seconded by Leahy, that the recommendation of the Insurance Adjustor be upheld and the claim be denied. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Clerk was read:

City of Idaho Falls
Office of The City Clerk
8/26/65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

At the last Regular Council Meeting, a zoning hearing was conducted and two parcels that were advertised for rezoning consideration were recessed until this meeting, August 26. These were the petitions by the Sacred Heart Hospital and Lee Murphy.

AUGUST 26, 1965

In both instances it would appear that a further recess is necessary, to September 9th, 1965. The Planning Commission does not yet have a recommendation on the Murphy property, as they did not have a quorum at their last meeting. They have arranged to hold their September meeting a week early on September 7th so that they will have met by the time the Council holds their first September meeting. Mr. Tom White, attorney for the Sacred Heart Hospital, has requested that rezoning consideration on the Hospital also be recessed until that date.

Your approval on the foregoing is requested.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Leahy, seconded by Page, that rezoning consideration of the two parcels in question be further recessed until September 9th, 1965, as proposed. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the City Clerk, this memo was presented:

City of Idaho Falls
Office of the City Clerk
8/26/65

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

The Junior Chamber of Commerce held a boat regatta at the Snake River fore bay on Sunday, August 22nd. They neglected to get Council approval for this event at the last Regular Meeting and so the Councilmembers were polled by phone, and permission was granted in this manner.

The purpose of this memo is to request Council ratification of this informal action.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Page, seconded by Parish, that the informal action of the Council in this regard be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the City Clerk, the following memo was presented and read:

City of Idaho Falls
Office of the City Clerk
8/26/65

AUGUST 26, 1965

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We have been advised by the Police Department that there is again sufficient accumulation of impounded cars, bicycles and miscellaneous items to warrant an auction sale.

At the time of the last sale, special permission was granted, due to the elements of winter, to move all impounded cars to the Annex Building parking lot. This, of course, was expensive and time consuming. Moreover, in the interim period, the impounding lot has been moved.

The present location of the new impounding lot, although satisfactorily suited for the purpose it serves, does not seem conducive for conducting any portion of the sale except that pertaining to the cars. We rely on foot traffic and parents with children for a good bidding crowd on the bicycles and the miscellaneous items. Therefore, we proposed that the auction be scheduled for 2:00 P.M., Saturday, September 18th, 1965, that the first portion that the auction be held in the Annex Building for disposition of the bicycles and the miscellaneous items, that there then be a 15 minute recess, to reconvene at the City impounding lot for disposition of the impounded cars.

We asks for permission to proceed as described and City Clerk's authorization to publish legal notice accordingly.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Parish, seconded by Leahy, that authorization be granted for the City Clerk to conduct an auction sale at the time and locations and for the purpose as stated and authorization also be granted to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

The following memo from the Police Judge was read:

City of Idaho Falls
Office of the Municipal Court
August 26, 1965

The Honorable Mayor and City Council
City Building
Idaho Falls, Idaho

RE: Speed Limit in School Zones

Gentlemen:

AUGUST 26, 1965

It is hereby recommended that Title X, Chapter VI, Section 10-6-2, (B) be amended to read as follows, to-wit:

Twenty (20) miles per hour in all marked school zones within the City.

Your careful consideration of this recommendation will be greatly appreciated.

Yours very truly,
s/ William W. Black
MUNICIPAL JUDGE

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

The Public Works Director, through the City Clerk, submitted the following:

City of Idaho Falls
8/26/65

TO: Honorable Mayor & City Council
FROM: Donald F. Lloyd
SUBJECT: WATER MAIN EXTENSION POLICY

In the past, the extension of water mains has often presented the City with complex problems. In most cases, these problems were concerned with equity in the matter of financing or recovering from the investment of public water mains.

The attached contract form is being proposed as a means of the City extending certain qualifying mains where property owners will voluntarily commit themselves for paying the pro-rata share of the installation costs. This proposal has been reviewed with the Public Works Committee and the City Attorneys and both feel there is considerable merit in the use of these contracts. We are requesting authorization for the use of these forms, it being understood that specific authorization will be required for the extension of any water main.

Respectfully submitted,
Donald F. Lloyd

The City Attorney, having prepared the appropriate water service contract form, as follows: explained that the application would still come to the Council for approval:

CITY OF IDAHO FALLS
PUBLIC WORKS DIVISION

AUGUST 26, 1965

THIS AGREEMENT, made and entered into in duplicate this ____ day of _____, 196__, by and between the CITY OF IDAHO FALLS, IDAHO, a municipal corporation, hereinafter referred to as "CITY" and _____ hereinafter referred to as "CONSUMER",

WITNESSETH

WHEREAS, certain parcels and lots of land adjacent to, lying along, or fronting upon _____ Street, including consumer's land, are not now served by City water; and

WHEREAS, the consumer has requested that City facilities, including a main, be extended to serve said property; and

WHEREAS, the improvement of private land is the responsibility of the owner and/or developer,

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

(1) The City agrees to install within twelve (12) months following the execution hereof, a _____ inch cast iron water main along _____ Street, between _____ and _____.

(2) The Consumer agrees to pay the City, at the time water service for Consumer's property is requested (when service tap is applied for) the following amounts:

(a) A pro-rata share of the cost of said water main (material and labor) being \$ _____ per front foot of Consumer's land served.

(b) The regular City charges for water connection (service tap).

City of Idaho Falls, Idaho

Public Works Division

By _____

Director

"CITY"

By _____

"CONSUMER"

It was moved by Councilman Keller, seconded by Nelson, that the form and the proposed procedure be approved as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Next, from the Public Works Director, this memo was read:

City of Idaho Falls

8/26/65

AUGUST 26, 1965

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER MAIN EXTENSION FOR TAM JENSEN

A request to the Council for water service extension north on Holmes Avenue has been referred to this office for review and recommendation. It is conceivable that the City will continue to expand in this general area and the need for water service will also continue.

We feel it would be unwise to allow haphazard water line connections but would support a program of expanding public system in an orderly fashion. We would therefore recommend that water service be granted providing the main can be extended for service in accordance with City Standards and that service outside of the City be on metered basis.

Respectfully submitted,
s/ Donald F. Lloyd P.E.
Public Works Director

In this connection, the following letter was read from another party who had also indicated an interest in use of the proposed water line:

August 24, 1965

Art Smith:

I now understand the City of Idaho Falls Engineers for the Water Department now want to extend the water main about 1,500 ft. north of the City limits on the Lewisville Highway. They will charge the property owners the fee of \$3.75 per front foot when they connect to the City water.

I think this is very cooperative and fair, and if I only owned about 100 front feet, this would be very reasonable, when it comes to homes or small industrial tracts.

I just talked to Morgan Edwards, who owns about 400' frontage, and we are both agreeable in paying \$700.00 each to bring us City water. Hope they can work this in.

s/ Sam Bennion

The City Attorney advised that, in his opinion, it is lawful to serve water outside the City if approved by the governing body. The Public Works Director explained that the master plan calls for a 10" line in this area. It was understood that this would require an expenditure on the part of the City to install 400' of said pipe to bring the line to the property line of the interested applicant. Councilman Page warned that there could be a problem, in the event the area was annexed, of collecting installation cost from any one desiring to connect onto the line at that time. It was moved by Councilman Leahy, seconded by Keller, that the Public Works Division be given the responsibility of

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contacting the people in the area to determine the overall need and the desire for the water line in question. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was then presented:

City of Idaho Falls
Office of Public Works Division

Honorable Mayor & City Council
City Hall
Idaho Falls, Idaho

Gentlemen:

Subject: Water and Sewer Request for Happyville

At the Regular Meeting of July 22, Mr. Ben Brothers requested the City Council to approve water and sewer installations on or near Atlanta Street. This matter was referred to Public Works for review and recommendation.

The attached sketch shows, in red, the specific request being made. The proposals for both water and sewer do not conform to City requirements. However, since it is intended that both the water and sewer installations would be installed on private property and would not be a part of the public system for maintenance, the City Council could authorize private sewer and water lines as proposed.

Mr. Brothers is presently being served with water from the Idaho Falls S.W. Water Association.

Should the Council elect to authorize this request for private water and sewer lines for outside the City service, we would suggest that the following conditions be met:

1. Mr. Brothers furnish and install a water meter on Atlanta Street and that monthly service billings be sent to Mr. Brothers on the basis of metered service.
2. Prior to installation of this service, a written release be issued to the City from the Idaho Falls Southwest Water Association.
3. Mr. Brothers acquire from the Building Official a sewer connection permit and that the appropriate fee be paid for each building to be connected to the sewer.
4. Mr. Brothers be sent monthly bill for sewer service based upon outside of the City fees for each connection.

Respectfully submitted,
s/ Donald F. Lloyd
Public Works Director

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It was noted that, if this project were accomplished, the City would not be responsible for maintenance. Councilman Nelson registered an opinion that the City could probably justify this service in the interest of public health. The City Attorney expressed an opinion that, even if this request were granted, it would not put the City in a weaker position to make certain demands on the developer, in the event of future annexation. It was moved by Councilman Nelson, seconded by Keller, that the request be granted with the meeting of all the conditions as recommended. Roll call as follows: Ayes, 6; No, none; carried.

The Public Works Director presented final plats on the Rose Nielsen Addition, Division #1, and the Home Ranch Addition, Division #3. After some study, it was moved by Councilman Parish, seconded by Leahy, that these be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1146
Rose Nielson Addition, Division No. 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO.

The foregoing Ordinance was presented in title. It was moved by Councilman Parish, seconded by Leahy, that the provisions of Section 50-2004 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 50-2004 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.

From the Public Works Director, this memo was presented:

City of Idaho Falls
8/26/65

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: REQUEST TO SELL CITY OWNED PROPERTY

A letter from Mr. K. S. Douglass requesting that City owned property on the corner of Shoup Avenue and Eagle Rock be placed on public sale was referred to this office for review and recommendation.

This property has been appraised and the value established at \$500.00; based upon its limitation of use and single potential purchaser. Since the size and shape restricts any beneficial public use, we would recommend to the Mayor and Council that this property be

AUGUST 26, 1965

sold at public auction for not less than the appraised value and that the City Clerk be authorized to publish legal notice accordingly.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Leahy, seconded by Keller, that authorization be granted for sale at public auction of the property in question and also City Clerk's authorization to publish legal notice accordingly. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Director, there was this memo:

City of Idaho Falls
8/26/65

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: LINDSAY BOULEVARD WATER EXTENSION

The State Highway Department will soon be paving a 34' wide section of Lindsay Boulevard for a distance of 1800'. It is desirable that the City install a water main under that portion of the paving which cannot be avoided. There will be sufficient room for installation of utilities in the borrow pits of this road, except for that portion directly under the new structure.

We are requesting authorization to extend our 8" water main from Mercury Avenue to a point beyond the structure and off of the roadway section. It is estimated the cost will be about \$3,200 and involves 500 linear feet.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Nelson, seconded by Keller, that authorization be granted for permission to proceed as described on the water line. Roll call as follows: Ayes, 6; No, none; carried.

This informatory memo was presented from the City Controller, through the City Clerk:

City of Idaho Falls
August 25, 1965

TO: Mayor S. Eddie Pedersen and City Council
FROM: L. I. Jenkins, City Controller
SUBJECT: PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

This memorandum concerns funding of the subject retirement plan. For the Budget Year 1965 an estimate of revenues anticipated for the year was determined, and those revenues were allocated to the appropriate classifications of estimated expenditures, namely, Personal

Services, Current Expenses, and Capital Outlay, thereby formulating the Budget. A bill appropriating the anticipated revenues to these budgeted classifications was duly passed by the Council. Included in the Current Expenses classification under Object, "Employee Benefits and Retirement", there was allocated the sum of \$20,155.00 as the City's contribution to an employees' retirement plan. Therefore, this particular item has the same status as any other item of expenditure included in the 1965 Budget, for which revenues were appropriated, that is, the budget assumed the availability of funds for this purpose.

The sum of \$20,155.00 was determined by applying 3% (the then estimated contribution) to fifty percent of the estimated eligible payroll, assuming the plan would become effective July 1, 1965. Since preference to a particular plan has been expressed and the known contribution of the City is 9.1% of the eligible payroll, the contribution as budgeted, applicable to the effective period in 1965 (2/12 of 9.1%) is equivalent to the 3% budgeted for 1965.

Conceivably, from a cash layout view, the program could start as of October 1, 1965, as the contribution for the month of December would not require a cash outlay until January of 1966. However, the contribution for December would have to be committed to the 1965 Budget. I suggest that adoption of the retirement plan would not burden the budget nor the budget funding anymore so than any other expenditure budgeted for 1965.

In regards to future funding, I believe that the cost of the plan to the City could be funded without actually burdening future budgets.

Briefly:

A careful study of the positions of soon eligible retirees should be made to determine the necessity for replacement, if any, by new hires.

For example: Excluding the Library where only two people are eligible for soon retirement as allowable under the plan there are 18 persons on the payroll at present who would be eligible for retirement six months after adoption of the plan by the City. The salaries of these employees, ready to retire, amounts to \$78,000.00 annually. Allowing \$3,000.00 for salary adjustments to these person, where necessary, moving into supervisory positions vacated by retirees, the savings of \$75,000.00 would pay 62 ½ % of the total estimated annual contribution of \$116,000.00.

Likewise, necessity for replacement of vacancies due to normal attribution should be carefully analyzed. Some vacancies possibly could be filled by part time and temporary employees.

For example: In addition to the 18 persons eligible for retirement, non-replacement of eight more positions at our average wage of \$5,130.00 per year could fund the balance of the \$116,000.00 cost (excluding the Library).

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With due consideration to the foregoing and to the best of my knowledge, I do not know of a deterrent to adoption of this plan.

The foregoing memo, being only of an inforamory and explanatory nature, required no Council action but served to introduce the following memo, prepared and submitted by the Employees Retirement Committee:

City of Idaho Falls
8/26/65

To Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

During the past week from August 16th through August 20th, 243 eligible City employees were invited to cast their secret ballot to determine their wishes relative to the City's contracting with the State of Idaho under the Idaho Public Employee Retirement System. This election was authorized by the City Council as a means of answering the question as to whether or not the employee would endorse and be willing to participate in a retirement plan which would require a greater payroll withdrawal than heretofore anticipated.

The results were most gratifying and conclusive. Out of 229 voting, there were 215 in favor, 14 opposed. It is felt that, through this method of voting, a true, representative and favorable consensus of opinion was obtained from all affected employees.

Even though it has been definitely determined, by now, that the employees favor the State Retirement Plan, the Council must have just as conclusive proof as to the City's ability to finance the City's obligation for any contractual agreement which would be effective any time during this budget year. We have, therefore, asked for this confirmation from our City Controller. Attached is his memorandum in this regard and from his findings it is learned that it would conceivably be within the City's financial ability to make the plan effective October 1st, 1965. However, we recognize the need for continued conservatism in all expenditures for the balance of this budget year. Further, we feel that even two months of participation under this plan would be of mutual benefit to both the employee and the City Administration. Therefore, we recommend to the City Council, on behalf of all eligible City employees, that authorization be granted for a contractual agreement with the State of Idaho for participation under the Idaho Public Employee Retirement System, effective November 1st, 1965, and the Mayor and City Clerk be authorized to sign the contract documents accordingly.

Respectfully submitted,
Employees Retirement Committee
s/ Roy C. Barnes
City Clerk
s/ Donald F. Lloyd
Public Works Director

AUGUST 26, 1965

It was moved by Councilman Leahy, that the proposition as presented, be approved. This motion died for want of a second. Instead, Councilman Parish noted that he had had certain inquiries from certain interested citizens that were in need of appropriate answers. He said he was of the opinion that, prior to final action on the foregoing, all interested parties should be satisfied as to the City's position in favoring this selection for an employees' retirement program. Therefore, no action was taken.

This legal opinion from the City Attorney was presented:

City of Idaho Falls
Office of the City Attorney
August 12, 1965

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

Dear Mayor Pedersen:

At the Council Meeting held August 9, 1965, Arland Rasmussen requested of the City Council an interpretation on the R-3A Residential Zone requirements as they affect the construction of swimming pools. This was referred to the attorney's office for further investigation and decision.

This office has met with Arland Rasmussen and the building official and has studied the facts surrounding the proposed application for swimming pools permits. From the investigation it would appear that Mr. Rasmussen intends to build, own and operate several swimming pools in the R-3A Residence Zone throughout the City as the permits are granted. The pools will be built in compliance with the various ordinances governing these matters and will be commercial in nature, but will be designed and operated primarily for the teaching of swimming to youth. Mr. Rasmussen represented that the construction, design, and layout of the pools would promote safety and would be in harmony with the residential nature of the Zone.

The City Council pursuant to Section 7-7-2, Paragraph 9, may permit uses not specifically named in the Ordinance if they are deemed to be similar to the uses therein listed. We observe that listed uses in this zone include motels, clinics and hospitals for the treatment of humans, office buildings, boarding houses and rest homes, residence courts and apartment buildings as well as residences. It would appear plain that swimming pools may be installed as ancillary parts of motels within this zone, and that they are not therefore dissimilar to the uses contemplated within the zone.

It would be the opinion of this office that the City Council is within its legal rights to rule that swimming pools are a similar use to the listed uses in this zone. Of course, this decision must

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be made and entered by the Council within its discretion before the building permits can be issued.

Sincerely yours,
s/ A. L. Smith
City Attorney

It was moved by Councilman Page, seconded by Leahy, that this be referred to the Planning Commission for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1147

AN ORDINANCE AMENDING SECTION 1, CHAPTER 9, TITLE 1 OF THE CITY CODE OF IDAHO FALLS, 1962; PROVIDING THAT THE TERM OF OFFICE OF THE MAYOR SHALL BE FOUR YEARS; SETTING FORTH THE DUTIES AND POWERS OF THE MAYOR; REPEALING ALL ORDINANCES WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Parish, that the provisions of Section 50-2004 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 50-2004 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. 1148

AN ORDINANCE AMENDING SUBDIVISIONS (A) AND (B) OF SECTION 1-7-1 OF THE 1962 CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO, PROVIDING FOR THE SALARY OF THE MAYOR OF THE CITY OF IDAHO FALLS AND EACH OF THE COUNCILMEN OF THE CITY OF IDAHO FALLS; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

The foregoing Ordinance was presented in title. It was moved by Councilman Page, seconded by Keller, that the provisions of Section 50-2004 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 50-2004 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,

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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.

The Mayor presented a verbal request from Pickett & Nelson that the Johns Hole Bridge be closed to all except light vehicle emergency traffic for five days starting August 30th. It was moved by Councilman Leahy, seconded by Freeman, that this be permitted. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Page, seconded by Leahy, that the Meeting adjourn. Carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
