

JULY 31, 1962

Pursuant to a call by the Mayor the City Council of the City of Idaho Falls met in special session in the Council Chambers on July 31, 1962, at 8:00 P.M. for the purpose of considering protests and objections to the assessment roll of Local Improvement District #28, as well as any other business which might properly be presented. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Leahy, Page, Foote, and Creek. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Ellsworth, City Engineer; Don Lloyd, Public Works Director; Harold David, Electrical Engineer.

The Mayor announced that this was the time and the place for a public hearing, as advertised, to file objections to the assessment roll of Local Improvement District #28. Before inviting protests the Mayor asked the City Engineer to explain briefly the manner in which properties were assessed. The following was revealed:

L. I. D. #28

Contract Bid Price	\$ 78,986.85
Storm Sewer	<u>9,000.00</u>
	87,986.85
Engineering, Legal, Administrative, etc. (20%)	<u>17,597.37</u>
Total	\$105,584.22

City Participation

Storm Sewer	\$ 9,000.00	
Willow Creek Bridge	5,200.00	
Non-Assessed Property	<u>5,877.95</u>	
Total	\$20,077.95	\$105,584.22

Total for Assessment 85,506.27

Costs

Pavement (Alleys or Streets)	\$.32 per square foot
4" Walk	.50 per square foot
6" Walk	.80 per square foot
Curb & Gutter	2.95 per lineal foot
Alley Gutter	2.95 per lineal foot

Several questions were asked, relative to that which appeared to be excessive cost and so a complete comparison was shown of costs for this district vs. the last paving district in 1957.

JULY 31, 1962

A question was asked as to why some alleys or portions of alleys were included in the district, whereas others were excluded and was answered to the effect that alleys or portions of alleys were included in the district only upon request by at least one affected property owner.

The Mayor then asked the City Clerk to read, for the record, all written protests, as follows:

Mr. Ernest Carlson
Mrs. Augusta Carlson
Route 4
Idaho Falls, Idaho

July 26, 1962

Local Improvement District #28
City of Idaho Falls, Idaho

I am writing in to say I am very much against this assessment that has been put out to us. So see what can be done to not carry it through on the No. 18 Assessment.

s/ Mrs. Augusta Carlson

**PETITION TO AMEND CITY ORDINANCE CREATING
IMPROVEMENT DISTRICT NO. 28 AND OBJECTIONS
TO ASSESSMENT ROLL**

TO THE MAYOR, AND TO THE CITY COUNCIL OF IDAHO FALLS, IDAHO:

Sirs:

This petition of the undersigned residents of that area situated within Local Improvement District No. 28 of the City of Idaho Falls, respectfully shows:

1. That the majority of the said residents living within that area who are affected by the creation of said Improvement District as the same relates to the paving of alleyways within said District, represent and show that said proposed improvement of alleys by payment of the same, together with curb and guttering, is unnecessary and impractical in relation to the cost involved, and contrary to the wishes and best interests of all of the property owners affected by said Improvement District.
2. That petitioner, through inadvertence, mistake or failure to receive notice of the resolution of intention to create said District, did not file timely protests or appear at the hearing of said resolution, and submit that said resolution was proposed and submitted for action by the Council without being properly initiated upon a petition signed by at

JULY 31, 1962

least 60% of the resident owners of the property subject to assessment within such proposed Improvement District, or by a proper resolution of the Council based upon any showing of necessity that said improvements of the alleyways were needed for the health or safety of said residents.

3. That the number of inhabitants of said Improvement District, so far as the same can be ascertained, is _____; that each and all of the signers hereto reside therein and constitute a majority of the persons so residing and qualified to participate in the proceedings herein.

The petitioners further represent and show that there is no objection to the improvements proposed within said Improvement District except the paving of the alleyways, together with curb and guttering proposed for said alleyways, which is also objected to.

Each of the undersigned individually protests and objects to the assessment roll, both as to the correctness of such assessment and to the amount levied upon the particular lot or parcel of land owned by your respective petitioners.

WHEREFORE, petitioners pray that the ordinance creating Improvement District No. 28 be amended to the extent that so much of the same and the resolution proposing said Improvement District as pertains to the paving of alleyways and the construction of curbing and guttering through and along said alleyways, be deleted, and that a proper ordinance be submitted to the City Council for adoption as will cause the said ordinance creating Improvement District No. 28 to be so amended, and for the work order pertaining to the same to be amended, with new bids to be sought appropriate to the improvements contemplated by such amended ordinance.

In the alternative, petitioners further pray for adjustment of the assessments levied upon each particular parcel or lot of land owned by the respective petitioners, and that upon a showing that pavement of the alleyways and improvements proposed would be to the benefit and need of the Citizens of the City of Idaho Falls for health, safety or convenience of the said City, that the City of Idaho Falls, assume not less than one-half the cost of said Improvement to alleyways situated within said Improvement District.

Dated this 28th day of July, 1962.

EDGEWATER HEIGHTS

John R. & Amelia M. Griggs	Lot 10, Block 6,	975 J Street	Idaho Falls, Idaho
Rebecca Baird	Lot 9, Block 6,	967 J Street	Idaho Falls, Idaho
Alfred M. & Anna Hargrave	Lots 4 & 5, Block 6,	853 J Street	Idaho Falls, Idaho
James C. Anderson	Lot 2, Block 6,	809 J Street	Idaho Falls, Idaho
George & Dorothy Hargraves	Lot 7, Block 6,	955 J Street	Idaho Falls, Idaho
Jay & Ruth Westergard	Lot 11, Block 6,	985 J Street	Idaho Falls, Idaho
Catherine Hackwell	Lot 12, Block 6	800 J Street	Idaho Falls, Idaho

JULY 31, 1962

Blaine & Delsa Anderson	Lot 8, Block 6,	963 J Street	Idaho Falls, Idaho
Ernest & Augusta Carlson	Lot 6, Block 6,	Route # 4	Idaho Falls, Idaho
Warren & Hazel Wright	East ½ Lot 17 & all of		
	Lot 17, Block 6	934 I Street	Idaho Falls, Idaho
Ray & Betty Lou Rhoades	Lot 1, Block 6,	901 J Street	Idaho Falls, Idaho

**PROTEST TO ASSESSMENT 48 UNDER
LOCAL IMPROVEMENT DISTRICT #28**

HONORABLE MAYOR AND CITY COUNCIL
Idaho Falls, Idaho

Gentlemen:

The undersigned hereby submits a written protest and objection to the assessment made under Local Improvement District No. 28 as Assessment No. 48 comprising that certain property owned by Western Enterprises, Inc., said property being situate in the County of Bonneville, and particularly described as follows, to-wit:

Lot Seven (7), Block Two (2), Hughes Imperial Estates, Division No. 1,
according to the official plat thereof on file in the office of the County
Recorder for Bonneville County, Idaho

In support of this objection, the undersigned asserts the following:

1. That the amount of the aforesaid assessment, was unlawfully, arbitrarily, and capriciously determined and that said assessment was not determined in proportion to the benefits to be derived to the property from the improvements proposed to be made, as required by Section 50-2905 of the Idaho Code, to-wit:

“Whenever any improvement authorized to be made by any municipality by the terms of this chapter or any law of this state, is ordered, the City Council . . . may order that the whole or any part of the costs and expenses of such improvement shall be assessed upon the abutting, adjoining, continuous and adjacent lots and lands and upon the lots and lands benefited and included in the improvement district from, each lot and parcel of land being separately assessed for the debt thereof in proportion to the number of square feet of such lands and lots abutting, adjoining, contiguous and adjacent thereto or included in the improvement district . . . and in proportion to the benefits derived to such property by said improvements, sufficient to cover the total cost and expense of the work to the center of the street”.

2. That the improvement proposed is the improvement and surfacing of a portion of South Boulevard, a street in the City of Idaho Falls, State of Idaho, including, in addition to

JULY 31, 1962

other areas, the portion of said street which is contiguous with the above described property; and that there exists between said street and the aforesaid property, a wall of cinder block construction 5 to 7 feet in height which makes impossible any access to said street from the aforesaid property and thus, precludes the said property or the owners of inhabitants thereof from deriving any direct benefit from the proposed improvement. Hence, the assessment levied on the aforementioned property greatly exceeds the benefit to be derived.

Respectfully submitted,
WESTERN ENTERPRISES, INC.
s/ Mae H. Texido
Secretary

TO WHOM IT MAY CONCERN:

We, the undersigned residents of the Hughes Addition, wish to protest the proposed assessment on the paving on South Boulevard, from the entrance of Hughes Addition to the Sunnyside Road for the following reasons:

1. No specifications were given on the card which designated the proportional assessment.
2. If simple paving and curbing is proposed by the City then the assessment is inordinately high compared to private contractors' bids for the same amount of work.
3. We respectfully request, that no work orders be granted until our complaints are justly considered at the hearing of the Council Tuesday, July 31.

Respectfully submitted,
s/ R. E. Hughes
WESTERN ENTERPRISES, INC.
by Mae H. Texido
G. W. Corbett M.D.
Mrs. Jack McNally
Dr. Stanley Sell
Ervin S. Bills

July 25, 1962

I. E. Davis
2102 Madison
Boise, Idaho

To the City Council of Idaho Falls, I received from the office of the City Treasurer, Idaho Falls, Idaho two cards, 1 marked assessment No. 93 amount \$568.80 and the other marked assessment 97 amount \$355.50. No date except post mark. that gives one 6 days to reply had I been out of town a few days then S.O.L. huh. Now I dont know what assessment 97 is nor do

JULY 31, 1962

I know what assessment 93 is it could be just any thing but what difference if you wish to slip up on the blind side as usual.

Yes I do perotest. and for more reascenst than one, in the first place the assessments you ask is more than the property is worth. Now if the City of Idaho wishes to buy that property they can have it for the amount of assessments they ask me to pay on that property another reason is that the City of I.F. for 23 years have refused to open up a road to that property eventho I offered to give them the right of way. I offered to deed them 30 feet which they refused Said they only needed 10 feet some odd inches which I did deed to the City of Idaho Falls but for some reason now they want to egnor ever getting a deed. and now sence they have taxed and assessed me out of but they want me to give that partian of a little more. They have held that property back from developing for 23 years. and have taxed it heaver accordingly than any adjoining property on one portion of my property they tex it 10 times higher in 1958 than they did in 1957 and 1959 and for what reason after not getting eny tax notice for about three year. I write to see what my taxes were to be informed the city had taken my property for taxes then I learn that even tho they had my correct address they were sending it to an old address and again I gave them my address and several letters I have wrote with my address on. but that makes no difference I still don't get them. and one can not pay a tax lest he knows what that tax is or how much. Now I ask you will you give me the amount for that property that you ask of me for taxes and assessments.

Sincerely,
s/ I. E. Davis

Idaho Falls, Idaho
July 29, 1962

Office of the City Treasurer

Dear Sir:

In regards to assessment #99 Improvement District 28 in the amount of \$1,344.67.

This seems to me a way out of reason. I wish to protest such assessment. I would be forced to sell the property to pay the assessment and it is the only security I have.

Yours very truly,
s/ Marcella Winn
1242 E. 17th
Idaho Falls, Idaho

Idaho Falls, Idaho
July 28, 1962

JULY 31, 1962

Local Improvement District #18
City of Idaho Falls, Idaho
Assessment No. 101

My assessment is ridiculously high.

The Asalia Street may be an asset to our property, but not as much as to those who travel on it.

We do not. My property is not production I have no income and am in ill health, am under medication.

I have no way of raising such a large amount ever.

I am a widow age 77. I protest it.

Signed Esther Andrew

1340 E. 1700 Street
Idaho Falls, Idaho

July 31, 1962

City Clerk
City Council
Mayor of Idaho Falls, Idaho
Re: Improvement District #28
Assessment #62

Dear Sirs:

Because of the hap-hazard manner in which the City Officials made their assessment roll I was deprived of my legal right to protest this Improvement District. If I had been given this opportunity I would have stressed the drainage problem we are now having and have had since this alley was graded and paved in 1950 and would have insisted on correction.

Therefore I wish to protest the assessment of \$447.47 unless precautions are taken to correct the drainage into the coal room rear of lot and back store room of our lot. If as in our conversation of July 30th, in the office of the City Clerk, with Mr. Ellsworth, Engineer, Mr. Barnard, Mr. Barnes, Mr. G. St. Clair and myself that the advise of a private contractor, (hired by me) will be taken and if I receive your promise of alleviating this situation and this goes on record in the minutes of this meeting as such an agreement I will then agree that the assessment is fair and will give my consent.

Respectfully,
s/ Peggy Lagos Taylor, Trustee
for Nick K. Lagos Trust
Urania Lagos Trust

JULY 31, 1962

Legal Description:

94 feet of the South half (S ½) of Lots One (1) and Two (2) in Block Eleven (11) of Railroad Addition to the City of Idaho Falls, Bonneville County, Idaho, according to the recorded plat thereof;

Salmon, Idaho
July 30, 1962

Office of City Treasurer
Idaho Falls, Idaho

Dear Sirs:

I am in no shape to pay an assessment on my property in Idaho Falls, I am in the Steele Memorial Hospital at Salmon, Idaho. I have been in the hospital since July 9, 1961.

I have the property for sale with Tandy & Wood.

I would suggest that you fix the "G" Street underpass before you decide to fix the alleys in Improvement District 28.

Yours truly,
s/ Elizabeth McClaskey
Box 7
Salmon, Idaho

July 30, 1962

To the Mayor and City Council of Idaho Falls

Gentlemen:

We protest the assessment against our properties for the proposed paving of the alley running in an East-West direction, Block 17, Scotts Addition, District 28.

After investigation we feel the cost is excessive.

We do not see the need for paving this block of alley at the present time.

We can not see that paving said alley would increase the value of the properties adjoining it.

We do not desire said alley paved.

JULY 31, 1962

We do not wish to pay the assessment as issued.

Respectfully submitted,
Dean & Barbara V. Daugherty
684 12th Street
Russell & Harriett Molen
660 12th Street
Hugo & Beulah Osterberg
610 12th Street
Dale & Kathleen Isley
1275 Cranmer
Erroid & Selma Johnson
D. J. & Jeanenne Hine
Vern and Arrilla Irvine
627 E. 13th Street
A. J. & Rhea N. Justin
630 12th Street
Jack L. & Beulah McClaskey
676 12th Street
Helen Reynolds
640 12th Street

July 25, 1962

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

Gentlemen:

I hereby protest the assessment for the paving of the alley between Memorial Drive and J Street and between Edgewater Avenue and Jefferson Avenue. The reason for my protest is that I feel the cost is too high for the value received in having this alley paved.

This alley that is to be included in your Local Improvement District #28 and is further identified as Assessment No. 15.

Sincerely,
s/ James C. Anderson
809 J Street
Idaho Falls, Idaho

TO: THE CLERK OF THE CITY OF IDAHO FALLS, IDAHO, AND TO
THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO

JULY 31, 1962

You are hereby notified pursuant to Section 50-2916 of the Idaho Code of the objections of Norman F. Lauziere to that certain assessment numbered 3 levied upon Mr. Lauziere's property in Improvement District No. 28.

The assessment is unfair, arbitrary and unreasonable as it applies to the said Norman F. Lauziere.

The property for which the said Norman F. Lauziere is being assessed will not be benefited in any degree by the said improvement. There is no reasonable or probable benefit to said property now or in the future from said improvement.

The assessment in question bears no relation to and is not in proportion to the benefits derived to Norman F. Lauziere's property from the improvement.

That not only is the proposed improvement meaningless to the property in question at this time, but by reason of the topography of the property and the value of the improvements thereon, the improvement district will not benefit the property in the future.

In Idaho Code Section 50-2905, it is provided that property upon which an assessment is proposed must be assessed "in proportion to the benefits derived to such property by said improvements". In Idaho Code Section 50-2910 providing for the passage by the Council of a resolution of intention to create an improvement district, it is stated, "the costs and expenses of which (the improvement district) are to levied and assessed upon the property benefited". (Emphasis added)

Further in Section 50-2913 of the said Idaho Code it is provided that the Council in the ordinance creating the district must assess their property included therein in proportion to the benefits derived to such property by the said improvement.

The Council has the power in its discretion to revise, correct, confirm, or set aside any assessment and to order that such assessment be made de novo.

In the instant matter both law and equity dictate the Council's setting aside the assessment on the property of Mr. Lauziere.

These objections are herewith filed with the said Clerk of Idaho Falls, Idaho, and notice of the decision of the Council of said City relative to the assessment of the property of Norman F. Lauziere under Improvement District Number 28 is hereby requested to be given upon such decision being made to Eugene L. Bush, attorney at law, Box 796, Idaho Falls, Idaho. We request this notice be given within 24 hours after the decision by the Council.

s/ Eugene L. Bush

s/ Norman F. Lauziere

JULY 31, 1962

Attorney for Objecting
Property Owner

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Bonneville)

Horace Gesas, being first duly sworn on oath deposes and says:

That he is now and has been for eight years last past an active real estate salesman in the City of Idaho Falls, Idaho;

That he has personally examined the property of Mr. Norman Lauziere at 563 Ninth Street in the City of Idaho Falls, Idaho, as well as the proposed paving and street improvement to the rear of his property;

That in his opinion the paving or street improvement does not and will not enhance the value or constitute a monetary benefit to Mr. Lauziere's property.

s/ Horace Gesas

Subscribed and sworn to before me this 31st day of July, 1962.

s/ Eugene L. Bush
Notary Public for Idaho
Residing at Idaho Falls, Idaho
Commission expires 7-10-64

TO: THE CLERK OF THE CITY OF IDAHO FALLS, IDAHO AND TO
THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO

You are hereby notified pursuant to Section 50-2916 of the Idaho Code of the objections of R.E. Romack, J. H. Boozer, Robert Johns, Claude Cain, Robert Leonard, and O.I. Blain, to those certain assessments levied upon their respective property in Local Improvement District Number 28. The assessments are unfair, arbitrary and unreasonable as they apply to the aforesaid property owners.

The Local Improvement District, as it applies to these property owners, is for the paving of an alleyway solely and completely upon the property as they apply to the aforesaid property owners.

The necessity for the paving of said alleyway became apparent and is by reason of the construction of certain municipally owned tennis courts to the immediate north of said alleyway.

That this specific portion of said Local Improvement District is primarily for the benefit of the general public in making possible a more fuller and pleasant utilization of said tennis courts.

JULY 31, 1962

That the protestants hereinbefore named all own property to the immediate south of said alleyway and have heretofore developed their property in such a manner that with the exception of two of said property owners, Robert Leonard and J. H. Boozer, none of them have access or require access to said alleyway.

That the special benefit to the general public arising from paving of said alleyway will be in the lessening of the dust to the persons utilizing the tennis court, easier access to said tennis courts and the avoiding of unnecessary traffic confusion around said recreational area.

That the benefit to the protestants herein will be primarily that of the lessening of dust created by the use of the alleyway.

In Idaho Code Section 50-2905, it is provided that property upon which an assessment is proposed must be assessed "in proportion to the benefits derived to such property by said improvements." In Idaho Code Section 50-2910 providing for the passage by the Council of a resolution of intention to create an improvement district, it is stated, "the costs and expenses of which (the improvement district) are to be levied and assessed upon the property benefited." (Emphasis added)

Further in Section 50-2913 of the said Idaho Code it is provided that the Council in the ordinance creating the district must assess the property included therein in proportion to the benefits derived to such property by the said improvement.

The Council has the power in its discretion to revise, correct, confirm or set aside any assessment and to order that such assessment be made de novo.

In addition to the aforesaid considerations the protestants herein submit to the Council in its discretion in matters of this nature, that the present assessments for the alleyway in question were arbitrarily and unreasonably set with relation to its total cost of the Improvement District; that the alleyway is of narrow width and involved no concrete and should therefore be assessed at a minimum cost in relation to the improvements proposed or contemplated within the Local Improvement District No. 28.

Protestants further urge the Council in its consideration of this matter to examine the engineer's estimates for the paving of said alleyway, which protestants are advised were almost 50% less than the present assessment.

By reason of the extraordinary and special benefit to the general public of the City of Idaho Falls and by reason of the limited and slight benefit to the property of the protestants, the Council is urged in its discretion to assess a greater percentage of the cost of said alleyway to the City of Idaho Falls, to be paid out of the general fund, and a lower percentage to be assessed personally to these protestants.

JULY 31, 1962

These objections are herewith filed with the said Clerk of Idaho Falls, Idaho and notice of the decision of the Council of said City relative to the assessment of the property of R.E. Romack, J.H. Boozer, Robert Johns, Claude Cain, Robert Leonard, and O.I. Blain under Improvement District Number 28 is hereby requested to be given upon such decision being made to Eugene L. Bush, attorney at law, Box 796, Idaho Falls, Idaho. We request this notice be given within 24 hours after the decision by the Council.

s/ Eugene L. Bush
Attorney for objection property owners

Verbal comments were then invited.

Dr. Stanley Sell, one of the written protestants, appeared with reference to the proposed street paving on South Boulevard and asked if the plan for paving only a portion of the street was practical and was answered by the City Engineer who explained that there was no alternative, inasmuch, as right of way from the owners of the Home Ranch Addition had not been and could not be obtained at this time. Dr. Sell then noted that he had been given the impression by a private contractor that the street could be paved for substantially less than the City was charging. Ellsworth reminded Sell that there were many facets of a job of this nature that probably were not taken into consideration.

Dr. G.W. Corbett asked why this street could not be oiled, in lieu of asphalt surfacing and was answered to the effect that, from long range standpoint, this is not practical.

Mrs. Peggy Taylor, one of the written protestants, appeared and asked for an immediate Council decision on her protest. The Mayor explained that this was not possible; that any and all protests must be thoroughly received by the City Attorney and the City Engineer and that Council action would be dependent upon their recommendations.

Mr. George Peterson, local attorney, appeared in behalf of Western Enterprises, Inc., written protest of which had previously been presented, and explained that property owned by his client fronts on Morningside Drive; that the assessment is on South Boulevard improvement; that a solid cinder block wall is at the rear of the property; that the assessment is unfair and discriminatory inasmuch as the property has already suffered one street improvement and the South Boulevard improvement will not benefit the property.

Mr. Jack Voshell, local attorney, appeared in behalf of the petition signers on Block 6, Edgewater Heights, reminding the Council that some of his clients had not received their original notices of intention, that they were not in favor of the proposed alley improvement and asked for more time, in their behalf, for them to submit their claims.

Mr. Eugene Bush, local attorney, appeared before the Council in the interests of Mr. Norman Lauziere and other property owners affected by the alley paving back of the new tennis courts, written protests of which had previously been presented, explaining that, in no instance of those he

JULY 31, 1962

represented, were there benefits to the property in relation to the assessment. He emphasized that the alley paving adjacent to the public tennis courts is of no value except to the public.

Others appearing to say they had received no original notice of intention were Mr. George Trumbo, Mr. Jack McClaskey, Mr. Russell Molen, Mrs. Barbara Daugherty and Mr. Al Justin. All of these had either presented written protests earlier or had signed petitions which had been presented.

Hearing no further protests, the Mayor thanked those present for appearing and explained that all protests would be studied by the City Engineer and the City Attorney whose written recommendation would be considered by the Council.

The Mayor then declared a five minute recess.

After the meeting was reconvened and in light of the many objections and protests, it was moved by Councilman Leahy, seconded by Creek, that the Public Works Director and the City Engineer be authorized to negotiate with the contractor for termination of construction under L.I.D. #28 and determine what penalties would result and also the cost to the City for the completion of work already started and that these findings be reflected to the Mayor and Council for their study and consideration. Roll call as follows: Ayes, 4; No, None; carried.

The following damage claim was read:

Idaho Falls
July 26, 1962

The Honorable William J. O'Bryant
Mayor of Idaho Falls
Members of City Council
Idaho Falls, Idaho

Gentlemen:

I am writing in behalf of myself and my neighbor Mr. Herbert Rigoulot residing at 465 and 445 Tabor, South Bel Aire, respectively.

It concerns the period of low water pressure during the latter part of June and early July, 1962. During the above periods we experienced times when the water pressure at the kitchen tap was absolutely zero, only air returning into the line.

Shortly after these zero pressure periods we both discovered that our hot water heaters (electric) ceased working due to the fact that the water drained from said heaters causing exposure to the upper elements to the air.

JULY 31, 1962

Said exposure burned out the upper elements of both heaters and including Mr. Rigoulot's thermostat.

The upper elements of subject heaters are, of course, at a higher level than the kitchen tap, as we have no basements. The expenses incurred for repairing said heaters are:

Labor and Material	\$19.00
445 Tabor (Rigoulot)	

Labor and Material	12.10
465 Tabor (Strecker)	

We feel the above costs certainly should not be borne by us as we were not forewarned to shut off our heaters during extreme low pressure periods, nor were we aware that the elements would burn out at such times.

Your early response or action would be appreciated.

s/ Vernon P. Strecker

It was moved by Councilman Foote, seconded by Creek, that this be referred to the City Insurance carrier for investigation and recommendation. Roll call as follows: Ayes, 4; No, None; carried.

The following was read:

July 31, 1962

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

We are requesting authorization to advertise for a proposed 1962 Seal Coating program.

The attached schedule and colored map show those streets, in order of priority, which need sealing, and also the proposed five year plan for accomplishing the work.

In order to seal during the month of August, we should advertise for bids this week-end. A \$12,000 capital outlay item was approved in the budget for seal coating.

We request your approval for the City Clerk to advertise.

JULY 31, 1962

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

DFL: dm
Attach.
cc: Lu Jenkins

It was moved by Councilman Leahy, seconded by Page, that the project be approved and the City Clerk be authorized to advertise for bids accordingly. Roll call as follows: Ayes, 4; No, None; carried.

Next from the Public Works Director this memo was read:

July 31, 1962

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

This letter is written in response to a request from the Mayor relative to a letter from Attorney John Sharp, regarding titles to property belonging to the Idaho Falls LDS Hospital.

Please find attached hereto a legal description covering that property originally being "G" Street and Sage Avenue rights of way.

Since these rights of way have long since been vacated, owned and occupied by the LDS Hospital, we would recommend to the Mayor and Council that the City Attorney be instructed to prepare a quit claim deed for the attached description in favor of the LDS Hospital, after which the Mayor and City Clerk be authorized to sign.

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

DFL:dm
Attach.

It was moved by Councilman Leahy, seconded by Creek, that the necessary deeds be prepared by the City Attorney after which the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

From the Public Works Director this memo was presented:

JULY 31, 1962

July 31, 1962

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

On May 2, 1962, the Mayor and Council authorized City participation in a County secondary road project S-6718(1) in an amount not to exceed \$6,500.

This project would improve Jefferson Avenue from Anderson Street to the railroad tracks. The attached contract from the County calls for a deposit of \$11,000 to be filed until construction is complete: any funds remaining will then be returned.

Your early attention to this matter will be appreciated.

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

DFL:dm
Attach.
cc: Lu Jenkins

It was moved by Councilman Foote, seconded by Page, that the contract in question be returned and the City withdraw from the street improvement project in question for the time being. Roll call as follows: Ayes, 4; No, None; carried.

Through the City Clerk, this memo was then read:

July 31, 1962

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

This letter is a request for authorization to improve Utah Avenue between Broadway and Milligan Road. This street was originally intended to be improved by local improvement district but because drainage facilities were not available nor designed, the construction had to be postponed.

There are several industries which are dependent upon this road for heavy truck traffic such as Idaho Potato Growers, P.I.E. Trucking, Ready To Pour Concrete. etc. Because of this heavy traffic and the condition of the street, maintenance has been difficult and expensive.

JULY 31, 1962

We are proposing that the Street Department be authorized to recondition and construct a suitable base at both ends of this project. These ends could then be primed and surfaced with a 2-inch mat by Pickett & Nelson, Inc. This construction will involve about 1700 yards and will cost 70¢ per square yard, or about \$1,200 outlay, in addition to the City's work. The balance of the road can be patched and maintained by the Street Department.

Since these portions of Utah Avenue have been extremely difficult to maintain and since this street is subjected to heavy traffic loads, we would recommend that the Mayor and Council authorize this improvement.

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

It was moved by Councilman Creek, seconded by Leahy, that improvement of Utah Avenue between Broadway and Milligan Road proceed for the reason and in the manner as described. Roll call as follows: Ayes, 4; No, None; carried.

An architect's agreement was presented from C. A. Sundberg & Associates covering architect's services to be rendered relative to the Civil Defense room in the City Building. It was moved by Councilman Page, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

An annexation ordinance was presented covering a portion of the Mel Brown Company and the Knights of Columbus Hall, not now within the City limits, as follows:

ORDINANCE NO.

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

It was moved by Councilman Foote, seconded by Leahy, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, None; carried.

Change Order #3, covering miscellaneous changes and additions to the Hunter-Saucerman construction contract was presented. It was moved by Councilman Leahy, seconded by Creek, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

A memo from the City Engineer was read, as follows:

JULY 31, 1962

July 31, 1962

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Enclosed herewith are two copies of a proposal presented by the Consulting Engineering Firm of Cornell, Howland, Hayes, & Merryfield. This proposal is for conducting an engineering investigation of a storm drainage system for the City of Idaho Falls.

As you are probably well aware, there are areas within the City that have surcharged sewers and flooded basements during every storm. Some of these areas might possibly be corrected by Local Improvement Districts. Before any Local Improvement Districts are formed, the City should have some master plan of a storm drainage system in order to direct each effort toward the realization of a master plan.

This proposal entails a joint effort between the City and the Consulting Engineer in making this study. It is estimated that about \$12,000.00 will be spent by the Engineering Department toward the gathering of information. This will take about 6 months of continuous work by a survey crew and a draftsman. The Consultants estimate that it will take them between 4-6 months to complete the study after the information has all been gathered.

We feel this storm sewer study is a vital importance for the future planning of the City, and should be completed as soon as possible. We recommend that the Mayor and City Council accept this proposal in the amount of \$15,000.00 and that the Mayor and City Clerk should be authorized to sign the agreement.

Respectfully submitted,
ENGINEERING DEPARTMENT
s/ Don Ellsworth, P.E.
City Engineer

Concurred by: Donald F. Lloyd
cc: Donald F. Lloyd
Luther Jenkins

Encl.

It was moved by Councilman Page, seconded by Creek, that the proposal in question be tabled for study and consideration. Roll call as follows: Ayes, 4; No, None; carried.

The following was read:

July 31, 1962

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

JULY 31, 1962

Dear Mayor and Members of City Council

Please be advised that this office has been retained by Mr. Charles Hoyt for the purpose of serving on the City of Idaho Falls a demand for damages to our client resulting from false imprisonment in the City jail on July 26, 1962.

The facts are briefly that Mr. Charles Hoyt is presently in charge of the Idaho Falls office of the Northwest Propane Gas Company and on July 26, 1962, Mr. Wade Scott, a police officer with a criminal complaint directed against Northwest Propane Gas Company for the arrest of Mr. Hoyt's principal, a corporation, too, Mr. Hoyt into custody delivering him to the Idaho Falls police station and on order of Officer Wayne Adams, Mr. Hoyt was confined for several hours in the City jail. At no time was our client under arrest nor had he personally been accused of a crime of any nature that would have made him subject to confinement or imprisonment in the City jail.

In view of the above actions on the part of the City Police Department, we hereby make demand on behalf of our client for the sum of \$10,000.00 damages resulting from the embarrassment, inconvenience and unlawful false imprisonment of Mr. Hoyt.

May we hear from you immediately on the above.

Yours very truly,
PETERSON, MOSS & OLSEN
s/ Reed L. Moss

No Council action was considered necessary, no action was taken.

It was explained that Mrs. Beryl Killian, owner of a basement house on the corner of Blaine and Iona Streets, has received a notice of correction and that she has agreed to the City razing the above ground portion and filling in the basement. It was moved by Councilman Foote, seconded by Leahy, that the City proceed with this work, that the cost be recorded as a lien on the property, but that this be subject to receipt of a letter from Mrs. Killian, registering her approval. Roll call as follows: Ayes, 4; No, None; carried.

It was explained that, for sometime, the City Attorney has had in his possession certain correspondence and facts pertaining to an uncollected utility bill in the name Hilp & Rhoades, developer and builder of the Sears Roebuck building and that this accrued during the construction period. It was moved by Councilman Leahy, seconded by Creek, that he be authorized and instructed to proceed with legal action as a means of effecting collection. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk presented the following notice and explained that, in the interests of time, it was published without official Council approval.

JULY 31, 1962

**NOTICE OF TIME TO FILE
OBJECTIONS TO ASSESSMENT ROLL
OF LOCAL IMPROVEMENT DISTRICT
NO. 28 OF THE CITY OF IDAHO FALLS,
IDAHO**

Pursuant to an order of the City Council of the City of Idaho Falls, Idaho, and the statute in such case made and provided, notice is hereby given that Tuesday, the 31st day of July, 1962, at 8:00 P.M. of said day, in the Council Chambers in the City Building in Idaho Falls, Bonneville County, Idaho, have been fixed and appointed as the time and place of hearing and considering objections to the Assessment Roll of Local Improvement District No. 28 of said City, from any party aggrieved to the Assessment Roll of Local Improvement District No. 28 of said City, from any party aggrieved by said Assessments.

YOU ARE FURTHER NOTIFIED that such Assessment Roll was filed in my office on the 18th day of July, 1962, and that the owner or owners of any property that is assessed in such Assessment Roll, whether named or not in such roll, may, within ten (10) days from the first publication of this notice, file with the undersigned his objections in writing to said assessment.

s/ Roy C. Barnes
City Clerk of the City
of Idaho Falls, Idaho

Pub: July 18, 19, 20, 1962

It was moved by Councilman Page, seconded by Creek, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 4; No, None; carried.

An easement for a water line between the #9 and the #10 wells to 17th Street was discussed. It was learned that there are three property owners involved and that one of them, Mr. Allen D. Harris, had agreed, for a consideration of \$150.00, to sell an easement right to the City but that the other two, Mr. and Mrs. LaVerl L. Crow and Marian Pfeiffer had refused. It was moved by Councilman Creek, seconded by Leahy, that the City Attorney be authorized to start condemnation proceedings against the latter two as a means of obtaining said easement. Roll call as follows: Ayes, 4; No, None; carried.

A request was made for the Chief of Police to inspect Wells Brady Radio Communication Operations in Ogden, Utah, August 3rd, 1962. It was moved by Councilman Page, seconded by Leahy, that this be approved. Roll call as follows: Ayes, 4; No, None; carried.

It was noted that the National Transportation Engineering Conference is being held in Detroit, Michigan, October 8th through October 12th, 1962, and the question was posed as to whether or not the City Engineer should attend. This was tabled for further consideration.

JULY 31, 1962

An informal proposal was presented from Mr. Harold Moss revealing an estimate of \$1,240.00 for roof repairs on the Airport Administration Building. This was tabled, pending an investigation to determine the conditions of the written warranty, if any, which would accompany the work.

A farm lease was presented in favor of Gene Somsen, extending from April 1st, 1962 to March 31st, 1963, stating terms and conditions for the farming of certain lands as described in the instrument. It was moved by Councilman Foote, seconded by Page, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor announced that the Idaho State Fire School is to be held in Lewiston, Idaho, August 16th through August 18th, 1962. It was moved by Councilman Creek, seconded by Leahy, that four firemen be selected by the Fire Chief to attend. Roll call as follows: Ayes, 4; No, None; carried.

Electrical Engineer Davis appeared before the Council with Mr. C.A. Paxton of the R & D Consultant firm explaining the necessity, with reference to the Park & C Street signalization and street lighting project, for relieving some of the mechanical loads on the steel pole as submitted on a preliminary proposal, including provision for Christmas tree decorations. No action was taken and Councilman Leahy volunteered to study the proposal further and advise.

It was noted that there are certain areas in need of zoning or re-zoning. It was moved by Councilman Foote, seconded by Leahy, that a zoning hearing be scheduled for August 22nd, 1962, and the City Clerk was authorized to publish notice accordingly. Roll call as follows: Ayes, 4; No, None; carried.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
