

FEBRUARY 1, 1962

Pursuant to a call by the Mayor the City Council, of the City of Idaho Falls, met in Special Session in the Bonneville Hotel on February 1, 1962, at 12:00 o'clock noon for the purpose of considering all protests registered at the assessment protest meeting of January 25th, 1962, concerning L.I.D. #27 as well as any other business which might properly be presented. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Creek, Foote, Leahy. Absent: Councilman Page. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Alva Harris, Building Official; Don Ellsworth, Assistant City Engineer; Parley Gillen, Fire Chief; Members of the Fire Prevention Bureau; Floyd Heyrend, and Arthur Johnson, Representatives of the Planning Commission.

The Mayor opened the Meeting by explaining that the #1 fire zone is now spotted all over the City, even in suburban shopping areas. Buildings are being constructed that do not comply with this zone. It has been proposed, continued the Mayor, that this be corrected by revising the #1 zone and limiting same to the immediate downtown area. The Building Official presented a map depicting the proposed #1 fire zone area with the downtown boundaries being G Street, Short Street, Memorial Drive and the railroad tracks. Also, West Broadway and North Yellowstone.

Mr. Heyrend proposed that the #1 zone be limited to the downtown area and that West Broadway and North Yellowstone as well as First Street to Holmes be placed in a #2 zone. He explained his thinking by saying that congested type building should be limited to downtown, where as commercial and industrial building in these areas could always provide more area for off street parking, loading, etc. In answer to a question by the Mayor as to whether or not this would generally meet with proper fire zone planning the Fire Chief answered in the affirmative. The Council offered no serious objection. No action was taken.

The Council, having concluded the budget estimate for the calendar year 1962, considered the following:

LEGAL NOTICE

**BUDGET ESTIMATE FOR THE CALENDAR YEAR 1962
CITY OF IDAHO FALLS, IDAHO**

The following is an estimate of the amount of money necessary for all purposes to be raised by taxation, or otherwise, in the City of Idaho Falls, Idaho, during the calendar year 1962 for which an appropriation is to be made as provided by law; and money to be apportioned for the purpose of paying indebtedness now existing and to accrue against the various funds of the City of Idaho Falls, as follows: to-wit:

DEPARTMENT AND/OR FUND

General and Administrative	\$374,030.00
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FEBRUARY 1, 1962

Controller - Treasurer	50,135.00
City Clerk Department	103,654.00
Inspection Department	55,383.00
Public Works Administration	25,410.00
Engineering	121,040.00
Health and Sanitation	168,290.00
City Garage	25,975.00
Streets - Alleys	330,180.00
Building Maintenance	60,980.00
Police Department	438,757.00
City Parks	189,162.00
City Airport	<u>80,565.00</u>

TOTAL GENERAL FUND: \$2,023,561.00

Municipal Recreation Fund	\$84,246.48
Municipal Fire Fund	318,693.00
Municipal Water & Sewer Revenue Fund (Including Bond Redemption and Interest)	841,077.46
Municipal Electric Light Fund	2,105,585.90
Municipal Library Fund	79,059.05
Municipal Auditorium Bond Redemption Fund	69,922.75
Municipal Police Retirement Fund	<u>28,625.18</u>

TOTAL ALL FUNDS: \$5,550,767.82

The entire revenue of the City of Idaho Falls, Idaho, for the calendar year 1962, based upon the receipts for the previous twelve (12) months including receipts from Water and Sewer System and Hydroelectric Plant, is as follows: to-wit:

Revenue from tax levy based upon a certified valuation of \$21,845,500.00.

21.00 Mills, General Tax Levy	\$458,755.50
2.00 Mills, Municipal Fire Department Fund, Special Levy	43,691.00
3.00 Mills, Municipal Library, Special Levy	65,536.50
.50 Mills, Municipal Police Retirement Fund Special Levy	10,922.75
.50 Mills, Municipal Auditorium, Bond Redemption Fund, Special Levy	10,922.75
2.00 Mills, Municipal Recreation Fund, Special Levy	<u>43,691.00</u>

FEBRUARY 1, 1962

29.00 Mills, Total Tax Levy	\$633,519.50
Franchises	\$46,000.00
Licenses and Permits	116,000.00
Finds and Forfeitures	55,200.00
Interest and Rentals	32,355.00
Revenue from Other Agencies	199,675.00
Charges for Current Services	338,000.00
Miscellaneous Other Revenues	27,450.00
Transfers from Operating Funds	784,565.75
Water and Sewer System Rentals Fees, Permits and Miscellaneous Income	841,077.46
Sale of Electrical Energy (Including Permits, etc.)	2,105,585.90
Municipal Library Collections	6,000.00
Fire Department Services	13,809.00
Penalties, Interest and Contributions	1,800.00
Uncollected Taxes - Prior Years	487,000.00

Estimated Unexpended Cash Balances:

General Fund	(\$128,782.19)
Water and Sewer Revenue Fund	220,077.46
Electric Light Fund	(116,794.10)
Library Fund	7,522.55
Fire Department Fund	(18,909.06)
Recreation Fund	1,243.48
Police Retirement Fund	<u>6,002.43</u>

TOTAL: \$5,558,664.82

Less: Bonneville County Collections Fee Charge (7,897.00)

TOTAL REVENUES: \$5,550,767.82

I, Roy C. Barnes, City Clerk of the City of Idaho Falls, Idaho, do hereby certify that the above is a true and correct copy of the Budget Estimate for the calendar year, 1962, as adopted by the Mayor and Council on the 1st day of February, 1962.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City this 1st day of February, 1962.

FEBRUARY 1, 1962

s/ Roy C. Barnes
CITY CLERK

Published: February 2nd, February 9th, 1962

It was moved by Councilman Creek, seconded by Foote, that the foregoing be adopted as the official budget for the calendar year 1962 subject to the budget hearing February 7th, and the City Clerk be authorized to publish same as required by law. Roll call as follows: Ayes, 3; No, None; carried.

From the foregoing it was noted that, although the overall mill levy was to remain at 29 mills, certain readjustment was necessary requiring a 21 mill levy in the general fund instead of 18 mills as previously planned. It was explained by the City Clerk that a notice of hearing had already been published once in the Post Register announcing an 18 mill levy. He explained further that to countermand this, two more published notices would be necessary, reflecting the 21 mill levy in the general fund.

Therefore, the following was presented:

NOTICE OF HEARING

Notice is hereby given, under and pursuant to Section 50-1102, Idaho Code, that the City Council of the City of Idaho Falls, Idaho, proposes to levy a tax for general revenue purposes for the fiscal year commencing January 1, 1962, in the amount of Twenty-One (21) mills on all property within the limits of the municipal corporation taxable according to the laws of the State of Idaho, and that said City Council in the City Hall in the City of Idaho Falls, Idaho, at 8:00 o'clock P.M., on the 7th day of February, 1962, when and where all persons interested in said proposal will be heard.

Dated February 1, 1962.

s/ Roy C. Barnes
CITY CLERK

Publish: February 4th, February 7th, 1962.

It was moved by Councilman Leahy, seconded by Creek, that the City Clerk be authorized to publish this notice, as required by law. Roll call as follows: Ayes, 3; No, None; carried.

The Council then proceeded to consider the report of the Engineering Department on protests to assessments of L.I.D. #27. The following action was taken in respect to said protests by unanimous agreement of all Councilmen present;

The protest of Louie G. Young (#5), no grounds stated, was denied.

FEBRUARY 1, 1962

The protest of William L. Beasley (#7), on grounds that vacant lots should not be assessed, was denied.

The protest of Gene Stotts, (part of #21), on grounds of too high a price and satisfaction with present conditions, was denied.

The protest of Mary Markland (#111), no grounds stated, was denied.

The protest of Edna Parish Brown (#24), on grounds of inability to pay, was denied.

The protest of A. L. Taylor (#115), on grounds of high cost with request for assessment itemization, was denied; the City Engineer being instructed to provide said information for Mr. Taylor.

The protest of Laura M. Hooker (#93), on grounds of high cost, was denied.

The protest of James Lords (#50), on grounds of high cost, was denied.

The protest of Otto Andrews and wife (#90), on grounds of high cost with a request for an explanation of existing charges, was denied; the City Engineer being instructed to supply said information.

The protest of Ivan Gruvman (#2), on grounds that the assessment, computed on a square foot basis is discriminatory, was denied.

The joint protest of William J. McKinley (#225), LaVaun S. Merrill (#218) and H. P. Jorgensen (#223) was considered in the light of the City Engineer's recommendation, read as follows:

January 31, 1962
Protest Hearing L.I.D. #27

Honorable Mayor and City Council
Idaho Falls, Idaho

This letter is written with reference to the protests submitted by Mr. Boyd Thomas, representing property owners on 17th Street. This protest is somewhat unusual in that it is not protesting the need or the cost of the sewer, but merely, the location. The protestants contend they are willing to pay the full cost of sewer service, but are requesting a location which will give them a greater benefit and make possible additional utilization from their own property.

Through experience the City must necessarily take exception to the proposed new location for two reasons: (1) While the installation of this particular sewer may be done in less than thirty

FEBRUARY 1, 1962

days, the satisfactory operation is dependent upon the City's continued maintenance over the next 50-100 years. Preventative maintenance of the sewer and of the dead-end accesses to the sewer manholes will be discouraged on a routine basis. (2) The proposed new location will establish the pattern for future sewers located throughout this area, and necessarily establish the pattern in the area south of 17th Street. The City is making every effort to discourage sewers located in easements, and the Planning Commission has been discouraging the use of alleys in residential areas.

In our opinion, this protest has some validity. Further, we feel the proposed location in easements would not represent the best interests of the City. We are suggesting that these property owners pay for the construction of this sewer in a location which will satisfy the City's needs and only partially benefit the property owners.

We are recommending to the Council that the full assessment levied against these properties be reduced by one-half and that this assessment will be a fair and reasonable measure of the benefits derived from its construction.

Respectfully submitted,
PUBLIC WORKS DIVISION
s/ Donald F. Lloyd
City Engineer

It was noted that this was, in form, not a protest against the assessment but against the location of the proposed sewer line adjacent to their properties. Recognizing that the City Engineer recommended that the proposed sewer line location be not changed from the original route and also being advised that the City Engineer's recommendation pertaining to reducing the various assessments is contrary to law, this joint protest was denied.

The protest of Bocasco Realty Company (#154) and the protest of Boise Cascade Corporation (#153), on the grounds that the assessment is inequitable, unjust and discriminatory in that other commercial properties have been granted concession denied to the protestants, would have been allowed in part, on condition that protestants enter into a contract with the City before action be taken by the Council at this meeting. The City Attorney reported that protestants had not submitted such a contract up to the time of this meeting. Therefore, the protests were denied.

The protest of J. W. McNeil (#220), on grounds that the proposed assessment is excessive, was denied.

The protest of LeRoy Anderson (part of #21), on grounds of high cost, was denied.

The protest of the Sinclair Refining Company (#164), on grounds of double assessment, was allowed in part as per the City Engineer's report, said assessment being ordered reduced to \$2525.00.

FEBRUARY 1, 1962

The same situation as was applicable to the above mentioned Sinclair Refining Company was reported by the City Engineer as being applicable to the assessment of M. M. Newby (#166) and the Council ordered the assessment against said property be reduced to \$2875.00.

The protest of Richard I. Clayton, (#132, 147, 110, 98, 179), on grounds that the location of the highway to be established near the John's Hole Interchange is not yet fixed, was denied.

The protest of Fred Colson (#119), on grounds that the location of the highway to be established is not yet fixed, was denied.

The protest of Echo Commons, Inc. (#210), on grounds that the property is connected to the Cleveland Street sewer line, was granted and said property was ordered removed from the assessment roll.

The protest of L. R. Green (#209), was granted and ordered removed from the assessment roll, not entirely on grounds that it was a vacant lot, as stated in the written protest, but because the foregoing assessment #210 was excused and this short portion of the sewer line would have been constructed solely for the servicing of these two properties.

The protest of Lulu H. Burggraf (#241), on grounds that the assessment is unreasonable in accordance with benefits received, was granted in part on the basis of a connecting sewer being located through the Burggraf property for the convenience of the City and the assessment was ordered applicable only to that portion of the property abutting the lateral sewer and said assessment was ordered reduced to \$1,519.56.

The protest of Marley Campbell (#14, 17, 19, 21, 9, and 61), on the grounds of excessive cost, was denied.

The protest of Ernest Terry (#211-1), on grounds that he desired to construct a sewer line in a different location to serve the assessed property, was granted one condition that he enter into a binding contract with the City to have said construction completed by June 1st, 1962.

The protest of Robert Robinson (#175), on grounds that the Engineering Department of the City has assured him that the sewer was installed, was denied.

The protest of George L. Jensen, (#82), on grounds of exorbitant assessment cost plus a relatively high hook on fee, was denied.

The protest of Austin Bate (#44), on grounds of high cost, was denied.

The protest of Tom Sutton (#105), on grounds of high cost, was denied.

FEBRUARY 1, 1962

The protest of W. Ward Lee (#25, 26, 27), on grounds of high cost, was denied.

The protest of Jesse Wages (#211), on grounds of high cost, was denied.

The protest of Sam McCarthy on behalf of McCarthy's Inc, (#238), and H. P. Taylor on behalf of Taylor Meat Company, (#239), was granted on the basis of a contract, heretofore entered into between the City and the protestants, for the construction of a sewer line to serve the respective properties.

It was moved by Councilman Leahy, seconded by Creek, that the assessment roll, as heretofore modified and revised by the foregoing Council action, be approved and confirmed as the assessment roll of Local Improvement District #27. Roll call as follows: Ayes, 3; No, None; carried.

Notation was made that construction bids covering L.I.D. #27 had been opened January 9th, 1962, revealing the following:

	PART I	PART II	TOTAL
Arrington Construction Co. Idaho Falls, Idaho	\$112,019.80	\$92,864.65	\$204,884.45
Bateman Excavating Co. Shelley, Idaho	128,204.05	103,413.80	231,562.95
Hartwell Excavating Co. Idaho Falls, Idaho	129,265.90	102,516.25	231,782.15
N. W. Construction Co. Idaho Falls, Idaho	135,002.25	104,601.95	239,604.20

It was moved by Councilman Leahy, seconded by Creek, that Arrington Construction Company be awarded the bid in the amount of \$204,884.45. Roll call as follows: Ayes, 3; No, None; carried.

The City Attorney was authorized to institute condemnation proceedings to acquire all easements for L.I.D. #27 that could not be obtained by negotiation.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
