AUGUST 10, 1960

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Special Meeting on Wednesday, August 10th, 1960, at the hour of 8:00 o'clock P.M., at the City Council Chambers in the City Hall in the City of Idaho Falls, Idaho, to consider protests against the creation of proposed Local Improvement District No. 26 and the improvement proposed to be made there under, pursuant to the Notice of Intention to create such district and to make the improvement provided for therein; due and legal notice of said Meeting having been given by publication and mailing thereof as required by law and the rules and ordinances of the City.

Due to the large number of people desiring to be present at such Meeting, the Mayor ordered the Meeting to be transferred to the District Court Rome in the Bonneville County Court House in said City of Idaho Falls, and the City Council reconvened at such place.

On roll call, the following members, constituting a quorum, were present: Mayor W. J. O'Bryant; Councilmen Donald R. Foote, George C. Petersen, Jr., Alex Creek, Vernon Johnson. Absent: None. Also present: Roy C. Barnes, City Clerk.

The Mayor explained the purpose of the Meeting was for the City Council to hear any and all written protest against the creation of Local Improvement District and the improvement to be made there under, and to pass upon all protests so made and filed, and further announced that all persons desiring to be heard on the creation of said District and the improvement to be made there under would be given an opportunity to express their views and comments in relation thereto. The Mayor also announced that all proceedings would be recorded and transcribed by a reporter.

The Mayor further explained that before proceeding with the consideration of protests, information concerning the background and reasons for the City Council's decision to create the district would e given by Donald F. Lloyd, City Engineer; that the legal basis for the assessments proposed would e explained by George L. Barnard, City Attorney, and that the public health aspects related to the need for the proposed district would be explained by the State-County Sanitarian, William Cole.

Such explanations were made by the individuals named, after which the City Clerk was directed by the Mayor to read any and all protests which had been filed in this office pursuant to the provisions of the notice of the Meeting theretofore filed.

The Clerk reported that protests had been filed, as follows:

1. A protest by Merritt M. Johns to the effect that assessments should be in relation to value of property and commercial property should be assessed in greater amount than residential property.
2. A protest by Donald F. Suckling to the effect (a) the cost is too high, (b) the sewer lines should be put in public rights-of-way, not in easements, and (c) costs of material are too high.
3. A protest by J. L. Meyers and Beryl B. Meyers to the inclusion of certain lands owned by them in the proposed district, on the grounds that under a written agreement between protests and the City, protestants granted an easement across said lands in consideration of which protestants were granted that right to connect buildings on said property to the City sewer line without paying the City charges for such privilege, and the City agreed to connect protestant's existing sewer lines to the City's line without cost to protestants.

4. A protest signed by Charles L. Storrs and 10 others to the effect that the signers have, at their own expense, provided adequate and sanitary means for disposing of sewage from their own properties, these individual property owner in the proposed district is excessive.

5. A protest by Mrs. Jerald Shmier and 4 other signers, on the ground that the signers have, at their own expense, provided adequate and sanitary means for disposing of sewage from their own property, which, when properly maintained, creates no nuisance or health hazard to the community, and that the cost to each property owner in the proposed district is excessive.

6. A protest by Alfred J. Pouch to the inclusion of Lot 10 of Block 2 and Lots 15 and 16 of Block 4, in Solaria Tract, on the ground that the State Highway Department is taking all or part of said Lots for highway purposes, and the remainder of said Lots, if any, will be too small to be of any value.

7. A protest by 151 signers, approximately half of the signers being the wives of their husbands signing the petition, involving 83 Lots in Westland Heights Addition, requesting that such Westland Heights Addition be detached from the proposed Local Improvement District No. 26 and set up as a separate District.

8. A protest by Derald W. Wright requesting that the sewer lines should be placed in easements in the rear of houses rather than in streets, and stating the District should be rearranged to give the utmost benefit to the homeowner.

9. A protest by Fred P. Walquist and 14 other signers asserting that the proposed method of assessment is inequitable and that all Lots should be assessed equally regardless of size or shape and that Lots having lava rock should be assessed for same.

The Meeting was then declared open for general discussion and suggestions from the public, and for the purpose of giving any further information that might be requested by any persons interested. Such open discussion meeting continued until 11:45 P.M., at which time the mayor announced the Meeting would be in recess until 5:00 P.M. the next day, August 11, 1960, at which time the Council would act on and consider the protests and further hear any persons interested.

The Meeting was resumed at the time so fixed by the Mayor. All members of the City Council were present.

Further open discussion was held, after which the City Council considered the written protests, and made decisions thereon as follows:

1. The protest of Merritt M. Johns was, on motion, duly seconded and unanimously carried, denied on the ground that the method of assessment proposed by him would not be permissible under the laws of the State of Idaho.

2. The protest of Donald H. Suckling was, on motion duly seconded and unanimously carried, denied, on the grounds that the cost of the improvement is not within the control of the City Council and will ultimately be determined by competitive bidding; the location of the sewer line was a matter to be determined by the City Engineer, in his discretion, based on his investigation and study; the cost of materials to be used in the project is not within the control of the City Council and will be determined by competitive bidding.

3. The protest of J. L. Meyers and Beryl B. Meyers was, on motion duly seconded and unanimously carried, referred to the City Attorney for study.

4. The protest of Charles L. Storrs and others was, on motion duly seconded and unanimously carried, denied, on the grounds that the means for disposal of protestants' sewage referred to in their protest is be septic tanks; that such means does not provide adequate disposal of sewage in the area and does create a hazard to public health, and the cost of the proposed improvement will not be excessive to property owners of the district.

5. The protest of Mrs. Herald Shmier and others was, on motion duly seconded and unanimously carried, denied on the same grounds as the denial

6. The protest of Alfred J. Pouch was referred to the City Engineer and City Attorney for investigation and report to the Council for further consideration.

7. The protest of the 151 signers, representing 83 Lots in Westland Heights Addition, was passed for further consideration.

8. The protest of Darold W. Wright was, on motion duly seconded and unanimously carried, denied on the ground that the placement of sewer lines is a matter to be determined by the City Engineer on his investigation and engineering data.

9. The protest of Fred Wahlquist and others was, on motion duly seconded and unanimously carried, denied, on the grounds that the method of assessment proposed therein would be contrary to law, but protestants were advised the Council intended to study the basis of assessment proposed by the City Engineer and determine if there were any inequities in same.

The Mayor then announced the meeting would be recessed to 7:30 p.m., August 15, 1960 for further proceedings.

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