

JANUARY 7, 1955

The City Council of the City of Idaho Falls, Idaho, met in Regular Session, January 7th, 1955, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: E. W. Fanning, Mayor; Councilmen Petersen, Freeman, Foote and Rogers. Also present: S. R. Rostad, City Clerk; T. R. Peters, Purchasing Agent; Arthur L. Smith, City Attorney; C R. Black, City Engineer.

The minutes of Meeting held on December 17, 1954, were read and approved.

A representative of the Young Electric Sign Co., Pocatello, appeared before the Council requesting permission to erect and install neon sign at top of the Grand Hotel, as per specifications. It was moved by Councilman Rogers and seconded by Petersen, that permission is granted to erect and install neon sign on top of the Grand Hotel, subject to the City Ordinance governing signs. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The bills against the City for the month of December, 1954, having been audited by the Finance Committee were presented for payment as follows, to-wit:

	<u>General Fund:</u>	<u>Water Works:</u>	<u>Elec. Light Fund:</u>	<u>Police Retirement:</u>
Salaries:	57,382.14	5,083.04	12,565.65	852.44
Supplies:	<u>20,732.24</u>	<u>2,256.03</u>	<u>47,135.96</u>	<u>.00</u>
Total:	78,114.38	7,339.07	59,701.61	852.44
GRAND TOTAL:		\$146,007.50		

It was moved by Councilman Petersen and seconded by Foote, that the above bills be allowed and the City Clerk is hereby authorized to draw warrants on the proper funds, in payment of the same. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The reports of the various (committees) Departments were presented for the month of December and the year 1954. There being no objections they were ordered placed on file.

The following applications for Bartender permits were presented to-wit: Keith Lance, James I. Roland, Grant Hendrickson, Robert Newman, Samuel A. McLaughlin, V. E. Carlson, Paul Chapas, Henry E. Crew, Jr., Keith Bowcutt, Henry A. Clark and Van O'Neill. It was moved by Councilman Freeman and seconded by Rogers, that the above permits be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The following applications for Beer licenses were presented to-wit; J. M. Collette, Snowballs; Mrs. Francis Priest, 8th St. Grocery; Jack McLaine, Happy Jacks; Roland Patterson, Roland's Club; Dick Koster, Dicks Super Market; John S. Gamble, Gamble's Fine Foods; Charles R. Jachetta, Topper Club; F. E. Cushing, Cheerio; Leonard Tallon, Jack's Club; Garland Dennis, The Turf; C. B. McNeil, Bon Villa; R. A. Johnson, Fairway Service; Alvin P. Gemar, Broadway Bowl; J. W. Banks, Hub Bar; A. R. Bingham, Capitol Bar; Wallace Hoffman, Elm Street Grocery; E. J. Guderjohn, Corner Grocery; Wallace Hoffman, Hoffman Grocery; Todd Kuwana, Idaho Package Bev. Co.; Paul Chapas, Chappy's Restaurant; Kenneth V. Strom, F. O. Eagles Club; A. R. Taylor, The Russett; C. L. Croly, Croly's Cold Storage; J. Russell Brown, Russ's Super Market; Ray V. Robison, Robison's Grocery; John Holverson, The Union Bar; Don W. Christensen, 191 Club. It was moved by Councilman Freeman and seconded by Foote, that the above Beer licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

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The following applications for Liquor licenses were presented to-wit: C. B. McNeill, Bonneville Club, 340 Broadway; F. E. Cushing, Cheerio Club, 415 Park Avenue; Charles Jachetta, Topper Supper Club, S. Highway; H. W. Eames, the Mint, 250 Park Avenue; A. R. Bingham, Capitol Bar, 432 Shoup Avenue; H. W. Reeves, The Buffet, 338 Broadway; Otis Shepherd, Whitehorse Bar, 545 Shoup Avenue; Vernon Scheets, Jack's Chicken Inn, 1950 S. Yellowstone; R. B. Mattinson, Bonneville Hotel Lounge, Park & C; Keith Lance, Ford's Cigar Store, 444 A Street; A. R. Taylor, The Russett Bar, 309 Broadway; Paul Chapas, Chappy's Restaurant, 500 Second Street; L. W. Taylor, Stockman's Bar, 1840 N. Yellowstone; J. A. McAtee, Samoa Club, 339 Park; George Hahn, New Grand Bar, 247 Broadway; Grant Hendrickson, The Lobby, 447 Broadway; B.P.O.E. Elks Club; Leonard Tallon, Jack's Club, 481 Broadway. It was moved by Councilman Foote and seconded by Rogers, that the above Liquor licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Carried.

Sixty-five Soft Drink applications for licenses were presented. It was moved by Councilman Freeman and seconded by Foote, that the above applications for Soft Drink licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

Twenty-five applications for Meat Market licenses were presented. It was moved by Councilman Petersen and seconded by Rogers, that the 25 applications for Meat Market licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The following applications for Chauffeur's licenses were presented to-wit: Thomas H. Kelly, Jack E. Moran, Albert E. Lewis, Ernest R. Summers, Donald G. Fouts, Don Christensen, G. W. Hendrickson, Joseph A. Moser, Del Clark, Ronald Hill, Lloyd J. Sorter, and Clifford Nielsen. It was moved by Councilman Rogers and seconded by Freeman, that the above Chauffeur's licenses be granted when the "OK" is received by the Chief of Police. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

Twenty-four applications for Rooming House licenses were presented as per list. It was moved by Councilman Freeman and seconded by Foote, that the above Rooming House licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The following Dance Hall licenses were presented to-wit: Paul Chapas, Chappy's, 100.00; Charles R. Jachetta, Topper Club, 100.00; H. W. Reeve, The Buffet, 100.00; Jim Scheets, Jack's Chicken Inn, 100.00; Leonard Tallon, Jack's Club, 100.00. It was moved by Councilman Rogers and seconded by Freeman, that the above Dance Hall licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The following license applications were presented to-wit: Second Hand Store; Western Army Store; I. F. Army Store; Circle Dot, 331 Eagle Rock; Odds & Ends Store, 210 N. Capital; Pawn Broker: Bonneville Loan & Jewelry Co., B. Street. It was moved by Councilman Freeman and seconded by Rogers, that the above licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Carried.

The following license applications were presented to-wit: Electrical Contractor: Carl Caudle, 204 Lomax; Journeyman Electrician: Ray Cope, Rt. #5; Almon L. Brown, 2594 Ammon Road; N. R. Turner, c/o H-L Electric; Journeyman Plumber: Clifford McLain; Master Plumber: American Plumbing & Heating Co. It was moved by Councilmen Freeman and seconded by Petersen, that the above licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The following license applications were presented to-wit: Sunday Motion Pictures: Rio, Falls and Paramount Theatres. Propane Gas Installation: Northwest Propane Gas Co., and Rocky

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Mountain Gas Co. It was moved by Councilman Petersen and seconded by Rogers, that the above licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

The following license applications were presented to-wit: Pool Hall: Todd Kuwana, 316 First Street; Ford Cigar Store; The Spud; and Snowballs. Bowling Alley: Broadway Bowl. It was moved by Councilman Foote and seconded by Rogers, that the above licenses be granted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

It was moved by Councilman Rogers and seconded by Freeman, that the applications for a Rooming House license by Ann Rock, 342 ½ Park Avenue, be rejected. Roll call resulted as follows: Yes, 4; No, None; Motion Carried.

ORDINANCE NO. 841

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. (300' SOUTH SIDE OF BROADWAY, WEST SIDE)

The above Ordinance was read by the City Clerk. It was moved by Councilman Freeman and seconded by Rogers, that the above Ordinance be passed on its third and final reading. Roll call resulted as follows: Yes, Councilmen Foote, Rogers, Petersen and Freeman; No, None; Motion carried.

ORDINANCE NO. 842

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 (NORTH SIDE OF 17th STREET EAST OF HOLMES)

The above Ordinance was read by the City Clerk. It was moved by Councilman Freeman and seconded by Rogers, that the above Ordinance be passed on its third and final reading. Roll call resulted as follows: Yes, Councilmen Freeman, Foote, Rogers and Petersen; No, None; Motion carried.

RESOLUTION (Resolution No. 1955-01)

WHEREAS, heretofore on the 6th day of March, 1951, Lowell G. Passey and Helen Passey, husband and wife, of Bonneville County, Idaho, mortgagors made, executed and delivered a certain mortgage securing the payment of FIFTEEN HUNDRED AND NO/100 DOLLARS and interest to FIELDING MEMORIAL PARK INC., mortgagee, was duly recorded in the records of Bonneville County, in the State of Idaho, the 10th day of March, 1951, in Book 77 of Mortgages, at Page 417, and

WHEREAS, the said Fielding Memorial Park, Inc., heretofore on the 31st day of May, 1952, duly assigned said mortgage to the City of Idaho Falls for valuable consideration, which

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assignment is duly recorded in Book 11 of Assignments at Page 113, records of Bonneville County, State of Idaho, on June 28, 1954.

WHEREAS, the debt for which said mortgage was given as security has been paid in full.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS: That the Mayor and City Clerk be, and they are hereby authorized and directed to execute a release or satisfaction of said mortgage in full and to deliver the same to said mortgagors.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 7th day of January, 1955.

ATTEST: s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor

It was moved by Councilman Freeman and seconded by Rogers, that the above Resolution be accepted and passed. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

RESOLUTION (Resolution No. 1955-02)

WHEREAS, the City of Idaho Falls has for the past several years expanded rapidly in area and now embraces extensive subdivisions and other areas not depicted on any complete, unified and official map of said City; and

WHEREAS, uncertainty has heretofore existed as to the real, and true names of the streets, ways and commons in some of the recently annexed portions of said City; and

WHEREAS, on the 7th day of January, 1955, the City Engineer of said City filed in the office of the City Clerk a map certified on said date by the City Engineer as a full, true and correct map of said City, and

WHEREAS, said map fully sets forth the several streets, avenues, ways and commons in said City and designates them by name:

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AS FOLLOWS:

That certain map filed in the office of the City Clerk on the 7th day of January, 1955, and on said date certified by the City Engineer as being a full, true and correct map of the City of Idaho Falls, be, and the same is hereby, adopted and affirmed as the official map of the City of Idaho Falls.

IT IS FURTHER RESOLVED, that the names appearing on said map designating the streets, avenues, ways and commons of said City be, and the same are hereby adopted and affirmed, all and singular, as the real true official names, respectfully, of said streets, avenues, ways and commons of the City of Idaho Falls.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 7th DAY OF JANUARY, 1955.

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ATTEST: s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor

It was moved by Councilman Foote and seconded by Freeman, that the above Resolution be passed and approved. Roll call resulted as follows: Yes, Councilmen Petersen, Freeman, Foote and Rogers; No, None; Motion carried.

A letter was read from Harold West, tendering his resignation as a member of the Planning Commission. It was moved by Councilman Freeman and seconded by Foote, that the resignation of Mr. West as a member of the Planning Commission be accepted. Roll call resulted as follows: Yes, 4; No, None; Motion carried.

EXTRACT COPY OF THE MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, HELD
ON FRIDAY, JANUARY 7, 1955 AT 8:00 O'CLOCK P.M.

State of Idaho)
County of Bonneville : SS
City of Idaho Falls)

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a Regular Meeting on Friday, the 7th day of January, 1955, 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; 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: E. W. Fanning, Mayor; Councilmen R. A. Freeman, John B. Rogers, Donald R. Foote, George C Petersen, Jr.; Absent, None. Also present: S. R. Rostad, City Clerk.

Councilman Freeman introduced Ordinance No. 843 entitled:

“AN ORDINANCE CONCERNING COSTS AND EXPENSES OF LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL IMPROVEMENT DISTRICT NO. 24 FOR IDAHO FALLS, IDAHO, FOR STREET AND ALLEY IMPROVEMENTS, APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT, PROVIDING FOR THE PAYMENT IN INSTALLMENTS OF THE COSTS AND EXPENSES OF THE IMPROVEMENTS TO BE MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING THE COST OF THE IMPROVEMENTS AGAINST THE LOTS, BLOCKS AND PARCELS OF LAND IN SAID DISTRICT CONTIGUOUS OR ADJACENT TO, FRONTING OR ABUTTING UPON SAID IMPROVEMENTS IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING

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FOR THE CREATION OF A LOCAL IMPROVEMENT GUARANTY FUND FOR THE PAYMENT OF SAID IMPROVEMENT BONDS, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN EFFECT."

and moved that the Ordinance be adopted and passed on its first reading. Motion was seconded by Councilman Rogers and the same being put to a vote, was unanimously carried by the affirmative vote of the Mayor and all the Councilmen present. It was moved by Councilman Petersen, that the rules be suspended, and that the Ordinance be placed on its second and third reading. Motion was seconded by Councilman Freeman, 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 Rogers and seconded by Foote, 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 Petersen, 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, seconded by Councilmen Rogers, and the same being put to a vote, it was unanimously carried. The vote being as follows: Yes, Councilmen Rogers, Petersen, Freeman, and Foote; Nay, None.

ATTEST: s/ S. R Rostad
City Clerk

s/ E. W. Fanning
Mayor

ORDINANCE NO. 843

AN ORDINANCE CONCERNING COSTS AND EXPENSES OF LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL IMPROVEMENT DISTRICT NO. 24 FOR IDAHO FALLS, IDAHO, FOR STREET AND ALLEY IMPROVEMENTS., APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT, PROVIDING FOR THE PAYMENT IN INSTALLMENTS OF THE COST AND EXPENSES OF THE IMPROVEMENTS TO BE MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING THE COST OF THE IMPROVEMENTS AGAINST THE LOTS, BLOCKS, AND PARCELS OF LAND IN AID DISTRICT CONTIGUOUS OR ADJACENT TO, FRONTING OR ABUTTING UPON SAID IMPROVEMENTS IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING FOR THE CREATION OF A LOCAL IMPROVEMENT GUARANTY FUND FOR THE PAYMENT OF SAID IMPROVEMENT BONDS, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN EFFECT.

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WHEREAS, the City of Idaho Falls, Idaho, has enacted Ordinance No. 837, passed and approved the 23rd day of July, 1954, creating "Local District No. 24 for Idaho Falls, Idaho," and providing for certain street and alley improvements therein; and

WHEREAS, said Ordinance set forth the boundaries of the District, provided that such improvements should be made and that the cost and expenses should be assessed in proportion to the number of square feet of such lands and lots abutting, adjoining, contiguous and adjacent thereto included in the improvement district formed and in proportion to the benefits derived to such property by said improvement; and

WHEREAS, said Ordinance determined and fixed the total cost and expenses of such improvements which were to be paid from the general fund of said City of Idaho Falls; and

WHEREAS, pursuant to proceedings duly had and taken, the City has entered into contracts with Carl E. Nelson, Construction Company, a corporation, Logan, Utah, for the construction of said improvement at a total contract price of \$412,076.60, and

WHEREAS, the Committee on Streets, together with the City Engineer, has heretofore in strict conformity with law and the Ordinances of the said City made out and certified to the City Council as assessment roll in and for said Local Improvement District No. 24, for Idaho Falls, Idaho, fixing the total costs of the improvements in said District, including incidental expenses at \$488,690.98 to be paid by the City, of which sum the sum of \$39,802.07 will be paid from the general funds of said City and the remaining sum of \$448,888.91, will be paid by assessing the amounts against the lots, blocks and parcels of land contiguous or adjacent to, fronting or abutting upon said improvements, and in proportion to the benefits accruing to said property by reason of said improvements, which assessment roll was, and in all respects, duly and lawfully made and was heretofore on the 7th day of September, 1954, certified to the City Council of the City of Idaho Falls and filed in the office of the City Clerk of said City and was thereafter duly revised, corrected, accepted, ratified, approved and confirmed by the City Council on the 22nd day of October, 1954; and

WHEREAS, upon the certification and filing of said assessment roll, the City Clerk of the City of Idaho Falls gave notice by three publications, the first publication being on the 10th day of October, 1954, and the last on the 12th day of October, 1954, in the Post Register, a newspaper of general circulation, published daily except Saturday at Idaho Falls, Bonneville County, Idaho, that said assessment roll was on file in his office, giving the date of filing the same and stating that the City Council would hear and consider objections to said assessment roll by the parties affected by said assessment on the 22nd day of October, 1954, which said notice was duly given in all respects according to law; and

WHEREAS, at the time appointed for hearing said objections to such assessments, objections, were made which were duly considered by the City Council and said City Council

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revised and corrected said assessment roll, by reducing the assessment on two parcels of property; and

WHEREAS, neither prior to nor at the time appointed for hearing objections to such assessments were any other objections made to the assessments so levied, and no other person appeared to protest said assessments or assessment roll or any other matter in relation thereto; and

WHEREAS, notice was duly given to the property owners to be assessed that they might pay their assessments in full up to and including the 22nd day of December, 1954, in response to which notice payments have been made in the total sum of \$90,486.99 to the date of this Ordinance; and

WHEREAS, the cost and expenses of all improvements within any intersection (being the space formed by the junction of two or more streets or wherein one street terminates in or crosses another street and also all street crossings or cross walks and the space in any street opposite an alley) in said district is included in the sum of \$39,802.07 to be paid from the general funds of said City; and

WHEREAS, it is the opinion of the City Council that the balance of the cost and expenses of the improvements made and to be made in said Local Improvement District No. 24 for Idaho Falls, Idaho, which is chargeable to the abutting, adjoining, contiguous or adjacent property should be provided for and paid in installments instead of levying the entire special assessments for costs at one time; and

WHEREAS, the City Council of the City desires to issue in the name of the City, Local Improvement Bonds of the District to bear date as of the 15th day of January, 1955, payable in ten (10) substantially equal annual installments on January 15th in the years 1956 to 1965, both inclusive, the City Council considering it advisable to issue said bonds in denominations of \$500.00 with the exception of bond numbered one;

NOW THEREFORE, BE IT OBTAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

Section 1. That all of the proceedings, matters and things heretofore taken, had and done in connection with the creation and establishment of Local Improvement District No. 24 for Idaho Falls, Idaho, and in connection with causing the grading, graveling, prime-coating, tack-coating, paving, curbing, guttering, surface draining, and construction of sidewalks on streets and parts of streets, and alleys and parts of alleys in said District, the letting of contracts for the construction of said improvements and the apportionment of the costs and expenses of said improvements against the abutting, adjoining, contiguous and adjacent lots, blocks and parcels of land in said District as set forth in the assessment roll, as revised and confirmed, be and the same hereby are in all respects fully approved, ratified and confirmed.

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Section 2. That the unpaid costs and expenses of said improvements within the boundaries of said Local Improvement District No. 24 for Idaho Falls, Idaho, which are chargeable to the abutting, adjoining, contiguous and adjacent lots, blocks, and parcels of land within said City shall be paid for in installments, payable as nearly as may be possible in ten (10) equal annual payments, said installments to be payable as provided by law in each of the years from 1956 to 1965, both inclusive.

Section 3. That there be issued in the name of the City of Idaho Falls Improvement Bonds of said Local Improvement District No. 24 for Idaho Falls, Idaho, in the aggregate principal amount of \$358,401.92 which bond shall bear date as of the 15th day of January, 1955, and shall bear interest at the rate of three and one-half (3½%) percent per annum, payable annually on the 15th day of January, in each year, said interest to be evidenced by coupons attached to said bonds. The said bonds shall consist of one bond in the denomination of \$401.92, numbered one, and 716 bonds in the denomination of \$500.00 each, numbered from 2 to 717, both inclusive, and shall mature serially in regular numerical order on the 15th day of January as follows:

<u>BOND NUMBERS</u> <u>BOTH INCLUSIVE</u>	<u>YEAR</u>	<u>AMOUNTS</u>
1	1956	\$ 401.92
2- 69	1956	34,000.00
70-141	1957	36,000.00
142-213	1958	36,000.00
214-285	1959	36,000.00
286-357	1960	36,000.00
358-429	1961	36,000.00
430-501	1962	36,000.00
502-573	1963	36,000.00
574-645	1964	36,000.00
646-717	1965	36,000.00

Said bonds and the coupons thereto attached shall be payable at the office of the City Treasurer of the City of Idaho Falls. Said bonds shall be signed by the Mayor, attested by the City Clerk and countersigned by the City Treasurer of the City of Idaho Falls and each bond shall have affixed thereto the corporate seal of said City. The coupons shall bear the engraved facsimile signatures of the Mayor, City Clerk and City Treasurer, and when so executed, shall constitute the binding obligations of said City for said interest. All of said bonds shall be subject to redemption at the option of the City whenever there is sufficient money in the bond fund of said District to pay the principal of one or more of said bonds, which bonds shall be called and paid in their numerical order. Redemption shall be accomplished by the publication of a notice or redemption at least once, not more than sixty (60) nor less than thirty

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(30) days prior to the date selected for redemption in a newspaper of general circulation in the City of Idaho Falls, Idaho.

Section 4. That said bonds and the coupons thereto attached shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF IDAHO
COUNTY OF BONNEVILLE

No. _____

* \$500.00

CITY OF IDAHO FALLS
LOCAL IMPROVEMENT DISTRICT NO. 24
FOR IDAHO FALLS, IDAHO, BOND ISSUE
OF JANUARY 15, 1955

CITY OF IDAHO FALLS, IN THE COUNTY OF BONNEVILLE, STATE OF IDAHO, for value received, hereby acknowledges itself indebted, and promises to pay to the bearer, the sum of

FIVE HUNDRED DOLLARS (\$500.00)

on the 15th day of January, 195_, WITH INTEREST THEREON AT THE RATE OF THREE AND ONE-HALF (3½%) percent per annum, payable annually on the 15th day of January in each year, upon presentation and surrender of this bond and the attached coupons as they severally become due, both principal and interest being payable in lawful money of the United States of America at the office of the City Treasurer, Idaho Falls, Idaho.

The bonds of this series are subject to call whenever there is sufficient money in the Bond Fund of Local Improvement District No. 24 for Idaho Falls, Idaho, to pay the principal of one or more of said bonds which shall be called and paid in their numerical order.

This bond is one of a series of bonds issued for the purpose of paying the costs and expenses of constructing certain street improvements made in Local Improvement District No. 24 for Idaho Falls, Idaho, pursuant to Resolutions and Ordinances duly adopted by said City of Idaho Falls, under and by virtue of the law known as "Local Improvement District Code," Chapter 29, Title 50, Idaho Code, and all other laws thereunto enabling; and in conformity with said Code it is hereby provided that the principal sums herein named and the interest thereon shall be payable out of the local improvement fund created for the payment of costs and expenses of the improvements or out of the local improvement guaranty fund duly authorized and created, and not otherwise.

If at any time there shall not be sufficient money available for the payment of interest falling due at any time on all of said bonds from the Interest Fund of Local Improvement District no, 24 for Idaho Falls, Idaho, then interest coupons shall be paid in the numerical order of the bonds to which they are attached.

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The City of Idaho Falls hereby pledges to the holder of this bond the exercise of all of its lawful corporate powers for the collection of assessments levied and assessed for the payment of said improvements and the redemption of said bonds.

IN TESTIMONY WHEREOF, the said City of Idaho Falls has caused this bond to be signed by its Mayor, countersigned by its Treasurer and attested by its Clerk under its corporate seal as of the 15th day of January, 1955.

(SEAL) s/ _____
 ATTEST: MAYOR

Countersigned:

s/ _____ s/ _____
 CITY CLERK TREASURER

(*Bond No. 1 shall be in the denomination of \$401.92 rather than in the denomination of \$500.00)

(COUPON FORM)

No. _____ *17.50

On the 15th day of January, A.D. 19__, unless the bond to which this coupon is attached has been called for prior redemption, the City of Idaho Falls, Idaho, in the County of Bonneville and State of Idaho will pay to the bearer hereof

*SEVENTEEN AND 50/100 DOLLARS (\$17.50)

in lawful money of the United States of America out of the Interest Fund of Local Improvement District No. 24 for Idaho Falls, Idaho, at the office of the City Treasurer of said City, being one year's interest on Local Improvement District No. 24 for Idaho Falls, Idaho, Bond

No. _____ s/ (Facsimile Signature)
MAYOR

ATTEST:
 s/ (Facsimile Signature)
 CITY CLERK

Countersigned: s/ (Facsimile Signature)
CITY TREASURER

(*One year's interest on Bond No. 1 is \$14.07)

CERTIFICATE OF REGISTRATION

STATE OF IDAHO)
 COUNTY OF BONNEVILLE : SS
 CITY OF IDAHO FALLS)

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I, the undersigned City Clerk of the City of Idaho Falls, in the County of Bonneville, State of Idaho, do certify that the within bond has been duly registered in a public record book kept for that purpose on file in my office, in all respects as required by law, and that the signatures on this bond are the genuine signatures of the Mayor, City Clerk and City Treasurer of the City of Idaho Falls, Idaho, and that the signatures on the coupons are the facsimile signatures of said officers.

(SEAL)

s/ _____
CITY CLERK

Section 5. That said bond, when executed, shall be issued to the lawful purchaser thereof and when so issued shall transfer to said purchaser or to any owner or owners thereof, all the right and interest of the City of Idaho Falls in and with respect to every assessment against the property in said District liable to assessment for such local improvements, and the lien thereby created against the property of such owners assessed as shall not have availed themselves of the provisions of law in regard to the redemption of their property from the lien of such assessment and shall authorize the owners and holders of said bonds to receive, sue for and collect, or have collected such assessment embraced in any such bond or through any of the methods provided by law for the collection of assessments for local improvements; and the City of Idaho Falls hereby pledges to such bondholders the exercise of all lawful corporate powers in the collection of the assessments of the payments levied for the collection of such bonds.

Section 6. That of the whole cost of the improvements made in said Local Improvement District No. 24 for Idaho Falls, Idaho, of \$488,690.98, the sum of \$39,802.07 shall be paid from said City's general fund, which sum includes the cost and expenses of all improvements within any intersection in said district, and the balance of said cost in the sum of \$448,888.91, and the apportionment of the same as set forth in the assessment roll made out and certified as above recited, as revised and confirmed, is hereby assessed against all of the real property in said District set forth in said assessment roll which is hereby specifically referred to and made a part thereof the same as if set forth at length herein.

Section 7. Said installment of assessments shall be payable on or before the 15th day of November, 1955, and the unpaid installments shall bear interest at the rate of three and one-half (3½) percent per annum, which assessments and interest from the 29th day of October, 1954, until the maturity of the installments of said bonds, shall constitute and are hereby declared to be a lien in the several amounts assessed against each lot or tract of land hereinbefore specified from and after the date of the confirmation of said assessment roll, which lien shall be superior to the lien of any mortgage or other encumbrance, whether prior in time or not, and shall constitute such lien until paid, subject to the extinguishment of any such lien by the sale of any property on account of the non-payment of general taxes.

Section 8. The first payment of installments of assessments shall become due and payable at the expiration of ten (10) months from the date of the bonds herein authorized, to-wit, on the 15th day of November, 1955, and subsequent installments at the expiration of each year thereafter; provided that, if any installment is not paid within twenty (20) days from the date on which said installment shall become due, the said installment shall become delinquent and the City Treasurer shall add a penalty of two (2) per cent.

Section 9. Whenever any installment of an assessment made for the payment of interest or principal of the bonds herein authorized is not paid when due and shall become delinquent, it is hereby declared that all such unpaid installments and the whole assessment made against any property in said improvement district to pay the costs and expenses of such improvements shall be immediately due and payable and delinquent, and the City Treasurer shall forthwith mark the same delinquent on the local improvement installment docket and shall add to the amounts shown on said installment docket a penalty of two (2%) percent thereon.

Section 10. The City Treasurer shall collect all installments of assessments levied upon the property within said Local Improvement District and shall give public notice in the official newspaper of said City in three (3) consecutive issues if in a daily paper, and in one (1) regular issue if in a weekly paper, the first publication of such notice to be not less than ten (10) days before such assessment or installment becomes due, which notice shall state the time for payment to begin and the time for payment to close, and that a two (2%) percent penalty will be added after delinquency; and shall also, within the same time, mail a postcard to each property owner at his last known post office address, containing the substance of said notice and any property owner may redeem his property from said installment by paying the principal thereof with the interest within the time specified in said notice, and in default of such payment the same shall become delinquent and a penalty of two (2%) percent shall be added. Proof of publication by the publisher and affidavit of mailing such notice by the Treasurer shall be filed in the office of the Treasurer in the file of said Improvement District before the date of delinquency. The failure of the City Treasurer to publish or mail any such notice or to do any other act or thing required by this section shall not affect such an assessment or installment, nor extend the time for payment thereof, but shall subject the Treasurer to liability to the taxpayer for any damage he may sustain by reason of such failure.

Section 11. That the City Council of other authorized taxing officers of the City of Idaho Falls shall for the purpose of ratifying and confirming the assessments hereby made, levy special assessments each year hereafter sufficient to redeem the installments of bonds with interest, next thereafter maturing, as issued, pursuant to the provisions of this Ordinance, and in computing the amount of special assessments to be levied against each piece of property liable therefore, interest at the rate of three and one-half (3½%) percent from the date of said bonds shall be included in such levies. Such assessments shall be made upon the property chargeable for the cost of such improvements, respectively, and shall be levied in the

same manner as prescribed by law and collection of special assessments for such improvement where no bonds are issued.

Section 12. That all assessments collected by the Treasurer of said City, and the account thereof, shall be kept separate and apart, from any other funds of said City. The amount of any such funds paid on account of installments for interest shall be kept in a fund to be known as "Interest Fund for Local Improvement District No. 24, for Idaho Falls, Idaho", hereinafter called Interest Fund, and the amount of such funds paid on account of installments for the payment of the principal of bonds shall be kept in a fund to be known as "Bond Fund of Local Improvement District No. 24 for Idaho Falls, Idaho", hereinafter called Bond Fund. The amount of such funds shall from time to time be deposited in such bank or banks as are designated as depositories of public moneys for the moneys for the funds of said City under the depository laws of the State of Idaho for the deposit of public funds, or invested in warrants of the City. Interest received on such fund so deposited or invested shall be placed to the credit of the fund from which it is earned. Interest due on bonds issued for the assessments of any local improvement district shall be paid out of said Interest Fund and bonds when they mature shall be paid out of said Bond Fund in the manner herein provided. Said Bond Fund and said Interest Fund shall be designated collectively as the Local Improvement Fund for Local Improvement District No. 24 for Idaho Falls, Idaho.

Section 13. That the officers of the City of Idaho Falls be and they hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the printing of said bonds and the execution of such certificates as may be required by the purchaser thereof relating to the signing of the bonds, and the tenure and identity of the municipal officials, the amounts certified on the assessment roll, together with the amount of cash payments, the receipt of the purchase price and the absence of litigation pending or threatened affecting the validity of the bonds.

Section 14. That should the Courts of this or any other state or of the United States declare any section, provision, paragraph, clause, sentence, phrase or part thereof of this Ordinance invalid, unauthorized or unconstitutional or in conflict with any other section, provision, paragraph, clause, sentence, phrase or part thereof of this Ordinance, then such decision shall affect only the section, provision, paragraph, clause, sentence, phrase or part thereof declared to be unconstitutional, unauthorized, or invalid; and shall not affect any other part whatsoever of this Ordinance. The City Council of the City of Idaho Falls, Idaho, hereby declares that it would have passed this Ordinance, and each section, provision, paragraph, clause, sentence or phrase thereof irrespective of the fact that anyone or more of the section, provisions, paragraphs, clauses, sentences or phrases, or arts thereof be declared invalid, unauthorized or unconstitutional.

Section 15. That the City Council of the City of Idaho Falls shall, by its general Ordinance of appropriation, provide for the levying of a tax not to exceed one mill in any one

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year for the purpose of creating a "Local Improvement Guaranty Fund" for the payment of the bonds herein authorized or in the manner and to the extent provided by Chapter 30, Article 50, Idaho Code.

Section 16. That by reason of the fact that certain areas within the City of Idaho Falls, need local improvements, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED this 7th day of January, 1955.

APPROVED this 7th day of January, 1955.

(SEAL)

ATTEST: s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor

It was moved by Councilman Rogers and seconded by Petersen, that the Council adjourn; Motion carried.

ATTEST: s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor
