

DECEMBER 8, 1952

The City Council of the City of Idaho Falls, Idaho met in Regular Session on December 8, 1952, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: E. W. Fanning, Mayor; Councilmen Freeman, Foote, Rogers and Johnson. Also present: S. R. Rostad, City Clerk; T. R. Peters, Purchasing Agent; Arthur L. Smith, Attorney; C. R. Black, City Engineer.

The minutes of Meeting held on November 21, 1952, were read and approved.

The bills against the City for the month of November, 1952, 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:	51,700.35	4,955.29	10,875.45	746.60
Supplies:	<u>41,787.50</u>	<u>16,378.59</u>	<u>38,030.51</u>	<u>.00</u>
Total:	93,487.85	21,333.88	48,905.96	746.60
GRAND TOTAL:		<u>\$164,474.29</u>		

It was moved by Councilman Freeman and seconded by Rogers, that the bills be allowed and the City Clerk is hereby authorized to draw warrants on the proper funds, in payment of the same. On roll call voting Yes, 4; No, None; Carried.

The monthly reports for the various Departments for the month of November, were read by the City Clerk. There being no objections, the reports were accepted and ordered placed on file.

RESOLUTION

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 27th day of October 1952, recorded in Book 77 of deeds at Page 433, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lot Forty-one (41) Block Two, (2) of Brodbeck's Addition to the original town of Eagle Rock, now the City of Idaho Falls, Bonneville County, Idaho.

WHEREAS, Donna Jensen, Administratrix of the Estate of Mary Ann Phelps, deceased, has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments and assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be and they hereby are authorized and directed, upon payment of said sum of money by said purchaser, to make, execute and deliver to the said Donna Jensen, Administratrix of the Estate of Mary Ann Phelps, deceased, a deed to said property, pursuant to the provisions of Section 50-2951 Idaho Code.

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Passed by the Council this 8th day of December, 1952.
Approved by the Mayor this 8th day of December, 1952.

ATTEST: s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor

It was moved by Councilman Freeman and seconded by Johnson, that the above Resolution be adopted and approved. On roll call voting Yes, 4; No, None; Carried.

The following Soft Drink application was presented, George Hahn, New Grand Bar. The following applications for Bartender permits were presented: Lee Erickson, Hotel Idaho, Ford's, and L. A. Winchester, Gen Delivery. It was moved by Councilman Freeman and seconded by Foote, that the above Soft Drink license be granted, and the applications for Bartender permits be granted and the City Clerk is hereby instructed to issue proper cards. On roll call voting Yes, 4; No, None; Carried.

It was moved by Councilman Johnson and seconded by Rogers, that the application for Auctioneer's license by Al. L. Hilliard, 806 S. 4th, Pocatello, be granted. On roll call voting Yes, 4; No, None; Carried.

It was moved by Councilman Foote and seconded by Freeman, that the application for Photographer's license, by the Crabtree Portrait Studio, be granted. On roll call voting Yes, 4; No, None; Carried.

The following applications for Beer licenses were presented, to-wit:

Oscar Matson	Matson Service	75.00
Vernon Scheets	Jack's Chicken Inn	75.00
C. B. McNeil	Cheerio	100.00
Grant Hendrickson	Lobby	100.00
L. L. Rudd	Albertson's	25.00
George Hahn	New Grand	75.00
Elton Minkler	White Horse	75.00
R. B. Mattinson	Bonneville Lounge	75.00

It was moved by Councilman Rogers and seconded by Foote, that the above applications for Beer licenses be granted. On roll call voting Yes, 4; No, None; Carried.

It was moved by Councilman Foote and seconded by Freeman, that the application by Dick Lamb for substitute Slot Machine license be granted. On roll call voting Yes, 4; No, None; Carried.

Extension Rider by the Union Pacific R. R. Co., Lease L & T 11890, covering pole storage site for 5 years to August 15, 1957 at a yearly rental of \$12.50 was presented by the City Clerk.

It was moved by Councilman Johnson and seconded by Foote, that the above Extension Rider be accepted and the Mayor and Clerk are hereby authorized to sign the Extension Rider. On roll call voting Yes, 4; No, None; Carried.

The application for light and water assistance by Dorcus Clayton, 1225 Mound Avenue, was reported on by Councilman Johnson. Johnson recommended that the assistance be denied. It was

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moved by Johnson and seconded by Rogers, that the application for light and water assistance by Mrs. Audrey Flanagan, 474 Lomax, be granted. On roll call voting Yes, 4; No, None; Carried.

It was moved by Councilman Johnson and seconded by Freeman, that the account of C. W. Hathaway, 689 Garfield, in the amount of \$62.25 be charged off. Husband recently died; widow had 5 children. On roll call voting Yes, 4; No, None; Carried.

It was moved by Councilman Foote and seconded by Rogers, that the petition by six property owners on the Ammon Road, requesting the City to extend the City water system to the homes of the property owners is hereby denied. On roll call voting Yes, 4; No, None; Carried.

It was moved by Councilman Foote and seconded by Rogers, that the Ammon Road property owners, will be permitted to hook on the City water main at their own expense and in the event they come into the City, the water lines becomes the property of the City of Idaho Falls, Idaho. On roll call voting Yes, 4; No, None; Carried.

It was moved by Councilman Freeman and seconded by Foote, that the following property be advertised for sale, to-wit:

Beginning at a point that is south, 1021.77 feet and east, 1134.69 feet from the northwest corner of Section 20, Town-ship 2 north, Range 38, East Boise Meridian and running thence N. 89° 17' 10" W., 215.43 feet; Thence south, 96.55 feet; Thence east, 185.12 feet; thence along a 30 foot radius curve to the left, 46.98 feet; Thence N. 0° 16' E., 64.01 feet to the point of beginning, containing 0.465 acre, more or less.

On roll call, voting Yes, 4; No, None; Carried.

The following letter from George Brunt was read, to-wit:

“Gentlemen:

I ask your earnest consideration for a change of zoning on Lots 42, 43 and 44 of Block 25 of Crows Addition, from R-1 to R-3.

The reason for requesting this change is that across the street east of these Lots a Utah Oil Service Station has been built and across the intersection to the southeast a grocery market and restaurant drive-in have been constructed. Because of this the three Lots on the west side of the Street have lost their value for R-1 Residential.

I am the owner of Lot 44 and have an option until the 15th day of December to but Lots 42 and 43.

The matter has been discussed with the Planning Board at their Meeting and it was their suggestion that the matter be taken up directly with the City Council.

I am enclosing four photographs which will orient you with the surrounding property.

Sincerely yours,
s/ George Brunt

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The above letter was referred to the Appeal Board for consideration. (When presented in proper form).

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

A Regular Meeting of the City Council of the City of Idaho Falls, Bonneville County, Idaho, was held on Monday, the 8th day of December, 1952, at the hour of 8:00 o'clock P.M., in the City Hall at Idaho Falls, Idaho, being the regular meeting place of said City Council, at which Meeting there were present and answering the roll call, the following:

E. W. Fanning	Mayor
Russell A. Freeman	Councilman
Vernon S. Johnson	"
John B. Rogers	"
Donald R. Foote	"
There were absent: None	
There were also present:	
S. R. Rostad	City Clerk
Arthur L. Smith	City Attorney
Claude R. Black	City Engineer

Thereupon, the following proceedings, among others, were duly had and taken;

Councilman Freeman introduced and moved the adoption of an Ordinance entitled:
"An Ordinance providing for sewer connection charges in creating a guarantee fund for, and otherwise concerning Local Improvement District #23, sewer for the City of Idaho Falls, Idaho, including said charges, the monies in said fund, the creation of said District, and the construction of improvements therein; and declaring an emergency."

The motion was made by Councilman Freeman and seconded by Councilman Johnson, that the rules requiring Ordinances of a general and permanent nature to be fully and distinctly read on three different days be dispensed with and that said Ordinance be read in full and at length and placed upon its final passage.

Thereupon, the Clerk was ordered to call the roll on said motion and the roll call upon said motion was as follows:

Those voting "AYE":

Russell A. Freeman	Councilman
Vernon S. Johnson	"
John B. Rogers	"
Donald R. Foote	"

Those voting "NAY":

None

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The Mayor thereupon declared that the motion, having been duly passed by not less than three-fourths of the Council, had been duly carried. The Ordinance was then read by the City Clerk in full and at length as follows:

ORDINANCE NO. 806

AN ORDINANCE PROVIDING FOR SEWER CONNECTION CHARGES IN, CREATING A GUARANTEE FUND FOR, AND OTHERWISE CONCERNING LOCAL IMPROVEMENT DISTRICT NO. 23 FOR SEWER FOR THE CITY OF IDAHO FALLS, IDAHO, INCLUDING SAID CHARGES, THE MONIES IN SAID FUND, THE CREATION OF SAID DISTRICT, AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Idaho Falls, in the County of Bonneville, and State of Idaho, has taken the requisite legal action, preliminary to and in the creation of Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, for the purpose of constructing concrete pipe or vitrified clay pipe sewers with necessary manholes in certain streets and parts of streets in said City, and

WHEREAS, the City Council, by an Ordinance, passed and approved the 8th day of May, 1952, created said District, described said improvements, and provided for assessing the costs of the improvements therein against the Lots and parcels of land in said Improvement District; and

WHEREAS, owners of property outside said District may desire that they be granted connections to said sewer lines and improvements to be constructed within said District; and

WHEREAS, said City desires to issue its improvement bonds, payable from said assessments to be paid in installments, to raise initially the moneys to pay for said costs; and

WHEREAS, said City desired additionally to secure said bonds by a Local Improvement Guarantee Fund to enable the City of Idaho Falls, to sell said bonds at a more favorable price.

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

Section 1. That no connection shall be made to any sewer line now or hereafter constructed or reconstructed within Local Improvement District No. 23 for sewer for the City of Idaho Falls, by any parcel of property outside said District unless prior to such connection there shall be paid to the City of Idaho Falls a fair, reasonable and just connection charge therefore in the amount herein fixed as the minimum connection charge for the type of connection indicated, or in an amount hereafter determined from time to time by the City Council, but in no event to be less than the applicable minimum connection charge herein created.

Section 2. That the minimum charge for a connection to any sewer line in said District shall be the sum of \$425.00.

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Section 3. That there be, and hereby is, created "Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, Local Improvement Guarantee Fund" for the sole purpose of guaranteeing to the extent of such fund, the payment of warrants, or said bonds, or both, and the interest thereon. Said fund shall be held by the City Treasurer as custodian, into which fund shall be placed all moneys received under the provision hereof. Whenever any bond, warrant or coupon drawn against the Local Improvement Fund for Local Improvement District No. 23 for sewer for Idaho Falls, Idaho, is presented to the City for payment and there is not sufficient amount in said Local Improvement Fund against which to draw to pay the same, nor in any guarantee fund available for said purpose, unless otherwise requested by the holder, payment therefore shall be made by warrant drawn against the "Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, Local Improvement Guarantee Fund."

Section 4. That whenever there shall be paid out of said fund, any sum on account of principal or interest of a Local Improvement Bond or warrant, said City as Trustee for the Fund, shall be subrogated to all the rights of the holder of the bond or interest coupon or warrant so paid, and the policies thereof, or the assessment underlying the same, shall become part of the said fund.

Section 5. That neither the holder nor the owner of any bond or warrant issued to pay for said local improvement shall have any claim therefore, against the City or otherwise, except for payment from the special assessments made for the improvements for which said bond or warrant was issued, and except as against any Local Improvement Guarantee Fund provided and available for such purpose, and the City shall not be liable to any holder or owner of such bond or warrant for any loss to any such guarantee fund occurring in the lawful operation thereof by said City.

Section 6. That at such time, and nor before, when all bonds, coupons and warrants of the District shall have been paid in full, the money in said "Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, Local Improvement Guarantee Fund" shall revert to the general fund of the City of Idaho Falls, Idaho.

Section 7. That the Mayor and City Council shall prescribe rules and regulations for the maintenance and operation of said guarantee fund not inconsistent herewith.

Section 8. That money from said guarantee fund may be used to redeem property subject to local improvement assessments from general tax delinquencies, underlying bonds, coupons or warrants guaranteed by the fund, or to purchase such property at County tax sales or otherwise, from the County for the purpose of protecting any guarantee fund available for the guarantee of said bonds, coupons, or warrants.

Section 9. That after warrants or bonds of Local Improvements District No. 23 for Sewer for the City of Idaho Falls, Idaho, have been issued, this Ordinance shall constitute a contract by said City, and the holder or holders of said bonds, and shall be and remain irrevocable until said warrants or bonds, or both, and the interest accruing thereon, shall have been fully paid, satisfied and discharged.

Section 10. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

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Section 11. All by-laws, resolutions and ordinances, or parts of by-laws, resolutions and ordinances, in conflict with this Ordinance, are hereby repealed.

Section 12. That should the courts of this or any other state or of the United States declare any section, provisions 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 Mayor and City Council of the City of Idaho Falls, Idaho, hereby declare that it would have passed this Ordinance, and each section, provision, paragraph, clause, sentence, or phrase hereof, irrespective of the fact that any one or more of the sections, provisions, paragraphs, clauses, sentences, or phrases, or parts thereof, be declared invalid, unauthorized or unconstitutional.

Section 13. 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, by the City Council of the City of Idaho Falls, Idaho, this 8th day of December, 1952.

SEAL

ATTEST: s/ S. R. Rostad
City Clerk

APPROVED: s/ E. W. Fanning
Mayor

Councilman Johnson seconded the motion for the adoption of said Ordinance.

The Clerk was then instructed to call the roll on the passage of the ordinance and the roll call on said passage of said Ordinance resulted as follows:

Those voting "Aye":

Russell A. Freeman, Councilman
Vernon S. Johnson, Councilman
John B. Rogers, Councilman
Donald R. Foote, Councilman

Those voting "Nay": None

The Ordinance was thereupon, by the Mayor, declared to have been duly passed.

It was moved by Councilman Freeman and seconded by Councilman Johnson that the Clerk of the City be ordered to publish said Ordinance in full immediately and in at least one issue of the Post Register, a newspaper published daily except Saturday at Idaho Falls, Idaho.

Thereupon, the Clerk was ordered to call the roll on said motion and the roll call upon said motion was as follows:

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Those voting "Aye":

Russell A. Freeman, Councilman
Vernon S. Johnson, Councilman
John B. Rogers, Councilman
Donald R. Foote, Councilman

Those voting "Nay"; None.

The Mayor thereupon declared that the motion was duly carried.

There being no further business to come before the Meeting, the Meeting was, on motion duly made, seconded and carried, adjourned.

SEAL

ATTEST: s/ S. R. Rostad
City Clerk

APPROVED: s/ E. W. Fanning
Mayor

No further business appearing, the Mayor declared the Meeting recessed to Wednesday evening, December 10, 1952, at 7:30 o'clock P.M.

ATTEST: s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor
