

SEPTEMBER 5, 1952

The City Council of the City of Idaho Falls, Idaho, met in Regular Session on September 5, 1952, at 8 P.M. in the Council Chambers at Idaho Falls, Idaho. Present: E. W. Fanning, Mayor; Councilmen Foote, Johnson and Freeman; Absent, Councilmen Rogers. Also present: S. R. Rostad, City Clerk; Arthur L. Smith, City Attorney; T. R. Peters, Purchasing Agent.

The minutes of Meetings held on August 15th and 29th, were read and approved.

It was moved by Councilman Freeman and seconded by Johnson, that all actions taken by the Council, at the Recessed Meeting of August 29th, are hereby ratified and approved.

On roll call voting Aye, Councilmen Johnson, Freeman and Foote; Nay, None; Absent, Rogers.

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

A Special Meeting of the City Council of the City of Idaho Falls, Bonneville County, Idaho, was held on Friday the 5th day of September, at the hour of 8 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	Councilman
Donald R. Foote	Councilman

constituting a Quorum.

Absent:	
John B. Rogers	Councilman

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 confirming the Assessment Roll for Local Improvement District #23 for sewer for the City of Idaho Falls, Idaho; ordering assessments to be made in accordance with the Assessment Roll; and prescribing details concerning said Assessments."

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 City Clerk was ordered to call the roll on said action and the roll call upon said motion was as follows: Russell A. Freeman, Aye; Vernon S. Johnson, Aye; Donald R. Foote, Aye; Nay, None; Absent; Councilman Rogers.

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

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ORDINANCE NO. 802

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT #23 FOR SEWER FOR THE CITY OF IDAHO FALLS, IDAHO, ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL; AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS.

WHEREAS, the City Council of 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 #23 for sewer for the City of Idaho Falls, Idaho, for the purpose of constructing concrete pipe or vitrified clay pipe sewers and appurtenances, and

WHEREAS, the Committee on Streets of said City Council, together with the City Engineer, made out an Assessment Roll for said District pursuant to the laws of the State of Idaho and of said City, and certified said Roll to said Council, and

WHEREAS, the said City Council caused said Roll to be filed in the office of the City Clerk on the 15th day of August, 1952, and gave the requisites legal notice that written objection to said Roll might be filed with the City Clerk and that said Council would hear and consider any said objections on Friday the 29th day of August, 1952, at 8:00 P.M., in the City Hall in said City; and

WHEREAS, said City Council met at said place and time to hear and consider all the objections filed; and

WHEREAS, the City Clerk certified to the City Council that no objections had been filed up to the date of August 29th, 1952, at 8:00 P.M.,

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

Section 1. The City Council of the City of Idaho Falls, Idaho, hereby confirms the Assessment Roll certified and filed with the City Clerk for Local Improvement District #23 for sewer for the City of Idaho Falls, Idaho, hereby orders the levy of the assessments shown in said Roll, and hereby levies against each lot and parcel of land shown in said Roll, the amount of assessment listed therein.

Section 2. The City Clerk shall immediately certify and file said Roll with the City Treasurer, and said Assessments shall be due and payable to said City Treasurer twenty days from the date of the publication of this Ordinance, being the date of the confirmation of said Roll, and if not paid within thirty days thereafter, shall become delinquent; provided, that all

such assessments, or any part thereof, may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. In case of such election to pay in installments, the unpaid assessments shall be payable to said City Treasurer in ten substantially equal annual installments of principal, the first of which installments of principal shall be due and payable on or before the 10th day of September, 1953, and the remainder of said installments shall be due and payable successively on or before the same day in each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the 10th day of September, 1952, at the same rate of interest as that provided for in the special assessment bonds to be hereafter authorized, sold, issued and delivered, but not to exceed seven per centum (7%) per annum, payable annually at the office of said City Treasurer, the first annual payment of interest being due and payable on the 10th day of September, 1953, and the remainder of said annual installments of interest being due and payable on the 5th day of September in each year thereafter. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately, and the City shall proceed to collect all of said unpaid assessments, both principal and interest, and all penalties, in the manner provided by the Local Improvement District Code of the State of Idaho and all Laws amendatory thereof and supplemental thereto. Prior to the issuance of a deed, the owner may pay the amount of all unpaid installments, with all interest and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment, may, at any time, pay the whole of the unpaid principal with interest accruing thereon to the next interest paying date, plus additional interest thereon to the next interest paying date, plus additional interest thereon at the rate provided in the bonds from said date to one year thereafter.

Section 3. The City Treasurer shall publish a Notice in the Post Register, a newspaper published in Idaho Falls, daily except Saturday, which is the official newspaper of said City, in accordance with the provisions of Section 50-2929, Idaho Code for five consecutive issues, stating the time for payment to begin and the time for payment to close, the last publication of said Notice to be not less than thirty days before the issue of any bonds authorized to be issued for such payments.

Section 4. Said Notice shall be in substantially the following form:

**NOTICE OF ASSESSMENT TO PROPERTY OWNERS
IN LOCAL IMPROVEMENT DISTRICT NO. 23 FOR SEWER
FOR THE CITY OF IDAHO FALLS, IDAHO.**

Notice is hereby given that the Assessment Roll for Local Improvement District No. 23 for sewer for the City of Idaho Falls, Idaho, was confirmed by the City Council of Idaho Falls,

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on Sunday the 7th day of September, 1952, and a certified copy of said Roll is now on file in my office. The assessments levied against property within said District shall be due and payable to the undersigned City Treasurer twenty days from said date of confirmation of said Assessment Roll by the City Council, and if not paid within thirty days thereafter shall become delinquent and shall be collected in the same manner as provided for other delinquent assessments; provided, that all such assessments, or any part thereof, may, at the election of the owner be payable in ten substantially equal, annual installments, and said assessments, remaining unpaid, shall bear interest and be due and payable annually in ten consecutive years as provided in the Ordinance confirming said Assessment Roll.

City Treasurer
Idaho Falls, Idaho

Section 5. 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.

Section 6. That all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed. After the bonds of said Local Improvement District for the City of Idaho Falls, Idaho have been hereafter issued, this Ordinance shall constitute a contract by the City and the holder or holders of said bonds and shall be and remain irrevocable until said bonds and the interest accruing thereon shall have been fully paid, satisfied and discharged.

Section 7. 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 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, provision, paragraphs, clauses, sentences, or phrases, or parts thereof be declared invalid, unauthorized or unconstitutional .

Section 8. That, by reason of the fact that the City of Idaho Falls needs this sewerage system, it is hereby declared that in such a case of "riot, infectious or contagious disease, or other impending danger," 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.

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PASSED by the City Council of the City of Idaho Falls, Idaho this 5th day of September, 1952.

APPROVED by the Mayor and City Council of the City of Idaho Falls, Idaho, this 5th day of September, 1952.

ATTEST: s/ S. R. Rostad
CITY CLERK

APPROVED: s/ E. W. Fanning
MAYOR

(SEAL)

Councilman Johnson seconded the motion for the adoption of said Ordinance. The City 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: Aye, Councilmen Freeman, Johnson, and Foote; Nay, None; Absent, Rogers.

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

It was moved by Councilman Freeman and seconded by Councilmen Johnson, that the City Clerk be ordered to publish the said Ordinance in full immediately, and in at least one issue of the Post Register, and newspaper of general circulation in the City of Idaho Falls, Bonneville County, Idaho.

Thereupon, the Clerk was ordered to call the roll on said motion and the roll call upon said motion was as follows: Aye, Councilmen Freeman, Johnson and Foote; Nay, None; Absent, Rogers.

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.

ATTEST
s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor

(SEAL)

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

AFFIDAVIT

I, S. R. Rostad, the duly chose, qualified and acting City Clerk of the City of Idaho Falls, in the County of Bonneville, and State of Idaho, do hereby certify that the foregoing pages are true, perfect and complete copies of the record of the proceedings of the City Council of the City of Idaho Falls, had and taken at a Meeting of said City Council, held in the City Hall, in said City, on the 5th day of September, at the hour of 8:00 P.M., and filed in the officials records of the Clerk's office of said City, and that said proceedings were duly had and taken as therein shown, that the Meeting therein shown was duly held, and that the persons therein named as present at said Meeting, were present as shown by said minutes.

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WITNESS my hand and the seal of the City of Idaho Falls, Idaho, this 5th day of September, 1952.

(SEAL)

s/ S. R. Rostad
City Clerk

It was moved by Councilman Johnson and seconded by Foote, that the extension rider for the purchase of electrical power, by the Union Pacific R. R. Co. Audit No. 16967, C. E. #8263, be accepted and the Mayor and City Clerk are hereby authorized to sign said Extension Rider. On roll call, voting Aye, 3; Nay, None; Absent, One; Motion carried.

It was moved by Councilman Johnson and seconded by Foote, that the Extension Rider for the purchase of electrical power, by the Union Pacific R. R. Co., Audit No. 16967, C. E. #8263, be accepted and the Mayor and City Clerk are hereby authorized to sign said Extension Rider. On roll call voting Aye, 3; Nay, None; Absent, One; Motion carried.

The bills against the City for the month of August 1952, having been audited by the Financial 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:	\$ 53,250.62	\$ 6,171.52	\$10,046.42	\$363.27
Supplies:	<u>36,874.18</u>	<u>10,611.60</u>	<u>25,923.43</u>	<u>.00</u>
Total:	\$ 90,124.80	\$ 16,783.12	\$35,969.85	\$363.27
GRAND TOTAL:		\$143,241.04		

It was moved by Councilman Freeman and seconded by Johnson, 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 Aye, 3; Nay, None; Absent, One; Carried.

The monthly reports of the various Departments were presented by the City Clerk. There being no objection, the reports were accepted and ordered placed on file.

The following applications for Bartender permits were presented by the City Clerk;

Kenneth D. Brodie, Cheerio Club; Floyd McArthur, Hub Bar; John E. McElherne, Hub Bar; Otis Shepard, White Horse Bar; E. L. Woodward, I. F. County Club; F. E. Cushing, Bon Villa Club; Lynn Pierce, The Spud; Devoe Swofford, Big Chief; Dean C. Ekstrom, Bon Villa Club; J. S. Wakeman, Topper Club. It was moved by Councilman Johnson and seconded by Foote, that the above permits be granted and the City Clerk is instructed to issue the proper permits. On roll call, voting Aye, 3; Nay, None; Absent, One; Carried.

The following application for substitute license for coin-operated amusement device was presented; C. B. McNeil, Cheerio, one machine. It was moved by Councilman Freeman and seconded by Foote, that the above substitution be granted. On roll call, voting Aye, 3; Nay, None; Motion carried.

The following application for Photographers license was presented; A. J. Basset, for Leverne Studio, Portland, Oregon. It was moved by Councilman Foote and seconded by Freeman that the above application be referred to the Chief of Police for investigation.

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The following letter from A. L. Smith, City Attorney, was read:

September 3, 1952

Mayor E. W. Fanning
City Building
Idaho Falls, Idaho
RE: INA SAMSON HOUSE

Dear Sir:

I find that the Highland Park Addition was plotted and the streets and alleys dedicated in May of 1892. This is over 14 years earlier than Berne Jensen thought. He now agrees that Mrs. Samson must be a trespasser as no one can obtain a right to a City street by adverse possession.

I have advised Mr. Jensen that Mrs. Samson may have an action against her predecessors in interest, either on the Warranty Deed or by reason on misrepresentation as to title.

Very truly yours,
A. L. Smith
City Attorney

It was moved by Councilman Freeman and seconded by Foote, that the City Attorney is hereby instructed to notify Mrs. Ina Samson, to remove said house within 14 days. On roll call voting Aye, 3; Nay, None; Absent, One; Motion carried.

It was moved that the applications for light & water assistance by Eva Chaffin, 121 Second Street and Eliza Madsen, 283 Second Street, be allowed up to \$5.50 for lights and \$2.25 for water, per month. On roll call voting Aye, 3; Nay, None; Absent, One; Motion carried.

ORDINANCE NO. 803

AN ORDINANCE GRANTING TO THE PEOPLE OF THE CITY OF IDAHO FALLS, IDAHO, THE POWER OF DIRECT LEGISLATION THROUGH THE INITIATIVE AND REFERENDUM, AND THE POWER TO RECALL THE HOLDER OF ANY ELECTIVE OFFICE IN SAID CITY; PROVIDING FOR VOLUNTARY REFERENDUM UPON THE COUNCIL'S OWN MOTION; PROVIDING FOR THE FORM AND SUFFICIENCY OF PETITIONS AND THE PROCEDURE FOR INSTITUTING THE INITIATIVE REFERENDUM AND RECALL; PROVIDING FOR THE HOLDINGS OF SPECIAL ELECTIONS; TO SUBMIT ORDINANCES AND MEASURES TO THE VOTERS OF SAID

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CITY; PROVIDING FOR THE FORM OF THE BALLOTS AND ALL OTHER PROCEDURES FOR SUBMITTING TO THE VOTERS OF SAID CITY MEASURES AND ORDINANCES AT SUCH ELECTIONS; ESTABLISHING THE REQUIRED PERCENTAGE OF AFFIRMATIVE VOTES TO ENACT INITIATIVE AND REFERENDUM MEASURES AND TO RECALL; AND PROVIDING THE EFFECT OF SUCCESSFUL RECALL.

It was moved by Councilman Foote and seconded by Freeman, that the above Ordinance be passed on its first reading. On roll call voting Aye, Councilmen Foote, Johnson and Freeman; No, None; Absent, One; Motion carried.

It was moved by Councilman Johnson and seconded by Foote, that the Council adjourn. On roll call voting Aye, 3; Nay, None; Absent, One; Motion carried.

ATTEST: s/ S. R. Rostad
City Clerk

s/ E. W. Fanning
Mayor
