

Prior to calling the meeting to order, the Mayor recognized the presence in the Council Chamber of Boy Scout Troop No. 328 and thanked them for their presence and their interest in local government. The Mayor called upon one of those Scouts, Brett Johnson, to come forward and lead all those present in the Pledging of Allegiance to the Flag, after which the Mayor called for a moment of silence for purposes of meditation. The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmen Art Chandler, Wes Deist, Mel Erickson, Paul Hovey, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

The Mayor then called upon Councilman Erickson to make two appointments in the Police Department. Councilman Erickson stated that the Idaho Falls Policemen take great pride within the ranks of their department. He stated further, that Lt. Scyril Hamberlin was retiring from the Police Department, thus creating an opening for a Lieutenant. Councilman Erickson invited Del Sprague and his wife, Mikki, to come forward to the Council Table. He then commended Del for his services to the Police Department and gave a history of his service on that department and said that Del would be promoted to Lieutenant effective February 1, 1980. Lieutenant Sprague then received a congratulatory handshake from the Mayor and all Councilmen around the Council table.

Councilman Erickson said that with the advancement of Sprague, this left an opening of Sergeant in the Police Force. He then called Jim Coddling to come forward. Erickson gave a history of Jim's service on the Police Force and commended him for the large number of tickets he issued during the past year and stated he would be made a Sergeant effective February 1st. Sergeant Coddling then received a congratulatory handshake from all City officials around the Council table.

Minutes of the last regular Council Meeting, held January 15, 1980, were read and approved as amended.

The Mayor announced that this was the time and the place, as advertised, for a public hearing to hear and consider all protests and other comments pertaining to the establishment of L.I.D. No. 54. The Mayor explained that no decision would be made by the Council this night but that all protests and other comments would be studied by the Council to determine if the L.I.D. should be created. The Mayor said after hearing all pros and cons that he hoped a date would be set tonight, to make a decision whether or not L.I.D. No. 54 would be created. The Mayor then called on Councilman Sakaguchi, Chairman of the Public Works Department, to conduct the hearing.

Councilman Sakaguchi stated that the Public Works Committee had worked many long hours studying the benefits and feasibility of this L.I.D. He said they had worked with the City Attorney and had done everything required by law to advise the property owners involved of this public hearing to consider the creation of this L.I.D. Sakaguchi said, further, that the Public Works and Engineering Departments feel that this L.I.D. is necessary for the betterment of the City as well as for the citizens of the area involved.

Councilman Sakaguchi then asked the City Clerk to read this petition with the signatures of 82 property owners:

We, the undersigned are opposed to the formation of Idaho Falls L.I.D. No. 54 in the Woodruff Park area for one or more of the following reasons:

1. Poor planning and fiscal management on the part of the City.
2. The City seems to be more concerned about the developers than the residents of the area.
3. \$28,000 appears to be a lot of money to pay a developer for a larger pipe.
4. \$86,000 estimated costs seems to be very high.
5. No cost benefit analysis appears to have been performed.

JANUARY 24, 1980

6. No involvement of the residents.
7. Use of feet per second to calculate the rebate to the Rose Nielsen developer.

Councilman Sakaguchi then stated that, in the interest of time, he would ask the City Clerk to read only four of the thirty-four letters of protest which would cover the reasons given against the creation of L.I.D. No. 54, but asked that all letters be recorded in the Book of Minutes. Following, then, are the letters of protest:

The Mayor and City Council of Idaho Falls
Box 220
Idaho Falls, Idaho
c/o City Clerk

Dear Sirs:

We wish to voice an objection to the proposed storm drain project for 25th Street (LID-54). We have several reasons for this objection as stated below:

1. In 1975, in an annexation agreement, the City and a developer agreed to form a future LID to finance the costs of a storm drain on 25th Street. In 1977, in another annexation agreement, with another developer, this future LID was again a part of the agreement. In fact it committed the City and/or the property owners for a share of a storm drain on 25th Street. Inasmuch, in our mind, this constituted a proposal to create a LID and the people involved or to be involved were not notified or given a public hearing. We consider this illegal. We also consider the City officials involved in these actions, or elected representatives, as being grossly negligent in their duties and responsibilities to us.
2. In the above mentioned annexation agreement for Rose Nielson 8 & 9 dated May 5, 1977 the City committed itself and/or a future LID to the sum of \$22,290.00 plus 8% per year. In fact the net difference in cost to the developer, including engineering fees, for putting in the largest lines required by the City was only \$13,800. This is taken directly from the bid sheets for the job. In fact the City did not have any idea of how this \$22,290.00 was calculated, how many bids were made on the job, or what the bids were in comparison to each other until this week. In fact the drawings on file with the City for this storm drain were or are still in error as of this week. This project was completed in 1977. In fact we consider the City fiscally negligent and irresponsible in the whole matter of this project.
3. Inasmuch as any one who will drive on either Woodruff Avenue or 25th Street will benefit from having a well drained street, we object to the fact that the City is not participating in the cost of this drain.

We as concerned citizens do realize that the storm drains on 25th Street are needed, but we do object to the way in which this whole matter is being handled by our representatives. We can not but wonder as to why it has taken so long for the City to realize it was needed. It has been known by the City from as far back as the sixties that Woodruff Park would cover the whole section and would need drainage. We must therefore protest this LID as it is presently presented.

Yours truly,
s/ Clinton J. Cleveland
s/ Carol M. Cleveland
2438 S. Woodruff Avenue
Idaho Falls, Idaho 83401

JANUARY 24, 1980

January 21, 1980

City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

Dear Madam:

(Ref: Notice of Intention to Establish Idaho Falls LID No. 54)

Both my wife and I are writing this to you as a documented protest of our concern about the City Council's decision to implement an \$86K storm sewer LID at the south end of Woodruff Addition in Idaho Falls.

Several concerns are presented below:

1. The amount of money to be paid to Skidmore (The Rose Nielsen Developer) seems excessive and unjustified.
2. None of the 111 property owners knew that they (we included) had purchased something less than an improved lot. Although a legal question may not be apparent, certainly an ethical question has surfaced as to why there are differences in the annexation documents. One would think that the developer should have put in the storm sewer in the first place. It's difficult to swallow that the property owners must pay escalated costs for lack of City management foresight.
3. It is our understanding from neighborhood meetings held that very few receive direct benefit and only one family felt the neighborhood needed the storm sewer as proposed. Are there alternatives which are less expensive? Is there a cost-effective tradeoff?
4. Another concern is the manner in which City management handled this LID. Although it may have been handled in accordance with the statute, the entire neighborhood is uncomfortable with (a) lack of timeliness, (b) apparent lack of consideration for residents involved. One gets the impression that this is being jammed down our throats with little or no time to respond.
5. Finally, a telephone call was made to Intermountain Block and Pipe Corp. (Phone 522-2222) to check the price of concrete storm sewer pipe. They related the following:

21" non-reinforced concrete pipe =	\$ 7.45 per foot
21" reinforced concrete pipe =	\$12.57 per foot

1300 feet of reinforced 21" pipe = \$16,341. The \$86,000 (approx.) really does seem ridiculous, don't you agree? For the record, both my wife and I adamantly oppose to LID No. 54.

Sincerely,
s/ A. S. Lockhart
2275 Oak Trail Drive
Idaho Falls, Idaho 83401

JANUARY 24, 1980

January 21, 1980

Mayor Tom V. Campbell
City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

Dear Mr. Campbell:

Letter of protest against establishing Local Improvement District No. 54 for the following reasons:

1. We agree that a drainage problem exists and needs to be resolved. The payment of such improvements must be the responsibility of the City Council who should have required the developer to provide for adequate drainage, or deposit adequate funds in escrow, to permit the City to complete the work at a later date. Hence the City Council has failed to perform one of their duties.
2. We believe that it is at least unethical if not illegal that a developer can request an LID for the same people from which he will be making a profit.
3. The City Council has failed to protect the residents from exploitation by a developer. The developer was not required to provide storm sewers because the City did not require same, at the time the building permits were issued. The City now claims the issue is between the owner and developer. This kind of thinking leaves the owner with no recourse.
4. The estimated cost is excessive. Because the estimate is a key factor in determining the bid price by the potential contractor, a review of the estimate should be performed, and the estimate should be revised. For instance; the current construction cost is estimated by City engineers at \$45,000.00 and by an independent contractor at \$36,600.00. The \$28,000.00 payment to the Rose Nielsen developer for installation of an oversized pipe is at least \$10.00 per foot of pipe, whereas the additional cost for the oversized pipe today is less than \$2 per foot. The \$28,000.00 payment is also approximately one half the estimated construction cost for LID No. 54. The additional costs for administration, redesign, construction engineering, and excavating and backfill should have been miniscule. There is no way of explaining the \$28,000.00 amount by any rational means; the engineering design estimate (\$7800) and the construction engineering estimates (\$2700) appear to be quite excessive (1.5 to 3 man months) for what should be a routine task. The City engineers are already paid for by City taxes; and the City files do not contain copies of the two different bids from which the \$28,000 figure was obtained. In summary, there appears to be either a conspiracy between the City and the developer(s) and/or unethical conduct and/or incompetence on the part of the various factions involved.
5. The LID was passed on December 6, 1979, the notice to the homeowners was not mailed until January 8, 1980, a month later.

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6. The notice provided very little meaningful information. The notice did not state:
 - a. The individual owners estimated cost, or even the approximately 6.2 cent per square foot estimated cost.
 - b. A description of the actual installation intended, eg. drains and pipe on 25th Street only.
 - c. The possible methods of payment.

The notice stated that the assessment is based on "...a square foot method of assessment and in proportion to the benefits to be derived by the property assessed." The current estimates are based on square footage only. What does the "in proportion to the benefits to be derived." mean? Should those next to 25th Street pay a higher square footage cost?

7. Since the major portion of the drainage comes from the streets rather than the yards, the assessment on the basis of area alone is inequitable.

Adequate storm drainage should be provided, however, the monies should not be derived from and LID. The current City Council should not penalize the present land owners because of negligence on the part of past City Councils. If this City Council proceeds, they become a partner to the questionable activities which have been a part of the development and annexation of these properties from the beginning.

Furthermore, for all new construction in which annexation into the City is likely to occur in a reasonable time frame, the City must be responsible for providing streets, lighting, sewers, etc. That is, the developer must provide or place an amount in escrow to permit the City to provide same.

Thank you for your kindly attention to this matter.

Marjorie M. Sawtelle
s/ George R. Sawtelle
Property owners at 2344 Briarcliff
N67' Lot 20 S21' Lot 21, Block 3, Woodruff Park #2

January 23, 1980

Velma Chandler, City Clerk
City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho 83401

Dear Ms. Chandler:

Please file this protest against the establishment of Local Improvement District No. 54. Listed below are several items which convinced me to protest LID NO. 54:

JANUARY 24, 1980

1. Cost Estimate:
The \$87,000 cost estimate appears to be excessive and there are no details to substantiate it.
2. Financially Committing Residents without their approval:
Investigation has shown that \$28,000 of the \$87,000 cost estimate is to pay for a portion of a storm sewer line installed in the Rose Nielsen Subdivision in 1977. I question the authority of the City Council to commit residents to an LID without requesting their approval. I might add that it was extremely difficult for the City Council to even verify the source of the \$28,000 cost.
3. Alleviating Developers of their Responsibilities:
I question the actions of the City Council for allowing a developer to develop a subdivision without providing a method for disposing of surface water run-off. A storm sewer system is an integral part of a subdivision, yet the City Council allowed the developer to proceed fully intending to make the residents pay for the storm sewer via a future LID. This was noted in 1975 when Addition #5 was made to the Woodruff Park Subdivision. I would also add that the developer did not inform the residents of this potential LID when they purchased lots and homes.

With regard to a developer's responsibilities, I called the City Engineering office during the summer of 1978 when Woodruff Avenue was being extended south from the Woodruff Park Subdivision to ask about the intelligence of routing a traffic thoroughfare through a residential area. I was informed that the City left that decision up to the developer. But in the case of the storm sewer line (also the developer's responsibility), the City backed away and didn't force the developer to fulfill his responsibility.

Does the City control the developer or does the developer control the City????

I am not protesting the need of this storm sewer. Indeed it is a necessity. What I am protesting is the unethical way in which the City and the developer have run roughshod over the residents. It's time the City Council defended the rights of the City's residents.

Respectfully submitted:
s/ Richard Schiffern
s/ Jacilyn Schiffern
2281 S. Woodruff

Ms. Velma Chandler
City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

Tien-Hu and Mei-Chaun Chen
2229 S. Woodruff Avenue
Idaho Falls, Idaho 83401
Lot 3, Blk 5, Woodruff Park #4

January 23, 1980

Dear Ms. Chandler:

I am writing this letter to protest the establishment of Local Improvement District No. 54. The reasons are stated as follows:

JANUARY 24, 1980

- 1) Poor Planning, bad management and negligent duty on the part of City. I believe that the City is responsible for requiring the developer to establish the storm sewers at the beginning of the development.
- 2) The City seems to be more concerned about the developers than residents of the area. I believe that there may be a conspiracy between the City and the developers.
- 3) \$28,000 appears to be a lot of money to pay a developer for the large pipe. I think that the original developer of the Woodruff Park should pay this cost.
- 4) \$86,000 estimated costs seems to be very high. I think the original developer has to pay this money because he or she is responsible for drainage problems not the residents. Furthermore, when we bought the property, we have never been told that there were additional costs to establish the storm sewers.
- 5) No cost benefit analysis appears to have been performed. I believe that there is not any benefit or improvement to my property at cost of \$685.00. It is totally unfair and
- 6) Unsound or even wrong practice to ask everyone who lived in this area to pay for somebody's benefit.
- 7) No involvement of the residents in the planning of the project. The City should not have considered and passed the resolution of LID No. 54 without asking the opinions of the residents.

I believe that the City should have sued the original developer of the Woodruff Park for negligent to install the drainage system if it is required by local or state laws. If the City was negligent by not requiring the developer to install system, the City should set aside money for it instead of passed and approved such a stupid resolution and waste our time to write a letter to protest against it.

Sincerely yours,
s/ Tien-Hu Chen

January 19, 1980

Idaho Falls City Council
Mayor of Idaho Falls
c/o City Clerk

Subject: Opposition to formation of proposed LID No. 54

To Whom It May Concern:

I wish as a property owner in the proposed LID to register my opposition to the amount and method of assessment. Three areas of concern as a resident in the LID lead me to oppose the LID as proposed. Reasons explained as follows:

JANUARY 24, 1980

- 1) The annexation agreement for Woodruff Park Division 2, 3, & 4 state that the developer will pay all costs for “storm drains, lift stations, sewers”, etc. and then when Division 5 was annexed it’s agreement proposed an LID and made the agreement retroactive to Divisions 2, 3, & 4. A little back handed.
- 2) The proposed \$28,000 payment to R. Skidmore is a little more than for increased pipe size, which is all that should be paid to the aforesaid developer.
- 3) The present proposed way of taking care of the storm drainage has not been shown to me to be the best and cheapest. The new cleanable “French Drains” with filters seems to be a much better way, for the 3 or 4 days a year when the runoff is excessive.
- 4) Assessment of the property owners for the street area especially Woodruff which is a main City street not residential. The City should pay for that portion.

As a taxpayer I feel that the City Council should be representing myself and not the developers. I’ve been to other Council meetings on zoning and have a tendency to doubt who represents who.

With concern,
s/ Kristin A. Hedquist
2434 Briarcliff
#11863-24 Lot 14 Blk 3
Woodruff Park – Div. #5
Assessment No. 93

January 22, 1980

TO: City Council and Mayor
FROM: E.L. Lemmon, 2370 Briarcliff, Assessment #33
SUBJECT: L.I.D. #54

I am strongly opposed to the proposed LID! The “so called” improvements will be of no benefit to the vast majority of the residents in the area. However, it obviously would be of considerable value and benefit to one developer!

I am most upset that you would try to force this act on me when the annexation agreement clearly states that the developer will pay all these types of costs.

If you do establish the proposed LID, I will then use all legal options – to give you the full opportunity to reconsider.

s/ E. Clark Lemmon

City Clerk
Idaho Falls, Idaho

We wish to register a protest to the proposed L.I.D. for the Woodruff Park Addition. Listed below are several reasons for our protest.

JANUARY 24, 1980

1. Square foot of property is unfair, as our lot is large and our benefits are small. It would seem the basis of assessment is that the larger the property, the more one benefits. However, that is not true as over 60 percent of our property drains toward St. Clair and 17th Street, and not toward 25th Street. A more fair way if an improvement is required, would be to assess all property equally.
2. From our observation it is not required at all. However, if it is to be approved by the City Council, we believe more time is needed to study the proposal.
3. We also believe that the City was negligent by not requiring the developer to install a proper system or to set money aside for such a system. It does not seem fair that the property owners should bear the full expense of such an oversight.

Respectfully,
s/ Charles Cheatle
s/ Mary A. Cheatle
2290 Richards
Idaho Falls, Idaho

City Clerk
Idaho Falls, Idaho

We wish to register a protest to the proposed L.I.D. for the Woodruff Park Addition. Listed below are several reasons for our protest:

1. The cost versus the benefit is the prime reason. The assessment of per square foot of property is unfair, as our lot is large and our benefits are small. It would seem the basis of assessment is that the larger the property the more one benefits. However, that is not true over 60 percent of our property drains toward St. Clair and 17th Street, and not toward 25th Street. A more fair way if an improvement is required, would be to assess all property equally.
2. From our observation, it is not required at all. However, if it is to be approved by the City Council, we believe more time is needed to study the proposal.
3. We also believe that the City was negligent by not requiring the developer to install a proper system or to set money aside for such a system. It does not seem fair that the property owners should bear the full expense of such an oversight.

Respectfully,
s/ Edith Lindburg

City Clerk
Idaho Falls, Idaho

We wish to register a protest to the proposed L.I.D. for the Woodruff Park Addition. Listed below are several reasons for our protest:

JANUARY 24, 1980

1. The cost versus the benefit is the prime reason. The assessment of per square foot of property is unfair, as our lot is large and our benefits are small. It would seem the basis of assessment is that the larger the property the more one benefits. However, that is not true as over 60 percent of our property drains toward St. Clair and 17th Street, and not towards 25th Street. A more fair way if an improvement is required, would be to assess all property equally.
2. From our observation it is not required at all. However, if it is to be approved by the City Council, we believe more time is needed to study the proposal.
3. We also believe that the City was negligent by not requiring the developer to install a proper system or to set money aside for such a system. It does not seem fair that the property owners should bear the full expense of such an oversight.

Respectfully,
s/ Marjorie L. Anderson
s/ Bud C. Anderson

2410 South Woodruff
Idaho Falls, Idaho
January 18, 1980

City Clerk
P. O. Box 220
Idaho Falls, Idaho 83401

Dear Sir:

As a new owner-taxpayer in the Woodruff Park Addition in Idaho Falls, I strongly oppose the proposed storm sewer system on 25th Street. It would seem to me that the City was negligent by not requiring the contractor to install the system or set aside money for it. This should have been taken care of when Groberg Construction put in the Rose Nielsen Addition years ago. Now that Skidmore Construction wants to put in additional houses, we are expected to foot the bill. I am not against progress and development, but I am against the manner in which it is being done. If Skidmore Construction wants to build homes, they should pay for the construction of the sewer line.

Yours truly,
s/ Gordon G. Plorin

January 19, 1980

Dorothy M. Myers
2226 S. Woodruff Avenue
Idaho Falls, Idaho 83401
Lot 12, Block 4 Woodruff Park #4

Mayor Tom V. Campbell:

JANUARY 24, 1980

I am protesting the proposed resolution of the construction of a storm sewer system in the Woodruff Park Subdivision for the following reasons:

1. The cost is far beyond the benefits.
2. I don't think it is really needed.
3. The City has been negligent in not making it a City ordinance that the contractor is required to install these systems or set money aside for it.
4. I believe it is illegal that a developer can request a LID for people he will be making a profit off of.
5. There must have been a conspiracy between the City and the developer.
6. It seems that there should be a less expensive solution other than this drain line.
7. I think there should be more time and study put into this project.

s/ Dorothy M. Meyers

2250 Woodruff
Idaho Falls, Idaho 83401
January 10, 1980

Dear Sirs:

I would like to protest the formation of Local Improvement District #54 on the following points:

1. There is no need for it. I have lived here four years and have never seen a flooding problem near my house. A local problem used to exist at the south end of Woodruff, but this is no longer a problem since the road was extended.
2. The additional charges must come under the 1% initiative. Since my taxes are already above 1% of the value of my house, and I assume the same is true for the other property owners, the funds cannot be accumulated.
3. No estimate of the individual homeowner charges has been made nor the method of payment specified. This is not treating the affected homeowners fairly. It looks to me like it will be over \$800.00 per home. There are certainly no offsetting benefits.
4. The costs should be borne by the City or the builders. If the City judges storm sewers are necessary, it's the City's own fault for inadequate planning, not the home owners.
5. The work will damage the roads in the area (patching) and thereby reduce property values.
6. The construction work will inconvenience homeowners in the area.
7. An environmental impact statement should be prepared comparing the alleged benefits against costs for various options to resolve the alleged problem.

JANUARY 24, 1980

Thank you for your consideration.

s/ L.P. Leach
Lot 13, Blk 4, Woodruff
Park #4

City Clerk:

We are homeowners on Woodruff Avenue sending this letter to protest the LID project pending in Woodruff Park.

We strongly feel our property does not have any drainage problem; and therefore resent the cost, since we will not benefit personally from additional drainage installed.

We believe more time and study of the situation is needed to find a less expensive solution.

We further believe that the City was negligent by not requiring the contractor to install a suitable drainage system, or to set aside enough money to cover said system.

We believe the City and the developer conspired on this project. How can it be legal for a developer to request a LID for people he will make a large profit off of?

We further feel \$28,000 for the contractor of Belmont Avenue in Rose Nielsen that installed a few inches of larger drain pipe completely out of line. It seems the homeowners involved should have access to the original bids on this project to verify the costs.

We would like to know why we should be stuck with a bill from a contractor that had nothing to do with our property, and that obviously happened long before we moved to this property.

Also, we were definitely under the assumption from the previous owners of this property that the drainage was done by the contractor, was adequate and was completely paid for.

Please reconsider the feasibility of this project and its costs to the homeowners of Woodruff Park.

s/ Patricia L. Rosine
s/ William C. Rosine
2362 S. Woodruff

2337 S. Woodruff
Idaho Falls, Idaho 83401
January 19, 1980

City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

JANUARY 24, 1980

Mayor Thomas V. Campbell
Members of the Idaho Falls City Council:

Subject: Proposed Local Improvement District No. 54

I own a home included within the proposed L.I.D. I do not question the ultimate need for storm sewer facilities in the neighborhood. Nor do I find fault with the design of the proposed sewer system.

I do dispute the financial arrangements of the proposed L.I.D. and the apparent excusing of the developer's responsibility to provide drainage in Woodruff Park.

Since D. V. Groberg Real Estates Company developed the entire subdivisions, I feel that they should have been held responsible for the installation of adequate surface drainage conduits. However, with the annexation agreement for the final parcel of land in 1975, Groberg Real Estate was relieved of that responsibility. The terms of that annexation agreement constitute a disservice to Idaho Falls citizens and molly-coddling of special interests on the part of City government officials.

I vehemently protest paying one-third of the proposed L.I.D. funding directly to Skidmore Construction for their costs incurred in installing oversize pipe in the Rose Nielson Addition. Granted, Skidmore Construction may be due compensation for complying with the City's request for larger size drain pipes, however, the \$28,000.00 figure is inflated and, thus far, has not been substantiated. Will there not be audits performed on L.I.D. finances? Where is the back-up for the compensation figure that was agreed to in the 1975 annexation agreement?

Lastly, I think that the \$45,000.00 estimated for construction of the storm sewer is too high. Private, professional estimators have placed the cost at less than \$37,000.00. However, since the \$45,000.00 budget figure has been made public, I fully expect that the project construction costs will be at least \$45,000.00.

I should hope that, in future annexations, the Mayor and City Council more fully look after the interests of the citizens they represent. It is not government's responsibility to guarantee profits or subsidize private entrepreneurs in any sector, at any level of government. Citizens and business must both be dealt with fairly. I do not feel that has been the case in this instance, and hence, I lodge this protest.

Sincerely yours,
s/ Gary R. Trohkimoinen
January 19, 1980

Mrs. Velma Chandler
City Clerk
City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho 83401

Dear Mrs. Chandler:

JANUARY 24, 1980

As a taxpayer and resident of Idaho Falls, I am writing this letter to inform you of my deepest concern and displeasure about the proposed L.I.D. Project involving the Woodruff Park Subdivision. I also wish to have this letter put on file as a formal protest of said L.I.D. Project.

I must first make it clearly understood that I do not appreciate a “bombshell” being dropped on me from out of the clear blue. I firmly believe that the approach that has been taken by the City of Idaho Falls and the City Council has not been fairly implemented. You have, instead, alienated many residents and homeowners in our neighborhood.

Secondly, I must vehemently protest the payment in the sum of \$28,000.00 to a developer of another adjoining subdivision. Since the City obviously allowed themselves to become involved in an open-ended agreement (which also contains a yearly escalation clause) with that developer, I believe the payment obligation lies exclusively with the City and not with those of us who are being assessed for the proposed L.I.D. Project.

Thirdly, I believe the actual figures furnished by the City of Idaho Falls is a rather exorbitant amount. Having been a residential contractor a few years ago myself, I am acutely aware of construction and developmental costs. I must honestly say that the benefits that I am to derive from the L.I.D. are not in any way proportional to the anticipated cost of the total project or to the amount that I am to be assessed.

In closing, I do wish to express to you, that I am in favor of having the project completed. It is just the manner in which you, as an elected official, have allowed the L.I.D. to be implemented and funded. I am very interested in securing an equitable and fair solution for all of the homeowners in Woodruff Park. If such an agreement and/or solution can be reached among all parties involved, you have my full cooperation and backing to proceed with the project.

Sincerely,
s/ Carol and Art Mills

January 19, 1999

City Clerk's Office
P. O. Box 220
Idaho Falls, Idaho 83401

Dear Members of the City Council and Mayor Tom Campbell:

I am sending this letter of protest to you regarding your establishing an L.I.D. for District 54.

I would like to voice my first objection as to cost versus benefit. I feel that the portion of the L.I.D. containing the fact that we must pay a portion of the \$28,000.00 to a developer, is not a realistic figure. In my particular case, the drainage problem is not my problem. I do realize that there is a drainage problem at 25th Street, but we were charged upon the purchase of our home the cost of proper drainage and were assured by the developer that drainage would be adequate.

JANUARY 24, 1980

We feel that the City did not live up to it's responsibilities by allowing the developer to continue to build more homes in the area without installing a proper drainage system. I feel that the City and the developer were negligent by not requiring proper drainage and installing a system at the time of development that would assure drainage to be complete.

I feel that more time and study is needed to get more estimates and actual figures on the cost of this L.I.D. so that each and every individual involved will know exactly what their cost will be, not just an estimate.

I also feel that there are conflicts of interest, at this time, by the developers on the City Planning Commission, who can pass or plan projects which benefit them greatly.

Another point I wish to make is the fact that the City Council, when deciding to improve the City or pass projects that put a burden on the property owners, do not go forth and find out from the people involved their ideas or get information from the people who will be affected.

It is our right, as a Taxpayer, who voted you into office, to have the right to expect you to listen to our viewpoint.

Respectfully,
s/ Gary L. Roberts
1635 Parley Drive

January 19, 1980

To the Mayor and City Council of Idaho Falls,

I hereby go on record as opposing the LID 54 for Woodruff Park, based on several reasons, I feel the project totally unreasonable:

- 1) I do not feel the \$28,000 obligation to Skidmore Construction is legitimate. It seems to me, we are paying not just the oversize pipe, but the entire project, or a great portion of it, based on construction figures. There should be an inquiry into this figure.
- 2) I question the responsibility of the developer of the area and his obligation. The question of annexation agreements must be answered.
- 3) I question the cost of construction figures - \$36,000 versus \$45,000.
- 4) Are there alternatives to solve the problem?
- 5) There is a question as to what extent the City is involved. The City would benefit by putting 25th Street through, consequently, shouldn't the City share the cost?
- 6) What protection do homeowners have if the cost exceeds the estimate?

JANUARY 24, 1980

I feel there are too many questions that need to be answered before the City Council can obligate the residents of Woodruff Park to such an expensive program.

I, therefore, urge the City Council to vote against LID #54, and find an alternate solution to the problem of drainage.

Yours truly,
s/ Joe & Jeanette Horkley
2359 Richards
Idaho Falls, Idaho

January 20, 1980

City Clerk, Mayor and City Councilmen
P.O. Box 220
Idaho Falls, Idaho 83401

I am writing this letter to protest any assessment which might be levied against the property at 2200 Briarcliff Avenue as the result of the proposed LID for storm sewers for the Woodruff Addition.

I became the property owner of this property on November 29, 1979. I have received no notification of said LID. I have learned from talking to neighbors that such a LID proposal exists. It appears to me based on what I have experienced in this past month and on statements of others living in this immediate area that the property would not benefit from the proposed LID.

It is my understanding that at the time this property was annexed into the City that the responsibility or any required storm drain sewer system was the responsibility of the developer as stated in the annexation agreement. If later development has created a need for storm drainage it should have been established and settled between the City and the developer to provide such drainage without going back to spreading the cost to already developed and established property.

There appears to be a strong complaint regarding wording in a later annexation agreement for another part of this area in which the developer of the Rose Nielsen area would be paid an amount of \$26,000.00 for installation of a drainage system covering that area. It appears that the developer was asked to put in a larger size pipe to allow for later addition of drainage for the Woodruff Addition area. The sum that was agreed upon for this change seems to be out of line on price. It seems that the amount paid to him should be reduced to a reasonable amount or the City should be responsible for making such payment.

It also points out the fact that the City was aware of the need for drainage of the new development at that time and should have required the developer to install or make provisions for an escrow fund to provide such drainage before allowing the sale of lots in that area.

JANUARY 24, 1980

I would also like to voice a complaint against the manner in which the entire LID project was initiated and conducted. It is the purpose of the LID to incorporate improvements in a way which is equitable and fair to all persons concerned. However, there seems to be an obvious attempt to neglect informing the public as to the plans for this project or for soliciting the feelings of the people.

I think that with rising costs of living and with the emphasis on trying to keep unnecessary spending to a minimum that every effort practical should be made to keep the public informed on decisions for improvements which could significantly affect their budget. Every attempt should also be made to insure that such improvements should be made only after considering the opinions of the affected persons as to what is the most equitable and fairest method of financing such improvements.

I would appreciate it if the City Council would consider this letter in the next decision on the proposed LID and also on how the City should conduct any future proposals. I would hope that such decisions could be made with the feeling that the people involved are neighbors and friends of the community you represent. In this way it might be easier for the people to feel that they are being honestly and fairly dealt with.

Sincerely,
s/ Peter G. Crose
2200 Briarcliff Avenue
Idaho Falls, Idaho 83401

2265 Richards Avenue
Idaho Falls, Idaho 83401
January 21, 1980

City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

Dear Mrs. Chandler:

After examining all the information that was available to me and after attending all the neighborhood meetings I feel that there has, indeed, been a grave miscarriage of justice in establishing the proposed LID #54 in Woodruff Park. In my opinion, there are a number of legal matters that must be addressed before any such proposal should be considered, among them, fraud by the present developer (Skidmore), misrepresentation, mishandling of escrow monies, and default of contract by the original developer (Groberg), and at least negligence, if not conspiracy, by the City of Idaho Falls.

The first question of fraud by the present developer (Skidmore) stems mainly from this problem. Was there actually a \$26,000 difference incurred by him to increase the size of the drain line already put in (which our own estimates indicate was an inflated figure even then and for which there were apparently no records kept) and was the change in size actually made to the specifications indicated on the drawings? And even if it was legitimate, does the City have the right to make agreements concerning our property without our knowledge? If so, what protection do private property owners have at all?

The next problem concerning the original developer (Groberg) have come mainly from the annexation agreements that both the developer and the City signed. In Division 1 there was no annexation agreement, so the way I understand it, it would be covered by the later agreement used in Division 2. In that agreement the developer and his heirs agreed to put in at their own expense "all sanitary sewers, storm drains, pumping stations, water mains and appurtenances," etc. On its face this agreement seems pretty clear until you read the last few words in that paragraph which state "as shown on the improvement plans."

This qualification apparently releases the developer and his heirs from any responsibility for anything not shown on the improvement plans. However, in paragraph 1 of that same agreement, the developer agrees that he "will, before annexation, file or cause to be filed with the City engineer a complete set of Street, Sewer, Water and Drainage Improvements Plans, which plans and all utility improvements shown thereon shall meet the approval of the City engineer. To the best of my knowledge these plans for drainage improvements were never supplied by the developer to the City at the time of annexation. And we know that 25th Street was at least in the planning stages at that time because it is shown in outline form on the plat submitted to the engineer. The important questions here are: Was the contract breached by the developer when he failed to supply complete plans? Was there negligence or even some conspiracy involved in getting the annexation agreement passed by the engineer? And should any developer be allowed to develop an area without allowing for some sort of future system for storm drainage beyond that of simply showing the direction of water flow into an open field?

There is also another interesting side issue to the last question. In meeting with the other property owners it was discovered that even those who live on the end of the streets and would fall under Division 5 were told in some instances that all improvements were included in the price they paid for their lots. This brings up the misrepresentation problem and also causes me to question as to the original intent of the developers when the addition was begun. There is some evidence mostly hearsay but it could be an important point, that when the first annexations were being sold there was an escrow account set up by the developer for storm drains along 25th Street. If this happens, by any chance, to be true then I believe there are legal grounds for civil redress from both the City and the developer.

My final question concerns the rights of private property owners to have control of their own property. If I, as a homeowner, in Division 1, can be bound by the agreement made in the annexation of Division 5 some 7 to 10 years after my house was built, then we need to do some serious re-evaluation concerning the rights and privileges of private property ownership in this state. So far as I am now aware, I cannot agree to something that I am not even told exists.

I would personally like to see the storm drain put in on 25th Street and I can understand your thinking in assessing the area of contribution to the system; but in this case, I feel that there needs to be a very serious evaluation of all the facts and history concerning this development before any serious consideration of an LID can take place.

JANUARY 24, 1980

Thank you for taking time to consider my views.

Sincerely,
s/ John S. Gardner
Property Owner

January 22, 1980

Mayor Tom V. Campbell
Councilmen Art Chandler, Wes Deist, Ralph Wood
Paul Hovey, Mel Erickson, and Sam Sakaguchi,

Gentlemen:

We wish to protest the establishment of said Improvement District No. 54. We also protest the method of assessment, since it has little or no correlation to the benefits derived.

Richards Avenue has not had a drainage problem. We know of no one on Richards Avenue who either desires the completion of 25th Street to Richards Avenue or believes we have a drainage problem.

The earlier Woodruff Park additions were annexed and people bought their houses with the clear understanding that they had paid for their improvements. If adequate drainage was not installed, then that was a conscious failure of the developer and City, and not the homeowners.

The estimated sum of \$86,075.00 for LID No. 54 includes about \$45,000 for construction costs. It also includes about \$28,000.00 to reimburse the developer of a Rose Nielson Addition for the cost of an increased size on his drainage pipe. To insist that the increased size of pipe and its installation should have cost \$26,000.00 two years ago, when the total construction cost now, after two years of inflation for our similar line is \$45,000.00, IS ABSURD! Obviously the City got a "bad deal" on that agreement. We don't appreciate the City sticking us with the penalties for the City's mistake.

Woodruff Avenue does have a drainage problem. Is it because a drain has been covered, or is it because a drain was never installed? We suggest that if drainage is needed, 25th Street should be graded with a natural slope from west to east so that if any drains become plugged, overflow will go on to the next street east. Similarly, Richards Avenue could drain east on the surface to at least Briarcliff without any underground line at all, saving money.

Now we notice that the City thinks that it is okay to make the penalties for an annexation of one addition apply to a number of earlier additions. We also notice that the City thinks it is okay to make an agreement with still another developer to have his costs reimbursed out of other homeowners pockets, without their approval of the agreement. We notice that very little warning time was given to affected homeowners, and we also notice that the size of the individual assessments were "conveniently" left off of the notices. This pattern would indicate that the City puts the interests of the homeowners/voters at the bottom of the priority list.

JANUARY 24, 1980

In summary, it should not be difficult for people who believe in the Golden Rule and in common sense to see that any proposed storm drain should be paid for by three groups—the developers, the City, and the homeowners. The developers had a responsibility to supply drainage, the City has a responsibility because a major arterial is the only serious problem and because they got “took” on previous agreements. The only way the homeowners should have an assessment is to obtain a better system than is normally installed. Quite bluntly, we get sick and tired of government officials blaming everything on the 1% initiative-it’s the biggest cop out ever heard. If you don't have money, don't complete 25th Street and don't annex!

Sincerely,
s/ Richard D. Hentzen
s/ Patsy Hentzen
2381 Richards Avenue

January 22, 1980

Mayor Tom V. Campbell
Councilmen Art Chandler, Wes Deist
Paul Hovey, Mel Erickson, Sam
Sakaguchi and Ralph Wood

Gentlemen:

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s/ Dr. J.O. Young
s/ Mildred Young
2380 Richards

JANUARY 24, 1980

January 21, 1980

City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

Dear Mr. Barnes:

Letter of protest against establishing Local Improvement District No. 54 for the following reasons:

1. We agree that a drainage problem exists and needs to be resolved. The payment of such improvements must be the responsibility of the City Council, who should have required the developer to provide for adequate drainage, or deposit adequate funds in escrow, to permit the City to complete the work at a later date. Hence the City Council has failed to perform one of their duties.
2. We believe that it is at least unethical if not illegal that a developer can request an LID for the same people from which he will be making a profit.
3. The City Council has failed to protect the resident from exploration by a developer. The developer was not required to provide storm sewers because the City did not require same, at the time the building permits were issued. The City now claims the issue is between the owner and developer. This kind of thinking leaves the owner with no recourse.
4. The estimated cost is excessive. Because the estimate is a key factor in determining the bid price by the potential contractor, a review of the estimate should be performed, and the estimate should be revised. For instance; the current construction cost is estimated by City engineers at \$45,000.00 and by an independent contractor at \$36,600.00; the \$28,000.00 payment to the Rose Nielson developer for installation of an oversized pipe is at least \$10 per foot of pipe, whereas the additional cost for the oversized pipe today is less than \$2 per foot.

The \$28,000.00 payment is also approximately one half the estimated construction cost for LID No. 54. The additional costs for administration, redesign, construction engineering, and excavating and backfill should have been miniscule, there is no way of explaining the \$28,000. amount by any rational means; the engineering design estimate (\$7800) and the construction engineering estimates (\$2700) appear to be quite excessive (1.5 to 3 man months) for what should be a routine task. The City engineers are already paid for by City taxes; and the City files do not contain copies of the two different bids from which the \$28,000 figure was obtained. In summary, there appears to be either a conspiracy between the City and the developer(s) and/or unethical conduct and/or incompetence on the part of the various factions involved.

5. The LID was passed on December 6, 1979, the notices to the homeowners were not mailed until January 8, 1980, a month later.

JANUARY 24, 1980

6. The notice provided very little meaningful information. The notice did not state:
 - a. The individual owners estimated cost, or even the approximately 6.2 cents per square foot estimated cost.
 - b. A description of the actual installation intended, eg. drains and pipe on 25th Street only.
 - c. The possible methods of payment. The notice stated that the assessment is based on "...a square foot method of assessment and in proportion to the benefits to be derived by the property assessed." The current estimates are based on square footage only. What does the "in proportion to the benefits to be derived.." mean? Should those next to 25th Street pay a higher square footage cost?

7. Since the major portion of the drainage comes from the streets rather than the yards, the assessment of the basis of area alone is inequitable.

Adequate storm drainage should be provided, however, the monies should not be derived from and LID. The current City Council should not penalize the present land owners because of negligence on the part of past City Councils. If this City Council proceeds, they become a partner to the questionable activities which have been a part of the development and annexation of these properties from the beginning.

Furthermore, for all new construction in which annexation into the City is likely to occur in a reasonable time frame, the City must be responsible for providing streets, lighting, sewers, etc. That is, the developer must provide or place an amount in escrow to permit the City to provide same.

Thank you for your kindly attention to this matter.

s/ Marjorie Corey

Property owner at 2375 Briarcliff S. 27' Kit 8, North 65' Lot 9, Block Woodruff Park #2

January 23, 1980

City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

Dear Sir:

We, the residents of the Woodruff Park Addition at 2385 Briarcliff Avenue, protest the formation of the proposed Local Improvement District (LID) #54 for the following reasons:

1. City employees directly working for the LID are working on bonafide City business for which they should be paid from the City budget.

JANUARY 24, 1980

2. The amount of determining the cost of a larger drainage pipe on the existing 25th Street, removed the developer from full responsibility for installing a required drainage and placed a significant amount of these costs into the proposed LID.
3. The City cannot make an impartial decision on the LID, based upon the merits of the LID, because a NO vote may require the City to pay off the \$28,000 agreed upon. I feel that the LID should have been proposed at that time and residents should have agreed to an LID prior to the City entering into an agreement.
3. At the present time, only four residence have a problem with water standing in the street. This situation exists only a few weeks out of the year. The cost of the propose LID seems excessive for the number of people benefited. No evidence exists that any other options were considered prior to proposing the LID.

Respectfully,
s/ David E. Sheldon

January 22, 1980
2260 Briarcliff Avenue
City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

Dear Clerk:

We wish to protest the formation of Local Improvement District Number 54.

There are several grounds on which we base this protest, but we choose to protest the manner by which the City has handled the entire affair. The fact that the City would allow a sub-division to be annexed into the City without any storm sewer plan from the developer other than "the developer will be responsible for all storm sewers shown on the plot plan" and then not have any shown makes us think that the City had no thought at all to protect the resident. Then to allow the developer to commit all the land owners to a LID after he has sold all the lots is beyond belief!

Again, we wish to protest the formation of Local Improvement District Number 54.

Sincerely,
s/ Denzel L. Fillmore
s/ Pamela P. Fillmore

R. L. Southon
2305 Oak Trail Drive
Idaho Falls, Idaho 83401

January 21, 1980
Velma Chandler
City Clerk
P.O. Box 220
Idaho Falls, Idaho 83401

JANUARY 24, 1980

Reference: Notice on Intention to Establish Idaho Falls Local Improvement District No. 54 and Notice of Hearing Thereon, dated 6th December, 1979.

This letter is being filed to protest the establishment of Local Improvement District No. 54 as proposed in the above mentioned notice. Our protest of said LID is based upon the following points:

1. The developer has not met his responsibilities of the annexation agreement for Woodruff Park Addition No. 3 to provide a fully improved lot. Annexation Agreement No. 3 implies the developer will be responsible for storm sewers.
2. The developer has not yet met his responsibilities of the annexation agreement for Woodruff Park Addition No. 5 as the storm system he has installed has failed to provide temporary adequate drainage.
3. The City Council in approving annexation agreement for Woodruff Park Addition No. 5 failed to be reasonable and prudent in allowing the said annexation without due concern for the citizens by ignoring the implied intent of the developer in previous Woodruff Park Annexation Agreements to provide adequate storm, drainage. It is logical that the last annexation provide, at the developer's expense, for storm drainage for the entire Woodruff Park Development, as the design was obviously intended to drain toward 25th Street.
4. We believe it is illegal for a developer to request an LID as part of an annexation agreement.
5. The assessment is not being determined on the basis of benefits being derived by the property being assessed as the only properties to derive benefit are those in Woodruff
6. Park Addition No. 5 and those parts of Rose Nielson Addition No. 10 included in the LID.
7. There is a question need for the storm sewer as the cost seems to outweigh the benefits.

Very truly yours,
s/ Robert L. Southon
s/ Charlene Southon

Mayor Tom V. Campbell
c/o City Clerk
Box 220
Idaho Falls, Idaho 83401

Dear Sir:

I strongly protest the proposed LID for District No. 54. This LID is ill conceived in its present form and I offer the following observations:

JANUARY 24, 1980

1. It is discriminatory to have citizens in one selected area pay for storm drain installation due to negligence in the City administration. It is unacceptable to have a contract that requires the contractor to install drains, etc. as required on City plans, but then find that these drain lines, etc. were inadvertently omitted on the plans!!
2. All indications point toward excessive fees/payments promised to contractors/buildings, eg., \$28,000. for payment of a larger (??) size drain below Rose Nielson and \$45,000, for proposed construction costs. It has been my experience that when a request for a proposal is submitted, the bids approach the dollar value identified in the estimate, regardless of its validity.
3. Suspicions of collusion, integrity and honor always surface when it appears there is an attempt to expedite a council action. I hope these are totally unfounded.

I believe there are other alternatives that would solve this problem in a more equitable manner. Please give us, the homeowners, your support.

Sincerely,
s/ Mrs. Warren Thompson

To: Mayor Tom V. Campbell
City Councilmen – Art Chandler, Wes Deist,
Paul Hovey, Mel Erickson, Sam Sakaguchi,
and Ralph Wood
P.O. Box 220
Idaho Falls, Idaho 83401

I hereby protest the creation of LID 54 on the following grounds:

1. The estimated cost is excessively high relative to the benefits received.
2. The excessive cost is an open invitation to inflated bids by prospective contractors.
3. The proposed LID 54 calls for payments and reimbursements to third parties which are not justified by the benefits received by the LID participants or the services rendered by the third parties.
4. The City apparently entered into obligations to pay the claims of the third parties without requiring documentation of the reasonableness of those claims. Now the residents of the proposed LID 54 may be forced to pay for the City's negligence.
5. The City followed unusual and irregular procedures in committing to third parties to form an LID years before its actual formal proposal, and in committing the then current residents to future obligations without formally notifying them of the City's action on their behalf.
6. The residents of the proposed LID area were not consulted in any meaningful way in advance of the LID proposal.

s/ Herbert S. Crapo
2356 Oak Trail Drive

JANUARY 24, 1980

January 22, 1980

City Clerk:

This letter is in protest to the LID District No. 54. We are protesting this for the following reasons:

1. The City was negligent by requiring the Contractor to install a system or set aside money for it.
2. \$28,000.00 being paid to the Developer – Skidmore – for his portion of the storm drain system.
3. Overestimate by City of cost of putting in drainage system.

s/Mr. Orden Winder
2208 Oak Trail Drive
Idaho Falls, Idaho 83401

Harold B. Roberts
1575 Richards Avenue
Idaho Falls, Idaho 83401

TO: Idaho Falls City Clerk
SUBJECT: Idaho Falls Local Improvement District No. 54

Receiving the letter about the Local Improvement District for storm drainage was an unpleasant surprise. It was my belief when purchasing my home that there were no hidden encumbrances that were not taken care of by the Developer or the City of Idaho Falls. There are street drains, manholes, and covers in the vicinity of our house. Apparently these aren't functional, if a different storm drainage system is needed.

As duly elected representative for the residents of Woodruff Park, I feel that you can find a better solution, rather than forcing another bill on the people you represent. The City assumed the responsibility for storm drainage when Woodruff Park was annexed, by their failure to require the developer to install the drainage system.

The square foot method of assessment is not equitable. The benefits derived from the drainage system depends upon the footage bordering the street, not the square footage of the plot. Back yards are not drained by this system. The fairest assessment is that all lots be assessed equally or an assessment based upon street frontage.

s/ Harold B. Roberts

January 21, 1980

Dear Mayor Campbell:

We are writing in regard to the LID No. 54 for the Woodruff Park Addition.

JANUARY 24, 1980

We feel that the improvement is needed, but we strongly protest the cost, mainly the \$28,000.00 that the City agreed we would pay Mr. Skidmore, the developer of Rose Nielsen. We as residents of Woodruff Park were not even approached on the matter. It was to his advantage to put in the larger pipe when he did, because as this improvement was needed he would have had to enlarge his pipe and it would be much more costly now. We feel that this cost should be absorbed by the City as they made the Agreement.

We also feel and have been shown figures that the construction can be done for far less than the proposed \$45,000.00.

We feel that more financial study should be given before LID No. 54 is presented to the residents of Woodruff Park again.

Sincerely,
s/ Gary Oakey
s/ Floriene Oakey

January 23, 1980

David L. Rose
1515 Maricopa
Idaho Falls, Idaho 83401

Dear Sir:

We are residents of Woodruff Park. We protest the proposed Local Improvement District No. 54 as presently proposed for the following reasons:

1. The method of determining the amount to be reimbursed to the developer of Rose Nielson Addition is not acceptable. If Local Improvement District No. 54 is required to reimburse, the reimbursement should be equal to the extra cost incurred because of increased size and not based upon water carried in each section of that pipe.
2. The proposed \$28,000 reimbursement to the developer of Rose Nielson Addition is illegal because the City does not have the right to commit a Local Improvement District to expenditures before the District is established.
3. The City of Idaho Falls should be responsible for a significant portion of the cost because the extra width of Woodruff Avenue contributes significantly to the drainage problem and since it is a major through street it benefits non-Woodruff Park residents.
4. Since drainage is nearly acceptable now (the extra surface area of Woodruff is the main source of unacceptable water) and a major benefit of the system would be to provide drainage for land to be developed to the immediate south of 25th Street. The City of Idaho Falls and the developer of that land should pay the major part of any improvements with residents of Woodruff Park paying only a small part.

Sincerely,
s/ David Rose
s/ Kaye Rose

JANUARY 24, 1980

Dr. Dale M. Rasmussen
2469 Richards Avenue
Idaho Falls, Idaho 83401

Mayor and City Council
City of Idaho Falls
c/o City Clerk

Dear Sirs:

I am opposed at this time to the formation of the LID in the Woodruff Park area. I feel that a need exists for drains in the area, but at this time I cannot support you on this matter for the following reasons:

1. I feel that there are too many items that have not been clearly defined and investigated. Is the proposed system the cheapest way?
2. I feel that you have not represented me in your dealings with the developers.. for example the \$22,290 in the Rose Nielson Annexation Agreement.
3. Why wasn't all of the information, e.g., bids, etc. on file at the City where we could look at them? This indicates a poorly managed organization which could allow for mismanagement of money, etc.

I propose that other alternatives be investigated quickly and thoroughly before costs increase again.

Sincerely,
s/ Dale Rasmuson

1/24/80

Idaho Falls City Council

Dear Sir:

I am a recently moved resident of Idaho Falls and am currently living at 2285 Richards Avenue. I received by certified mail, this week a letter stating the intent of the City to impose an LID on the residents in my neighborhood for the purpose of constructing a storm drain in 25th Street. I am opposed to this action for the following reasons:

1. Insufficient time has been given to me to determine, for myself, whether there is a technical need for the storm drain or whether a storm drain is the most cost effective method of meeting such a need.
2. No information regarding a pending construction of this nature was given to me when I purchased my home last summer.

JANUARY 24, 1980

3. No provision is evident in the material I received that the contractor or developer would stand any of the cost while he does stand to benefit from the construction.

I wish to be on record as opposing this unilateral action. If these questions can be cleared up, I am willing to pay my share of the cost but I feel that in order to get the necessary facts a delay in the final approval to commit to this LID should be delayed (at least two months).

I remain,
s/ James P. Adams
2285 Richards Avenue
Idaho Falls, Idaho
Telephone; 529-2398

January 19, 1980

Dear Councilman Sakaguchi:

The certified letter concerning the Local Improvement District No. 54 has been received.

We have lived in older areas of Idaho Falls and dealt with flooded basements. We naturally presumed "in the year 1975" when we purchased a new home in a new area that all improvements were in.

I find this incomprehensive.

Very truly yours,
s/ Mrs. David Bybee
2198 South Woodruff

At the request of Councilmember Sakaguchi, the City Clerk read these letters in favor of L.I.D. No. 54 as follows:

January 21, 1980

Velma Chandler, City Clerk
City of Idaho Falls, Idaho

I am writing concerning the Idaho Falls "Local Improvement District No. 54" and to voice my opinion in favor of the creation of this LID. My address is 2467 South Woodruff; which is the last house located on Woodruff and the proposed 25th Street. This corner happens to be one of the corners where all the water collects for approximately 15 or better houses on up Woodruff Street. During the rainy season in the summer, we find that the water collected to a depth of approximately two feet. It runs over the curb, covers my sidewalk and as much as six feet of my lawn on the corner of my lot. Very seldom during the summer does this puddle completely dry up. It develops moss and slime; it stinks, and is a health hazard to all the children who play there in it. It is necessary, and a requirement, that this problem be resolved as soon as possible. This could be accomplished by the creation of the "Local Improvement District No. 54". We

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also find that it is not necessarily the rain or the melting of snow that creates the problem. Many of our neighbors, neighbors up the street, in watering their lawns have a tendency to let it run in the same place all day and of course this develops into water running over their sidewalks, into the gutter and down into the pond in front of our place. This continually keeps this pond from drying up.

I am well aware of the opposition to the creation of this LID. I have attended several of the meetings held by the residents in the area. The last meeting I was to, there were approximately forty in attendance. My wife and I felt like we were a committee of two that were in favor. During this meeting, they hashed out various reasons why we should defeat this LID project. I would like to cover a few of them. 1) Cost versus benefit. Of course, most of these people do not realize the problem they have created by over watering their lawns, by the rain running off of their roofs and down their driveways and into the gutter. They don't see the problem in front of their houses that we have in front of ours. They don't see the health hazard that is created by this water sitting all summer long, fermenting and stinking. In short, the only thing they could say was "well it is not our problem, the water runs fine past our place". This is very narrow-minded on their part. 2) That it is not needed. Again, the same applies to this as to No. 1. It is definitely needed in our area. 3) The City was negligent by not requiring the contractor to install a system or to set aside money for it. We were all aware and advised at this meeting, that it was not required by the City or any law that a storm sewer system be implemented when these plots of land were annexed to the City. 4) They believe it is illegal that a developer can request a "Local Improvement District" for people he will be making a profit off of. Well, this is a little ridiculous. I can see no way the developer is going to be making a profit off of us in that he has already sold all his pieces of property and most of them a long before now. 5) They believe that there is a conspiracy between the City and the developer. I think this is questionable in that the developer really has nothing to do with it at this time. 6) They do not believe that the drain line is the most inexpensive solution. This is the only solution in eliminating our problem. We are aware that French drains are illegal now at the time but what other solution is there. 7) They believe that more time and study is needed. This is possible that more time and study is needed; but the longer we wait the more expensive it is going to be and this is one of our biggest complaints, the cost of the project. 8) They believe that there is some conspiracy between the developers of Rose Nielson and the City of Idaho Falls in regards to the payment of \$28,000.00 for the oversized sewer system required to be put in by those developers. Of course, this amount is escalated \$34,000.00 next year as will all other costs. The longer we wait, the more expensive it is going to be. Possibly there is some thought that this amount is excessive for the difference in the size of the pipe that was put in and some question might be raised to this point. But again, if it is a firm solid commitment, and required, it is the time now to do it; to put in this storm sewer system and get things settled before the prices do escalate further.

Most of the people in this area do not want 25th Street developed. Again, I want to voice my opinion in favor of developing 25th Street. Get it paved. Get the mess cleaned up. Get the sewers put in. Let's have a nice place to live in that area, rather than the eye sore we have now. Money has been set aside to develop 25th Street and I believe that it should be developed at the most

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expeditious time as possible. This is another reason for approving this "local improvement district No. 54". If they pave and put in 25th Street as planned, and then put in the improvement later and have to dig up all the asphalt, cement that will be put into developing 25th Street, it can't help but double the price. Now is the time to do this local improvement district No. 54", expeditiously and with the least cost to those of us who are involved.

At the meeting that was held by area residents, it was encouraged that this LID be defeated. We were led to believe that all or most of the residents do want a storm sewer system, but they are not in agreement with the way this one has been set up. They felt like we should get this one defeated and turn right around and create a new local improvement district which could be created at a lot less money than what has been appropriated for this one. Possibly having the City pay the \$28,000.00 to the Rose Nielson developers and then we can possibly put in just our line for approximately \$40,000.00. Well, as you and I both know, if this one is defeated, nothing will ever be done to develop another one; because there is no other way that it could be put in other than what has been agreed upon and what has been set aside to be done. So in conclusion, may I encourage you, though there will be tremendous opposition, to override this opposition and approve this local improvement district.

I want to thank you for your time involved in reading this letter, and appreciate your consideration in approving this district. Thank you.

Yours truly,
s/ Richard L. Nielson
s/ Sharon Nielson
2467 S. Woodruff

January 23, 1980

The Honorable Thomas Campbell
Mayor of Idaho Falls

Dear Mayor Campbell:

I would like this opportunity to express my opinion on establishment of a Local Improvement District (LID) for purposes of establishing a storm water drainage system in our area.

I am in favor of making the needed improvements, however, two points of the proposal I feel are not proper. They are:

Number 1. I feel the City Planning Commission and City Council did not maintain and protect the interests of the residents and future residents of the area included in the LID by allowing the developers through use of annexation agreements to avoid or diminish their responsibility in developing land to standards established in earlier agreements. People have relied upon these prior agreements and the burden of enforcing the contracting people to abide by these agreements remains with the City since they are the citizens formal representatives in dealing with these people.

Number 2. The purchase of existing storm sewers does not appear in line with what has been discussed in prior meetings. It was my understanding that we would reimburse the developer of Rose Nielson for his added cost of installing a larger pipe than necessary, but subsequently I was told it was to purchase a portion of the system. It seems to me that once the developer of Rose Nielsen put in a storm drainage system he would have charged those people for the system, not wanting to tie his monies until this proposed LID is approved. If not, shouldn't they pay for a portion of the system? In addition how can the City make promises to a developer to reimburse them for improvements contingent upon approval of an LID? What happens if the LID is not approved? Would the City stand the cost?

I feel a fuller explanation of the entire matter is warranted so that each affected resident may be better informed and the decision at this time not be based upon the expediency of some developer wanting to proceed with his development plans for 25th Street.

Sincerely,
s/ Ron Nielson
2470 S. Woodruff

Councilman Sakaguchi stated that the Public Works Committee felt that, if they met with some representatives of the area involved and explained the proposal and answered any questions they might have, it would help to ease the tension at the hearing tonight. He said that some of the questions that were asked were very good and it gave the Public Works Department an opportunity to prepare more slides and information for their presentation this night.

Councilman Sakaguchi then called on the City Attorney to explain the procedure of forming an LID. Attorney Smith stated that the usual procedure was that several persons would submit a request that such an improvement be made. Then the Council sets a date for a public hearing to hear input from the affected property owners to see if the LID should be created. He stated, further, that the Statute, as it appears in Title 50, Chapter 17 of the Idaho Code, is followed as to how and when to send notices advising the property owners of the hearing so that they may appear, hear a presentation from the engineers explaining the entire proposed district and then have a chance to state, either by written letter or verbally, their feelings about the creation of the district. Smith continued by saying that the law says that, after this hearing tonight, the Council and the Public Works Committee must take all protests and comments under advisement, study them and then the Council will decide if the LID district will be created. If the Council should decide to create said district, an ordinance must be passed, designating the entire area and creating the Local Improvement District. The Public Works Department requests bids for the work to be done, and after getting their low bid, they then set up an assessment roll, designating the cost to be assessed to each property owner. Notification is sent to all property owners advising them of the amount of the assessment and the time and place to hear objections, if there be any, to the way the assessment was calculated or determined.

Smith concluded by saying that the law is very clear as to what must be done when forming a Local Improvement District and that the City will follow and abide by these laws. Mayor Campbell asked the City Attorney what is the relationship of the engineer's estimate to the actual bid and was the City tied to that estimate. Smith answered by saying that the engineer is asked to give an opinion of the cost and he does the best he can probably gives a likely "top" low estimate bid, but tries to come as close as to what it will cost. Smith said that, if the actual bid is lower than the estimate, it will be reflected in the actual assessment.

Councilman Sakaguchi stated that if the bid was higher than the engineer's estimate, the City would likely have to cover the difference, but if it was lower, the savings would be passed on to the landowners.

Mayor Campbell asked the City Attorney if the bid were higher than the estimate could this amount not be included in the assessments. City Attorney Smith answered that the law allows a 20% increase but that in past LIDs the City has never passed this on to the landowners.

Councilman Sakaguchi then called upon Ed Turner, City Design Engineer, to give a detailed presentation of the proposed Local Improvement District.

Several colored slides were shown of the project, along Twenty-fifth Street, at Briarcliff and Twenty-fifth Street, at Woodruff Avenue and Twenty-fifth Street, at Oak Trail Drive and Twenty-fifth Street, at Belmont Drive and Twenty-fifth Street, at Balboa Drive and Twenty-fifth Street, at Hoopes Avenue and Twenty-fifth Street, the existing storm drain lift station and the open channel from the lift station to Sand Creek. These slides showed the existing water that was ponding in the area. It also showed the canal banks and the piles of dirt, etc. that are in the proposed alignment for the future Twenty-fifth Street. Another slide illustrated the plan and the profile of the sanitary sewer system, showing the inlet boxes, the connector pipes, the existing and future manholes, the location of the twenty four (24) inch slope of the pipe and the adjacent curbs and gutters.

Another slide showed the estimated cost, indicating the construction cost of \$45,000.00, the engineering costs of \$7,800.00, the purchase of the storm drain was \$28,075.00, the administration and contingency of \$2,500.00, construction engineering of \$2,700.00, with a total estimated project cost of \$86,075.00. The estimated revenue was shown on the same slide from private property assessments indicated there were 1,391,646.51 square feet, which is approximately 32 acres at 6.2 cents per square foot equals \$86,282.08; a little more than the estimated project cost.

Another slide showed the typical lot cost and lot size indicating that a 100-foot by 120-foot lot, which equals 12,000 square feet, times the 6.2 cents per square foot equals \$744.00. It was mentioned that these bonds are usually financed at 7% over a 15-year period and that if a person's assessment was \$744.00, that their yearly payment would be approximately 10% of their total amount or roughly \$74.00 per year for 15 years.

It was mentioned that I had read all of the letters that were sent in prior to the hearing, that many of the people were concerned with the purchase of the storm drain, indicating a cost of \$28,075.00 would be for the existing storm drain line that is located in Twenty-fifth Street, and this cost would reflect the Annexation Agreement between the Developer and the City dated May 5, 1977.

This portion of the L.I.D. took the most time for the explanation and discussion. This one item, "The purchase of the storm drain for \$28,075.00," appeared to be the most controversial issue in the hearing and it was presented as follows:

The Annexation Agreement dated May 5, 1977, between the City of Idaho Falls and the Custom Land Development Company, Rose Nielson Addition, Division No. 8 and 9, pages 3 and 4:

Last Paragraph on Page 4 states:

"It is further understood and agreed that the City storm drainage Local Improvement District is granted the option to purchase the above-referenced 5 c.f.s. flow capacity for increased pipe sizing for the following prices during the year shown." And then a table is shown for the City Fiscal Years 1978, 1979, 1980, and 1981, and along the left side of the table, it explains Section 1, Section 2, and Section 3 and the total amounts that would be paid back to the Developer for the various year as previously mentioned.

A colored slide was shown indicating the Rose Nielson Development as it developed in 1977. A storm drain was needed for the Rose Nielson Development and through the Annexation Agreement as previously mentioned, the City wanted the line to be larger to

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accept the Woodruff Park Development. It was explained that the major storm drain pump station and major lines were constructed along with the open channel from the pump station at Hoopes Avenue to Sand Creek, all of these main lines and pump station were constructed in 1972.

The existing thirty (30) inch and twenty-four (24) inch pipe in Twenty-fifth Street to Belmont was constructed in 1977, in accordance with the 1977 Annexation Agreement.

The Developer of the Rose Nielson Addition only needed a twenty-four (24) inch pipe to serve the storm drainage in his development from Hoopes Avenue to Balboa Drive. At that point, the amount of flow was 2.5 c.f.s. from the north and 4.5 c.f.s. from the south, for a total of 7 c.f.s. entering Twenty-fifth Street at Balboa Drive. The amount of flow required a twenty-four (24) inch pipe.

The same developer in the Rose Nielson Addition needed a twelve (12) inch pipe to handle the flow from Belmont area that was shown in red on the colored slide. The flow from that area was only 1 c.f.s. and a twelve (12) inch pipe would be adequate from Balboa Drive to Belmont Drive.

There was still another 184 feet to go further west from the intersection of Belmont and Twenty-fifth Street, to be at the edge of the Rose Nielson Subdivision or the beginning of the Woodruff Park Subdivision. But since this twenty-four (24) inch and twelve (12) inch pipe would only handle the Rose Nielson Addition, the City felt that the line should be larger to handle the additional capacity of the future Local Improvement District in Woodruff Park Addition. The amount of flow contributed by the Local Improvement District was established to be 5 c.f.s. So the Annexation Agreement was divided into three sections:

Section 1 – From Hoopes Avenue to Balboa Drive

Section 2 – From Balboa Drive to Belmont Drive

Section 3 – From Belmont Drive to the West Subdivision Boundary – 184 Lineal Feet

SECTION 1 WAS ANALYZED AS FOLLOWS:

From the Bid Tabulation provided from Benton Engineering, the 1977 Construction Cost was \$20,500.00. This cost was for installing a thirty (30) inch storm drain pipe. The total flow at Balboa and Twenty-fifth Street is calculated to be 13 c.f.s. (cubic feet per second). The Developer's Flow Contribution is 8 c.f.s., the Local Improvement District contribution is 5 c.f.s. (cubic feet per second). The developer's Flow Contribution is 8 c.f.s., the Local Improvement District Contribution is 5 c.f.s. So, the Developer's Cost would be 8/13 times \$20,500.00, for a total of \$12,600.00. The Local Improvement District Cost was 5/13 times \$20,500.00, for a total of \$7,900.00. the amount of \$7,900.00 would be the L.I.D. Cost in 1977.

SECTION 2 WAS FROM BALBOA DRIVE TO BELMONT DRIVE

The 1977 construction costs are 12,900.00. The total flow at the intersection of Belmont Drive and Twenty-fifth Street is 6 c.f.s (cubic feet per second). The developer's Contribution is 1 c.f.s. The Local Improvement District's contribution is 5 c.f.s. Therefore, the Developer's cost would be 1/6 times \$12,900.00 equals \$2,150.00 The L.I.D's cost equals \$2,150.00. The L.I.D.'s cost is 5/6 times \$12,900.00 equals \$10,750.00. The \$10,750.00 represents the 1977 cost applied to the L.I.D.

SECTION 3 WAS FROM BELMONT AVENUE WEST 184 FEET ALONG TWENTY-FIFTH STREET

Since the flow for the Developer in the Rose Nielsen area was satisfied at the intersection at Belmont Drive and Twenty-fifth Street, any additional pipe to go to the west to pick up the Woodruff Park drainage would be of no benefit to the Rose Nielsen Development, so therefore, they contributed no flow and the slide showed that in 1977, the construction cost was \$3,640.00. The total flow was 5 c.f.s. The Developer's contribution was 0 c.f.s. The Local Improvement District Contribution is 5 c.f.s., therefore, the Developer's Cost was \$.00, and the L.I.D.'s cost was 5/5th or 100% times \$3,640.00 for a total of \$3,640.00.

Now, if you total the L.I.D.'s cost for the 1977 figures, it would be a sum of \$7,900.00 for Section 1, \$10,750.00 for Section 2, and \$3,640.00 for Section 3. This total amount equals \$22,290.00. If you apply an 8% inflation factor to this \$22,290.00, increase that by 8%, the 1978 total would be \$24,070.00. If you increase the 1978 total by 8%, the 1979 total would be \$26,000.00. If you increase that by 8%, you would have a 1980 value of \$28,075.00 and that is shown in the Annexation Agreement and explained in Pages 3 and 4. And that is how the \$28,075.00 was calculated and agreed upon in the Annexation Agreement.

Another slide showed the area with Seventeenth Street on the north, Twenty-fifth Street on the south, St. Clair Road on the west, and Hoopes Avenue on the east. On this slide, it showed the Annexation dates, when the various areas in and around the proposed Local Improvement District were annexed to the City of Idaho Falls. Division No. 1 of the Woodruff Park Addition was annexed in 1964. Division No. 2 was annexed in 1968, part of Division No. 2 was annexed in 1973. Division No. 3 was annexed in 1972, Division No. 4 was annexed in 1966, and Division No. 5 was annexed in 1975.

The first mention of a Storm Drain Local Improvement District was written in the Annexation Agreement for Division No. 5 and that included, not only Division No. 5, but it discussed a future L.I.D. for the surrounding area.

It was explained that since the area on Richards Avenue that was annexed in 1964, Division No. 1, there were no Annexation Agreements in the City at that time and the major storm drain lift station, open channel, and major pipe were installed in 1972, eight (8) years after this Richards Avenue was annexed. At that time, there was no problem with running the drainage southerly on Richards Avenue to an open hay field. The same would apply for the area in Division No. 4 that was annexed along Briarcliff in 1966. This was six (6) years prior to the major storm drain lift station and eleven (11) years before the storm drain pipe was constructed from Hoopes Avenue towards Belmont Drive, and that was constructed in 1977.

In 1966, there was no drainage problem with running the storm water in the southerly direction to an open hay field and the same would apply for the development in 1968, 1972, and 1973, along Woodruff Avenue or Oak Trail Drive.

In 1975, which is two (2) years before the storm drain was built along Twenty-fifth Street, the drainage at Twenty-fifth Street, then became a problem, because homes were built adjacent to the low point. But, since the Developer had sold off the upper portions that also drained through Division No. 5 and into Twenty-fifth Street, the City was not dealing with just one Developer, it was dealing with, now five (5) divisions and approximately 109 homeowners. It would not be fair and equitable to make all those people in Division No. 5 pay for a storm drain system in Twenty-fifth Street, when Division No. 1, 2, 3, and 4, flowed through Division No. 5 and created part of the problem. And since there were 109 homeowners and not one Developer, the only recourse the City had would be to create a Local Improvement District.

It was explained that the basic difference between the Rose Nielson Development and the Woodruff Park Development, is that the Rose Nielson Development had an Agreement in 1977 with the City to construct a line and it was an Agreement between the City and a Developer, whereby, the Agreement in the Woodruff Park area was not between the City and a Developer and many of the homeowners and that since the line was not constructed until 1977, there was no way that the City could require the people in Division No. 1, 2, 3, 4 and 5 to pay for a storm drain system, unless it was through the means of a Local Improvement District.

There were plans on file that indicate that the storm drain line from Hoopes Avenue to Richards Avenue was designed and drawn in 1974 and many of the people felt that since it was designed and drawn in 1974 that the Developer of Woodruff Park should have installed that line, but it was also explained that since the line was not installed until 1977, there was no way to connect up to a storm drain line that did not exist in 1975 or prior to that time.

This concluded the presentation by the Engineering Department.

During the presentation, Mr. Peter Crose, 2200 Briarcliff, appeared briefly and questioned the calculation of costs as presented by Mr. Turner. Turner went back through this phase to clarify this point.

Mr. Dave Sheldon, 2385 Briarcliff, appeared briefly stating he was a protestor and proposed that there could have been another way, than the one used by the engineers, to calculate these costs. He said the Developer had to put in the storm sewer as to City Code, had to dig the hole, he had to engineer it, put in the manholes and since he did the homeowners a favor, supposedly, by putting in a larger than called for pipe, he felt the developer should have to pay for this and not the property owners.

Mr. Larry Leach, 2250 South Woodruff, appeared and said that the feet per second rule that was used is fundamentally incorrect in relating how much extra work has to be done to pick up the drainage load in the residences involved and asked who was representing the homeowners when this project was set up.

Mr. Clint Cleveland, 2438 South Woodruff, appeared and stated that he took exception to the way this project has been calculated. He said that, from the bid sheet submitted in 1977, the actual bid that was taken to put the job in was \$13,374.00, not \$22,290.00 as presented tonight, and said that the City engineer's office did not know how that \$22,290.00 figure was derived at until just this week after he had questioned them on it, even though they had signed an agreement on it, back in 1977 and out the homeowners on the line for the cost.

Councilman Sakaguchi stated that the agreement definitely states that they do not have to buy that line from the developer. Cleveland said that he understood this but he knew it would be the cheapest way to go by hooking onto this line. He said he knew that if they tear up Twenty-fifth Street and put in a parallel line with it, its going to cost a lot of money. He said he felt that when the City accepted this plan, they did not take into consideration the interests of the homeowners on down the line. He said, further, that the developer saved himself \$9,000.00 that he could have done something else with. Cleveland then asked why, back in 1975 and 1977 a future LID is referred to in two separate annexation agreements and, in the 1977 agreement the future LID was committed to \$22,290.00 plus eight percent interest per year. He said, in his opinion, that constituted a resolution of intent to create an LID and no one was notified and there was no public hearing when the City tied up the property owner's money for a future LID.

City Attorney Smith told Cleveland that he could have that opinion, but that obviously it was not a resolution of intent. He said the City reserved an option at this time to have the right, in case they wanted to form an LID, to construct a drain for the people on down the street and he felt that this was an intelligent thing to do.

Cleveland said he did agree with the method as it is done in most cities that are planning ahead, but that, in his opinion, when the developer puts in the line, that is part of his cost of developing the land and if he doesn't like it, he doesn't have to develop the land. He said what concerns him is why this has hung in the air until now when those drain pipes were designated and engineered and on drawings back in 1974.

Attorney Smith said he assumed there were not enough houses to make it economically feasible in 1974 and he could not answer as to why it was not brought to a head in 1977.

Councilman Sakaguchi asked Public Works Director Lloyd if he could answer why this was not accomplished in 1977. Lloyd said he did not have an answer either, but he knew it had been discussed many times in the Engineering Department and with the Public Works Committee but it was not palatable at the time.

Mayor Campbell said that he didn't think that the present Council had to answer for what someone else did or did not do.

Mr. Cleveland re-appeared to state that Woodruff and Twenty-fifth Streets are both going to be major arterials and said that anyone driving those streets is going to benefit from a well-drained street and asked if it would not be appropriate for all the City to join in on this LID with the homeowners.

Mayor Campbell said that he wanted to make a point to Mr. Cleveland. He said, when you say the City you are talking about people living all over the City and so if you want the whole city to participate in this LID then we would have to assume that you are willing to participate in the rest of the drainage problems all over the City.

Councilman Sakaguchi said there was a serious drainage problem on the west side of the City which would cost close to a million dollars to install and asked Cleveland if he wanted to participate in this project. Cleveland then asked if any of the monies from State Gas Tax was refunded back to the City. Mayor Campbell answered in the affirmative, but said those funds were used to operate the Street Department.

Mr. Cleveland then stated that he was not against the drainage system being installed, but did not feel that the engineering fees, inspection fees, survey fees and legal fees in the amount of \$13,000.00 should be included as, in his opinion, these were already part of the City's function and that the taxpayers were already paying for these services. Cleveland concluded by saying that, if the City will come down on some of these contingency administrative costs, he would go along with the project.

Mr. Richard Hentzen, 2381 Richards, appeared stating that, in his opinion, if the City continues to use the cubic feet per second method of calculation, it would show Sand Creek area as one of the most desirable places to live. He said under this method, the people living in the areas that are most likely to be flooded would pay far less for a drainage system than those further down the line. He said he strongly opposed this c.f.s. method of calculation.

Mayor Campbell stated that he felt the Councilmembers were aware of the objection to the way the \$28,000.00 figure was derived and would consider this in making their decision on this L.I.D.

Herb Crapo, 2356 Oak Trail Drive, appeared briefly and stated that when he purchased his home in 1975 he had reason to believe that all improvements were paid for and found out later that there were people in the City who knew that this was not true, but no one told him about it. He said he did not know whose responsibility it is to get this word out but it makes him uncomfortable that there is no mechanism to keep the populous informed on matters of this nature.

Dick Schiffern, 2281 South Woodruff, appeared to present three items he felt needed consideration by the Council; first, the large dirt pile at the end of Woodruff was put there by the developer and he felt that developer should have to remove it and the cost not be included in the L.I.D.; second, he said that during the presentation it was stated that back in

1964 the developer had no way of knowing the future layout of the area. He said there are now two developers involved, with one developing five divisions and he contended that this developer should have known that eventually there would be a problem with run-off. He said he felt the City was in error for not having this developer plan ahead, set up an escrow account or now, from the profits he has made from these five additions, let him put in the line himself; third, what happens to that amount due the developer, now its up to \$28,000.00, if L.I.D. No. 54 is not approved, do the property owners have to pay for this through taxes.

Design Engineer Turner answered the first question by saying that the developer would remove the dirt pile, prior to the Local Improvement District, and at no expense to the City or the District. In answer to the third item, Mayor Campbell answered by saying that, if the L.I.D. is not approved, the developer will be out the \$28,000.00, the City has no contract to pay the developer for this.

Larry Leach, 2250 South Woodruff, appeared to state that he lived at the high end of the street and he agreed that there was a problem at the other end, but did not feel that he was a contributor to that problem or responsible for it. He said he purchased his home from the developer but was not advised of the proposed L.I.D. He said that, if he were assessed on this project, he could only consider that a tax and it would not even be a deductible tax. He said he didn't see this was a very equitable way to solve a problem that a developer and the City caused. He said he didn't want a \$1,000.00 bill to pay, that would benefit him in no way.

Mr. Chris Hedquist, 2434 Briarcliff, appeared to state that in the Annexation Agreement with Woodruff Park Division Number 2, 3, and 4, it states that the developer will assume all costs for providing storm drains, lift stations, sewers, water lines, etc., as shown on the engineering drawings. Then, the same developer, when developing Division Number 5 had a retroactive clause in the Annexation Agreement saying that there will be an L.I.D. put in to take care of the storm drainage in Division 2, 3, 4 and 5. He said this, in his opinion, is a way for the developer to get out of paying for the storm drain. He stated further that he felt the people along Twenty-fifth and Woodruff Streets had more drainage because they were wider streets and should be assessed accordingly.

Mr. Chuck Cheatle, 2290 Richards, appeared briefly to state his objection was to the method of assessment. He said that he has a large lot and feels that his benefits that would be derived from this LID was very minimal and if the Council does approve this district, it should be on the basis that everyone pays an equal share and not that larger lots with less benefits be assessed more.

Mr. John Gardner, 2265 Richards, appeared briefly and asked what was causing the push to get this done now? Councilman Sakaguchi answered by saying that the citizens of the community are requesting that Twenty-fifth Street be completed. He said, further, that the Public Works Committee had studied this and agree that there is a need for the completion of Twenty-fifth Street, and that it only makes sense that all utilities be installed before the street is paved. Mr. Gardner asked what establishes a need for an LID, did someone request it or did the City just say there is a need?

Mayor Campbell stated that he did not think it was fair to criticize the Council for not putting in an LID in 1977 and then criticize them that they want to put it in too soon now.

An unidentified man stated that a friend of his called into the City Engineer's office in 1977 and complained about the water at the end of Woodruff. He said that at that very time there was construction going on putting part of the line in and he asked if they would rather have it done two years from now, to which the man said, it should have been put in two years ago by the developer.

Mr. Walt Sullivan, 2411 S. Woodruff, appeared briefly to bring up one point. He said the question is not, do we need this project, but how to pay for it. He said, in his opinion, the people who will benefit the most are the people who will be using Twenty-fifth Street and that is all the people of Idaho Falls and they should pay for this. He said, that in his opinion, the City or the developer should pay all the costs for this drainage project.

Mr. Chris Hedquist re-appeared briefly and suggested that the City install two or three of the new type of French drains that they are experimenting with and let them take care of this problem.

Councilman Sakaguchi said that the City does have a grant to cover costs of experimenting with the new Bonneville drain, which is not an approved system, and the City already has picked a sight for these tests.

There being no further comment, it was moved by Councilman Sakaguchi, seconded by Deist, that the protests be taken under advisement and that all protests be studied by the Public Works Committee and that they then make a recommendation to the Council as to whether or not the district should be created and that this recommendation should be presented to the Council on Thursday, February 21st, for their consideration. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell commended the residents for the manner in which they presented their case. He said he was impressed with some of their remarks and that they had made some good points and conducted themselves with dignity. He then thanked them for their attendance and comments.

Councilman Chandler asked if the Council would continue to take input for consideration up until the decision is made. Mayor Campbell answered that all comments would be considered up until the Council meeting on February 21st.

The Mayor then called for a short recess.

After reconvening the meeting the Mayor noted that an un-platted area near the corner of Skyline and Pancheri Drives had been proposed for annexation and invited Councilman Chandler, as Chairman of the Planning and Zoning Committee, to conduct the annexation proceedings, explained more fully by this memo from the City Planner:

City of Idaho Falls
January 23, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ANNEXATION AND INITIAL ZONING – UNPLATTED PROPERTY
NEAR CORNER OF SKYLINE

Attached is a copy of an annexation ordinance, pertaining to two parcels of unplatted property on the north side of Pancheri Drive, east of Skyline Drive. The annexation of this property was initiated by the City of Idaho Falls to eliminate two small County islands.

The City Planning Commission recently considered this matter in a public hearing, and at that time recommended annexation to the City and initial zoning of R-2A. This department concurs with the recommendation of the Commission.

JANUARY 24, 1980

This matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

At the request of Councilman Chandler, the City Planner spotted the area on a map.

ORDINANCE NO. 1630

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. (Un-platted property at corner of Pancheri and Skyline Drives)

The foregoing ordinance was presented in title. It was moved by Councilman Chandler, seconded by Sakaguchi, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson asked if there shouldn't be an annexation agreement on this property. Attorney Smith answered by saying that the City has initiated and was requesting this annexation and therefore there could not be an annexation agreement.

The Mayor announced that this was the time and the place, as legally advertised, to conduct a public hearing to consider the initial zoning of the newly annexed property on Skyline and Pancheri Drives. It was moved by Councilman Chandler, seconded by Sakaguchi, that the Planning Commission's recommendation be upheld and the area, as described, be zoned R-2A and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing, to consider a re-zoning request for property north of 17th Street and west of Hoopes Avenue, as explained by this memo from the City Planner:

City of Idaho Falls
January 23, 1980

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: REZONING PETITION - METES AND BOUNDS LEGAL DESCRIPTION - PROPERTY NORTH OF 17TH STREET AND WEST OF HOOPES AVENUE

Attached is a copy of a petition requesting rezoning of a piece of un-platted property from R-1 to R-3A. The front portion of this property which fronts on 17th Street is now zoned R-3A. The petitioner is requesting rezoning of the remainder of this property in order to facilitate construction of a surgical clinic.

The Planning Commission recently held a public hearing on this matter. At that time some protests were heard from property owners in the area. After some discussion, the Planning Commission recommended approval of the requested rezoning.

This department concurs with the recommendation of the Planning Commission and this matter is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

City Planner Gilchrist spotted the area on a map. Councilman Erickson asked why they were requesting R-3A instead of P-B. City Planner Gilchrist answered by saying that the rest of the area was already zoned R-3A and it was felt it best for all the area to be zoned the same.

There were none who appeared to protest or otherwise comment. It was moved by Councilman Chandler, seconded by Sakaguchi, that the recommendation of the Planning Commission be upheld and the area, as described, be re-zoned from R-1 to R-3A, and the Building Official be directed to reflect said change on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Hovey presented the following Resolution:

R E S O L U T I O N (Resolution No. 1980-02)

WHEREAS, The City Council of the City of Idaho Falls, is concerned over the negative attitudes toward nuclear power, both in Idaho Falls, and elsewhere in the United States, and

WHEREAS, Nuclear operations have been conducted at the INEL for over 25 years with an unparalleled safety record and without serious contamination risks to personnel or the environment, and

WHEREAS, Operations at the INEL have been and are now conducted in a manner which is as safe or safer than any other industrial operation in Idaho, and

WHEREAS, Twenty-five years of operating experience and constant monitoring has not disclosed any significant pollution, either nuclear or non-nuclear, of air, water, soil, plant, animal and human life, and

WHEREAS, All waste discharge to the environment at INEL is within both Federal and State discharge standards, and

WHEREAS, Solutions to problems concerning waste disposal, storage, transportation and waste, processing of nuclear by-products are essential to the Nations' defense and industrial development, and

WHEREAS, The remoteness of the INEL was the major reason for selection of the Arco area as the site of testing of nuclear reactors and waste processing operations, and such remoteness is the major justification for continuing waste storage, processing and related research and development activities at the INEL, and

WHEREAS, A large number of Idaho Falls citizens have expertise in the field of nuclear operations, and have daily opportunity to question and explore the nature of nuclear operations, waste processing, storage and disposal, and whereas, most of such citizens do not share the current wave of negativism, scare tactics, and public health concerns being voiced by a small minority of the general public; and

WHEREAS, Irresponsible and misleading statements have been made concerning the contamination of the Snake River Aquifer, which statements merely serve to aggravate the fear and hysteria surrounding nuclear energy, and

WHEREAS, Electrical Power from Nuclear Power Plants, will be needed by Idaho within the immediate future to supplement present power supplies.

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

1. That the City support and sustain the operations and personnel of the INEL, and commend the U. S. Department of Energy for its unparalleled safety and environmental record achieved by its operating contractors over the past 25 years.
2. That the City oppose the expenditure of State funds to create a State capability to further monitor the INEL, the same being unnecessary and constituting a waste of State revenues and duplication of existing Federal services which have proven to be highly effective in the control of contamination during 25 years of operation.
3. That the City encourage a continuing effort at the INEL to process and store nuclear wastes and to resolve nuclear waste problems.
4. That the City assume and support a nuclear energy posture that will enable Idaho to benefit from the siting of nuclear plants to meet future power needs as available hydropower sites become fully utilized, and oppose any anti-nuclear attitude which may deprive Idaho of electric power from nuclear plants which may be constructed in the future in Idaho, Washington, or elsewhere.
5. That the City support the view that nuclear energy is one of the few practical alternatives for solving the Nation's energy shortage in the foreseeable future.

6. That the City support a national policy of "Full-Speed-Ahead" on the construction and operation of nuclear power plants to ensure an adequate energy and energy independence from foreign oil.
7. That the City encourage public education to dispel the myth and hysteria associated with the use of nuclear energy, and to dispel the public fear of that which they do not understand in relation to it.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 24th day of January, 1980.

ATTEST: s/ Velma Chandler
City Clerk

s/ Paul L. Hovey
Councilman

s/ Arthur R. Chandler, Jr.
Councilman

s/ Sam Sakaguchi
Councilman

s/ Thomas Campbell
Mayor

s/ Ralph M. Wood
Councilman

s/ Melvin E. Erickson
Councilman

s/ Wesley W. Deist
Councilman

Councilman Hovey said that each of the Councilmen had been provided with a copy of this Resolution for them to study and that this had been reviewed and approved by the Legal Department. Hovey said that the remote location of INEL makes it an ideal location for waste processing and that we have experts in the area who are not frightened by the hysteria that is generated by the news media and other reports of contamination risks. It was moved by Councilman Hovey, seconded by Chandler, that the resolution be approved and the Mayor and all Councilmen be authorized to sign the Resolution and that copies be sent to the Governor, each member of the State Legislature, and Idaho Congressional Delegation and the local DOE Manager and the DOE Secretary in Washington. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to several legal notices, published without formal Council approval. First was a legal notice calling for a public hearing on February 7th to consider the de-annexation of property owned by Larry Cole. It was moved by Councilman Erickson, seconded by Chandler, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Second item in need of ratification was the publishing of a legal notice, without formal Council approval, calling for a public hearing on February 7th to consider the initial zoning of property known as Westfield Plaza, Exhibit A. It was moved by Councilman Chandler, seconded by Sakaguchi, that this action of the City Clerk in publishing this legal notice be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Next item in need of ratification was the publishing of a legal notice calling for a public hearing on February 7th, to consider the re-zoning of Lots 23 and 24, Block 21, South Park Addition. It was moved by Councilman Hovey, seconded by Chandler, that the action of the City Clerk in publishing this legal notice be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Fourth item in need of ratification was the publishing of a legal notice calling for a public hearing on February 7th, to consider the re-zoning of property located at 1100 East 16th Street. It was moved by Councilman Sakaguchi, seconded by Wood, that the action of the City Clerk in publishing this legal notice be ratified. Roll call as follows: Ayes, 6; No, none; carried.

JANUARY 24, 1980

Also in need of ratification, according to the City Clerk, was the publishing of a legal notice calling for a public hearing on February 7th, to consider the re-zoning of a portion of the Old Hope Lutheran church property. It was moved by Councilman Hovey, seconded by Wood, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Next item in need of ratification was the forwarding of a damage claim in the name of George Friedenberger, to the City's liability insurance carrier on January 16th, without formal Council approval.

COX & OHMAN
Attorneys & Counselors at Law
185 S. Capital
Idaho Falls, Idaho 83401

RE: Mr. George Friedenberger

January 14, 1980
Clerk-City Hall
308 C Street
Idaho Falls, Idaho 83401

Dear Ms. Chandler:

This office represents Mr. George Friedenberger, who on January 7, 1980, at approximately 9:30 A.M. received injuries when walking into an unmarked and unidentified glass door at City Hall. Mr. Friedenberger's injuries were such as to require attention of paramedics and Dr. Rocco Cifrese at Riverview Hospital. Primarily, his injuries consist of facial lacerations, the most serious of which is to his nose, and which will result in permanent scarring.

By reason of the negligence of the City in failing to properly identify or mark said door and maintaining the hazardous condition, and in failing to warn Mr. Friedenberger of said condition, Mr. Friedenberger seeks damages in the sum of \$5,000.00.

Mr. Friedenberger is a resident of Idaho Falls and has resided in the City for a number of years preceding this accident. Please advise whether the City will entertain his claim without the necessity of a lawsuit.

Thank you for your kind cooperation.

Very truly yours,
s/ John M. Ohman, ESQ

It was moved by Councilman Hovey, seconded by Wood, that this action also be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Finally, under matters requiring Council ratification, was the forwarding of a damage claim in the name of Rosella Rhoades to the liability insurance carrier on January 23rd, without formal Council approval:

JANUARY 24, 1980

STATEMENT OF CLAIM

TO: Clerk
City of Idaho Falls
and
Clerk
County of Bonneville

On or about the 24th day of September, 1979, police officers entered my home with revolvers drawn made a search of my residence, and arrested my grandson, Brian Carson. The officers involved were Kim Marshall and other officers of the City and County. This unlawful conduct under color of law constitutes a flagrant and malicious violation of my civil rights.

I am 75 years of age and have had considerable difficulty with my health. After the officers had arrested my grandson and left my house I had to be taken to the hospital to receive treatment for the trauma imposed upon me by these officers.

I, therefore, make claim upon the City and the County and each of them for my hospital expenses together with \$50,000.00 in compensation for the outrageous and malicious violation of my civil rights and my right to privacy.

Dated this 19th day of January, 1980.

s/ Rosella Rhoades
344 Lomax
Idaho Falls, Idaho 83401

It was moved by Councilman Hovey, seconded by Sakaguchi, that the action of the City Clerk in forwarding this claim to the City's liability insurance carrier be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

License applications for RESTAURANT, Paris Café, North Highway Café, Sybil's Husky Café, Kevz Restaurant, West Broadway McDonald's, Sandpiper; GROCERY STORE, D.C. Natural Foods, Inc., Wine Craft, Wealth of Health, Maverick County Store, Farmer's Market; CLASS A CONTRACTOR, WARM AIR, WET HEAT, GAS, REFRIGERATION, Jack Hill; CLASS B CONTRACTOR, GAS FITTING, WET HEAT, WARM AIR, American Plumbing, First Street Plumbing; CLASS B CONTRACTOR, GAS, WARM AIR, REFRIGERATION, Conan and Landon; CLASS C CONTRACTOR, WARM AIR, GAS FITTING, Wiemer Heating, J & R Plumbing; CLASS C CONTRACTOR, WET HEAT, GAS FITTING, Rocky Mountain Boiler & Heating; CLASS D CONTRACTOR, GAS FITTING, Plumbing & Heating Services, First Street Plumbing; CLASS D CONTRACTOR, REFRIGERATION, Falls Refrigeration; CLASS B JOURNEYMAN, WARM AIR, GAS, REFRIGERATION, Max Conan, Norman E. Conan; CLASS B JOURNEYMAN, GAS FITTING, WET HEAT, WARM AIR, Roger Sanderson; CLASS C JOURNEYMAN, GAS FITTING, REFRIGERATION, Leslie Spears; CLASS C JOURNEYMAN, WET HEAT, GAS FITTING, Dallas Pope, John A. Beins; CLASS C JOURNEYMAN, WARM AIR, GAS FITTING, Vern Hutchens, Joe Scheer, Richard Wiemer, Warren Wyatt, Lowell E. Barnes, Ramon G. Landon, CLASS D JOURNEYMAN, GAS FITTING, Dale McBride, Bruce Siqueiros; CLASS D JOURNEYMAN, WARM AIR, James O. Walker; CLASS D JOURNEYMAN, REFRIGERATION, William Johnson, Vaughn Johnson; CLASS C APPRENTICE, GAS FITTING, WET HEAT, Ron Summers with American Plumbing; CLASS D APPRENTICE, GAS FITTING, Richard Wiemer, Jr. with Wiemer Heating, James Samargis with Conan & Landon; MASTER PLUMBER, Jack L. Hill, Bruce Siqueiros, Roger Sanderson, J. C. Siqueiros, Orvin

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G. McGavin; JOURNEYMAN PLUMBER, Jack L. Hill, Leslie Spears, Dale McBride, John A. Beins, Vern Hutchen, Dallas Pope, Bruce Siqueiros, Bob Livesay, Lynn Andrew, Roger Sanderson; APPRENTICE PLUMBER, Ron Summers with American Plumbing & Heating, Kim Sibbett with Plumbing & Heating Services, Inc., Jeff Carter with Plumbing & Heating Services, Inc., Van Ashton with Plumbing & Heating Services, Inc.; ELECTRICAL CONTRACTOR, J. D. Hall Electric, Craco Electric, Century Electric, Merkley Electric, Falls Electric Company, Electrical Equipment Company, R & R Electric, Belloff Electric, Skyline Electric, Electri-con, Inc.; JOURNEYMAN ELECTRICIAN, Leroy Fleischmann, James B. Emery, J. Doug Hall, Glayde Hill, H. D. Merkley, LeRoy Hale, Francis Irving Shearer, Kay Thurman, Bob Lazzarotto, Allen Landon, Robert D. Richmond, Clarence Shore, Rocky Shore, Craig Keele, Arden Ricks, Michael Belloff, B. Wheeler, J. F. Unsworth, James W. Unsworth; APPRENTICE ELECTRICIAN, Donald Watters with Electri-con, Laron Marler with Electri-con, Dale Fleischmann with Electri-con, Gary Fleischmann with Electri-con, Brett Malcom with Falls Electric, Rodney Dockstader with Electrical Equipment Company, Bobby Dean Smout with Electrical Equipment Company, Carl Lynn Shearer with Electrical Equipment Company, Boyd McCormick with R & R Electric, Claude Walstrom with R & R Electric, Doug Hilde with Falls Electric, Joseph Belloff with Belloff Electrical; PUBLIC RIGHTS OF WAY CONTRACTOR, Loveland Construction Company, K & G Contractor's, Larry Clark Construction; NON-COMMERCIAL KENNEL, C. B. McNeil, Sr. and Arden Sellars, Stella Burch; PHOTOGRAPHY, Carol Williams, Franz Gisin; TAXI CAB OPERATOR, Jim Woods, Melvin E. Sornberger, Dale Burns; PRIVATE PATROLMAN, Craig N. Christensen, Lawrence P. Gifford with United Security, Harry John Vasbinder with Hammon's Service; BARTENDER, Janeil Butikofer, Ray V. Robison, John Hunter, Richard W. Crause, Eileen J. White, Marie Lynn Allen, Kurt Shull, Dorothy Lehman, Kurt Johnson, Mary K. Jenkins; BEER, CANNED AND BOTTLED NOT TO BE CONSUMED ON THE PREMISES, KWIK Service, Morgan's Westgate Conoco, Maverick Country Store, Edward's Farmer's Market; BEER, CANNED, BOTTLED AND DRAUGHT TO BE CONSUMED ON THE PREMISES, El Ranchito, River City Saloon, Sandpiper; LIQUOR, Sandpiper; were presented.

It was moved by Councilman Erickson, seconded by Chandler, that these licenses be approved, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Director of Aviation was presented:

City of Idaho Falls
January 24, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Airport committee
SUBJECT: ACCEPTANCE OF AN F. A. A. GRANT OFFER FOR PROJECT
NO.6-16-0018-05

On approximately January 7, 1980, the Mayor executed a grant application to the F. A. A. for funds to be applied in purchasing the loading bridges to be used at the expanded terminal building and for land acquisition necessary for protection of certain runway approaches, in the amount of approximately \$177,000.00.

On or about January 10, 1980, we were advised that the loading bridges' price would be increased approximately 15% on or about February 1, 1980.

JANUARY 24, 1980

On the morning of January 24, 1980, a Grant Offer was made to the City for the above purposes and in the amount requested. Such offer being valid until March 6, 1980.

This item is hastily being added to tonight's City Council agenda to preclude the calling of a Special City Council Meeting for acceptance of this offer.

Accordingly, the Airport committee recommends the following approval by the City Attorney, the Mayor and City Clerk be authorized to accept this Grant Offer.

The Council's approval of this request is solicited and will enable us to purchase the loading bridges at the previously quoted prices.

s/ H. Pete Hill
For Airport Committee

It was moved by Councilman Wood, seconded by Sakaguchi, that the F. A. A. Grant Offer for Project No. 6-16-0018-05 covering loading bridges for the Airport terminal project be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Also, from the Director of Aviation came this memo covering two lease extensions:

City of Idaho Falls
January 22, 1980

MEMORANDUM

TO: Mayor and City Council
FROM: Director of Aviation
SUBJECT: LEASE EXTENSIONS

In accordance with pertinent City Ordinances and the Rules and Regulations, these lease extensions are submitted:

- 1) Airport ground lease for private hangar situated within the southeast corner of the Airport. Parties being, Ray Lundahl, Glen Corbett, Richard Williams, Earl Grimmett and Robert Burggraf.
- 2) Situated in the northeast corner of the Industrial Park, the ground occupied by the Elliott Industrial Company.

These lease extensions have been approved by the City Attorney. The Airport committee requests approval of these lease extensions and solicits favorable City Council action.

s/ H. Pete Hill

It was moved by Councilman Wood, seconded by Sakaguchi, that the Airport Ground Lease for a private hangar and the Lease in favor of Elliott Industrial Company be extended as recommended. Roll call as follows: Ayes 6; No, none; carried.

This memo from the Chief of Police was presented:

JANUARY 24, 1980

City of Idaho Falls
January 22, 1980

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Bob Pollock
SUBJECT: REQUEST FOR NO PARKING IN ALLEY ADJACENT TO
PRESBYTERIAN CHURCH

Mr. Tom Harper representing the Presbyterian Church at 325 Elm requests the signing due to vehicles parking next to the building obstructing the handicap exit along with preventing any emergency vehicles from using the alley.

Police have checked this over and report three poles available for which signs can be suspended. We feel this would be beneficial.

s/ Bob Pollock

Councilman Erickson explained that this has been reviewed by the Council Committee and the Police Department and they feel this request is justified as it does obstruct the exit. It was moved by Councilman Erickson, seconded by Deist, that the Council authorize that NO PARKING signs be installed in the alley adjacent to the Presbyterian Church at 325 Elm Street. Roll call as follows: Ayes, 6; No, none; carried.

Mayor Campbell said that, for a very obvious reason, Wes Deist has resigned from the Parks and Recreation Commission. The Mayor said he had appointed ex-Councilman Jim Freeman to that Commission. It was moved by Councilman Deist, seconded by Erickson, that the Mayor's action in appointing Jim Freeman to the Bonneville Parks and Recreation Committee for a term of three years be confirmed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Chandler stated that, with INEL withdrawing from the library at the end of their lease agreement, the Library Board has recommended that the General Services Director be authorized to work with the Library Board to obtain a suitable tenant. It was moved by Councilman Chandler, seconded by Wood, that the recommendation of the Library Board be upheld and General Services Director Stanger be authorized to work with the Library Board in obtaining a suitable tenant for the space in the library now occupied by the INEL Technical Library. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Sakaguchi said that the City Attorney feels the need to clarify a portion of the garbage ordinance having to do with minimum rates. Mayor Campbell asked the City Attorney to explain. Attorney Smith said that some large container are being placed where more than one person uses them. He said that in his opinion, the ordinance needs to clarify a minimum charge to all users of the containers. It was moved by Councilman Sakaguchi, seconded by Deist, that the City Attorney be authorized to draft an ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

City Attorney Smith presented the ordinance known as the "Mail Box" ordinance and said that it has been re-drafted and is now in final form and ready for Council consideration. He said that, if the Council wished to pass it at all, they would have to consider it for first and second or all three readings as this is a new ordinance from the one which was previously passed on its first reading.

Councilman Sakaguchi said he felt it should be considered this night and asked the City Attorney to read the portions that had been changed.

JANUARY 24, 1980

City Attorney Smith reviewed the changes of the ordinance, caption of which is listed below:

ORDINANCE NO.

AN ORDINANCE REPEALING SECTION 9-9-1, CITY CODE OF IDAHO FALLS, IDAHO; MAKING UNLAWFUL THE OBSTRUCTING OF ANY STREET, ALLEY, OR PUBLIC SIDEWALK WITHIN THE CITY OF IDAHO FALLS, IDAHO; AND MAKING UNLAWFUL THE STORAGE, INSTALLATION OR MAINTENANCE OF ANY MATERIAL, VEHICLE, STRUCTURE OR FIXTURE UPON ANY PUBLIC SIDEWALK WITHIN SAID CITY AND PROVIDING FOR EXCEPTIONS; PARTICULARLY SETTING FORTH AS EXCEPTIONS THE STRUCTURES, FIXTURES AND MATERIALS WHICH MAY BE INSTALLED OR MAINTAINED UPON PUBLIC SIDEWALKS AND ESTABLISHING STANDARDS FOR THEIR INSTALLATION AND MAINTENANCE; PROVIDING THAT NOTICE SHALL BE GIVEN TO ALL PERSONS OWNING OR IN CHARGE OF LAND ABUTTING OR ADJOINING ANY SIDEWALK WHERE INSTALLED STRUCTURES OR FIXTURES ARE MAINTAINED UPON SUCH SIDEWALK IN A CONDITION VIOLATING SUCH MAINTAINED; REQUESTING SUCH PERSONS TO REMOVE SAID STRUCTURES WITHIN THIRTY (30) DAYS AFTER THE NOTICE IS GIVEN; PROVIDING FOR SERVICE OF SAID NOTICE; MAKING IT UNLAWFUL FOR ANY PERSON RECEIVING SUCH NOTICE TO FAIL OR NEGLECT TO COMPLY WITH THE INSTRUCTIONS THEREIN OR TO VIOLATE ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR THE ISSUANCE OF CITATIONS TO APPEAR TO VIOLATIONS; FIXING PENALTIES FOR VIOLATIONS; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Sakaguchi, seconded by Deist, that this ordinance be passed on its first and second reading. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Hovey, that the meeting adjourn at 10:40 P.M. Carried.

ATTEST: s/ Velma Chandler
City Clerk

s/ Thomas Campbell
Mayor
