

JULY 10, 1978

Pursuant to a call by the Mayor the City Council of the City of Idaho Falls met in special session in the Council Chamber on July 10, 1978, at 7:30 P.M. for the purpose of conducting a public hearing to hear and consider all protests and other comments, pro or con, relative to the establishment of Local Improvement District No. 52; also, any other business which might be appropriately presented for Council consideration. There were present at said meeting: Mayor Tom Campbell; Councilman Ralph Wood, Charles Clark, Paul Hovey, Sam Sakaguchi, Jim Freeman, and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Don Lloyd, Public Works Director and Joe Laird, City Engineer.

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. 52. 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 as a means of determining the lots and parcels of land to be included in the district for improvement. At the invitation of the Mayor, Mr. Ed Turner, design engineer, appeared before the Council to explain the scope and cost of this proposed district. It was learned that there are sixteen locations proposed for improvement, most of which include streets, sidewalks, curb and gutter. Turner proceeded to briefly explain the exact location and type of improvement for each of these sixteen locations. Turning, then to cost, it was learned that the total cost of the district was calculated to be \$883,737, including construction, administration, legal and contingencies. Off-setting revenues would be collected as follows: Private property assessments, \$721,993; City property assessments, \$23,622; City participation for street and alley intersections, \$80,185; City participation for water and sewer lines, \$57,937. Turning, then, to property assessment rates, the following calculations were presented: Curb and gutter, \$5.60 per lineal foot; residential paving, .92 per square foot; commercial paving, \$2.10 per square foot; 4" sidewalk, \$1.62 per square foot; 6" driveway \$2.18 per square foot. Using the foregoing calculations, Turner pointed out that the typical 100' lot assessment for curb, gutter, paving and sidewalk would approximate \$3,348. Turner then explained to those present the method of calculating both front cost and end cost assessments emphasizing that all sidewalk assessments would be assessed directly to the adjacent property, whereas curb, gutter and paving costs would be borne, in part, by those being assessed on an end cost basis, depending on the distance from the street being improved, on the grounds that those being assessed end costs would receive some benefit. Turner concluded his presentation by saying that this district, like previous L.I.D.'s would probably extend over a fifteen year period and that the annual payment would approximate 10% of the total assessment. Finally, it was noted that, at the proper time, those being assessed would be permitted to pay their entire assessment within a thirty day cash payment period without interest.

The Mayor then asked the City Clerk to present and read aloud all written protests, as follows:

July 10, 1978

The Honorable Thomas Campbell
Mayor of Idaho Falls
Idaho Falls, Idaho

Attention: City Council

Gentlemen:

JULY 10, 1978

Due to limited financing available, the Idaho Falls Elks Lodge No. 1987, would be unable to pay the costs involved in L.I.D. No. 52.

Sincerely,
s/ Bob J. Bybee
Chairman
Board of Trustees
BPO Elks No. 1087

July 7, 1978

Honorable Mayor and City Council
Regarding Improvement District #52 Paving and Sidewalks on Bingham Avenue,
Highland Park Addition.

My wife and I would like to have the street in front of our home paved. It has needed paving for several years. However, because we both are 69 years old, and living only on social security, we hereby request that the paving of Bingham Avenue be dropped as we do not have the money to pay for our share of the assessment.

Respectfully,
s/ Mr. and Mrs. Arthur C.
Holm
1198 Bingham Avenue

July 10, 1978

City of Idaho Falls

This is written protest against grading, graveling, prime coating, seal coating, curbing and guttering, surface draining and constructing sidewalks. We are in the 200 block of East Elva with a Lee Avenue address. There is no sidewalk for at least 75 feet on the 100 block of south side of East Elva.

There is no sidewalk in east side of the 800 block of Lee Avenue and there is no home addresses of any kind on 200 block of Elva. So why should one party (us) face these expenses.

Sincerely,
s/ Ray A. Naef

We are not for Improvement District #52. We don't know why we should pay for a street to benefit a real estate company.

Shippen Construction
Company, Inc.

JULY 10, 1978

June 28, 1978

City of Idaho Falls
Office of the City Clerk
P. O. Box 220
Idaho Falls, Idaho

Dear Mr. Barnes:

We object to the improvements being made on Lots 17 through 23. Jennie Lee Addition.

s/ Grant B. Shippen

915 7th Street
Idaho Falls, Idaho
July 3, 1978

Roy C. Barnes
City Clerk
P. O. Box 220
Idaho Falls, Idaho

Dear Mr. Barnes:

This letter is written in reply to your June 8, 1978 notice of the proposed Idaho Falls, Local Improvement District Number 52. This letter is my written protest against certain improvements proposed in LID #52, specifically the sidewalk in Safstrom Addition, Block 6, Lot 6.

The objections I have to the sidewalk addition are as follows:

1. Is it needed – twenty years experience without the sidewalk, with no objections from anyone demonstrates that a sidewalk is not needed at this time.
2. Cost to taxpayer – you are asking me to pay some part of the sum of \$720,993.00 without any indication of the amount, timing, the method of payment, etc. I am sure that none of the City Officials conduct their personal business this way, i.e., buying a “pig in a poke”, and I trust they do not conduct city business this way. Why, then do you expect the taxpayer to agree to added tax burden without benefit of full cost information? I, personally, think taxes are already too high for the services provided. Politicians should be looking for ways to reduce, not raise, taxes. Here is a good start demonstrating a commitment to hold up on tax increases.
3. Conservation – If you agree that this is the age of conservation of energy and resources, and what politician doesn't, then here again is a good place to start demonstrating conservation by refraining from building a sidewalk that is not needed.

4. Snow removal – mowing the existing lawn to the curb is a lot easier than removing snow on a corner lot. I don't look forward to the added chore of snow removal if the sidewalks are added.

JULY 10, 1978

5. Sidewalk appearance – I walk the sidewalks of Idaho Falls a lot. There are many places where deteriorating sidewalks have created a safety hazard. I would expect the construction methods of the proposed LID would be no better than those of the past. A well-kept lawn is safer to walk on than broken, upset, and deteriorated sidewalk. Therefore, I suggest that the City contribution be spent on repairing existing unsafe sidewalks instead of creating new problems. I believe you should seriously consider elimination of sidewalks in new additions as they are not needed, waste resources to install and create a further maintenance expense.
6. Sidewalk repair – The City has had to dig twice, in the last few years, to repair the water line to Lot 6. The digging location was directly under the proposed sidewalk. This history of the poor quality of piping materials and/or construction in this neighborhood would indicate that water pipe problems will continue to occur. Who is going to be responsible for future sidewalk repairs from this problem?

Please give serious consideration to my reasons for not wanting sidewalks added to Block 6, Lot 6, of the Safstrom Addition.

Very truly yours,
s/ Lawrence H. Smith

Idaho Falls, Idaho
July 6, 1978

Mayor and City Council
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

With reference to your Notice of Intention to establish Idaho Falls Local Improvement District No. 52, dated June 8, 1978, and mailed to us on June 27, 1978, we, the undersigned, whose property is located is Safstrom Addition, Block 6, Lots 6 through 8, inclusive, and Block 7, Lots 8 to 10, inclusive, wish to protest the inclusion of said property in proposed improvement district for the following reasons:

1. We feel the proposal comes during an inflationary period, when taxes are consuming too much of the taxpayers' resources. It is a period when cities seem to be hard-pressed to budget carefully for basic services, and not a time to obligate for completely unnecessary expenses.
2. The original Safstrom development was approved without these sidewalks, and this was a consideration to purchase, the lost originally. We think after 22 years (without request for or complaint about sidewalks) there is no need for such sidewalks at this late date.

3. We further protest said proposal because it would cause a disruption in our landscaping, as well as added expense to remove and relocate sprinkler systems for the placement of sidewalks.

JULY 10, 1978

4. Further, on occasions when requests for the paving of parking has been requested, it has been the City's response that it desires to keep as much greenery as possible in the City and keep cement to a minimum.
5. More than half of the property owners in this area either are or are approaching senior citizens status and do not want to be burdened by any unnecessary additional taxes and assessments.

For the above-stated reasons, we, the undersigned, respectfully request that the afro-mentioned portion of Safstrom Addition be deleted from the proposed Local Improvement District No. 52.

Respectfully submitted,
s/ Dean Schultz
s/ Claude Christenson
s/ Karl Page
s/ Erma Hansen
s/ Steve Holtom
s/ Lawrence H. Smith
s/ Hal R. Johnson

This represents 100% of owners in the area listed above.

The City Clerk then noted that a verbal protest from Mrs. Ruby Lords, 694 Whittier Street, had been received by the Mayor this day. Mrs. Lords, being 88 years of age, had explained to the Mayor that she would not be able to be in attendance at this hearing, that she was already being assessed under an existing L.I.D. and that she was in no position, financially, to assume this additional obligation.

The Mayor then invited oral protests and other comments from the floor of the Council Chamber.

Mr. L.D. Kirkpatrick appeared before the Council representing his father-in-law, Mr. Cecil Stalker, 660 Whittier, also present. Kirkpatrick said Mr. Stalker protested being included in the district on the same grounds as Mrs. Lords; namely, his financial inability to pay, plus the fact that the improvement would not benefit his property in relation to the cost of said improvement.

Mr. Bob Bybee appeared briefly to elaborate on the written protest submitted by the Elks Club. Bybee advised that the fraternal organization he represented was already obligated under two existing L.I.D.'s; that they had recently obligated themselves, further, under a \$150,000 indebtedness for expansive modernization; that a sizeable portion of their revenues came from due-paying members and that the dues, when levied, did not allow for or take into consideration additional indebtedness. Finally, Bybee noted that the Elks was an incorporated organization and the by-laws did not provide for indebtedness in the form of assessments.

Mr. Karl Page, 945 7th Street, appeared to protest inclusions of the sidewalk improvement to his residential property. He noted that there are seven property owners affected by this phase of the project and that six of the seven were present in the Council Chamber this night, prepared to similarly protest. Page said that, in no instance, was this improvement requested and, on the contrary, neither was it wanted. Page said in no way would the improvement benefit his property and, instead, it would be costly over and above

the assessment, as the improvement would necessitate his replacing and relocating his underground sprinkling system which was designed for the existing lawn with no sidewalk.

JULY 10, 1978

In answer to a question by Councilman Freeman, Page said that, to his knowledge, the sidewalk was never constructed when the area was developed and that there was no such stipulation for sidewalks at that time.

Mr. Claude Christenson, 659 Safstrom, appeared briefly to concur with the remarks of Mr. Page. Christenson said it never occurred to him when he purchased his property that there would ever be any demands made for a sidewalk and in the interim period, he found he didn't miss it and fared very well without.

Mr. Dean Schultz, 885 7th Street, then appeared on the same issue. Schultz concurred with the previous remarks by Mr. Page and Mr. Christenson and added that he did inquire, when he purchased his property, about the absence of sidewalks and learned that the area development has been approved without provision for same. Schultz concluded his remarks by saying that there may have been more of a need ten years ago because of small children in the area but, by now, this problem has been minimized as there are few children remaining. In answer to a question by Councilman Freeman, Joe Laird, City Engineer, admitted that, to his knowledge, there is no more need for sidewalks at this location than there was ten years ago.

Mr. Bill Murphy, 5120 W. Shelley, appeared to protest the proposed paving in front of his property on the grounds that there was no need for such an improvement at this time. In answer to a question by Mr. Murphy as to why this street was included in this proposed district for improvement, Laird said there had been a request from a property owner. Mr. Murphy expressed concern about his fence, in the event the improvement was left in the district. The Mayor advised that such a facility would have to be moved if it was located in public right-of-way.

Mr. Ray Naef, 854 N. Lee, appeared briefly to say that, even though he wasn't opposed to the proposed improvement to his property, he was the owner of nine lots and the cost would be prohibitive in relation to the benefits. He said sidewalks would not be used if constructed in this particular location. Naef said his expense would be further augmented by the need for a retaining wall if the improvements, as proposed, were made.

Colonel Bill Norton, representing the National Guard facility at 575 W. 21st Street appeared before the Council, noting that said facility had 592 feet of frontage and that, based upon said frontage, the assessment would be approximately \$36,000. Norton said he knew the Council was aware that funds for such a cause must be appropriated by the State Legislature but that every effort would be made by his organization to cooperate.

The Mayor, directing his remarks to the Colonel, said it was generally known that the National Guard could not be assessed without its consent and expressed appreciation, in advance, for their support.

Mrs. Ida Holden, 291 S. Ridge, appeared briefly in the interest of the Child Development Center, 2475 Leslie Avenue. Speaking for that organization, Mrs. Holden said the proposed improvement, as it would affect the Center, was both wanted and needed. She said there was a constant problem with the unimproved street because of the dust in the Summer and the snow in the Winter. She said members of the organization she represented had been working closely with the State Legislature and felt confident that they would get the needed cooperation from that source.

Mr. Leo Clawson, Park Road, appeared briefly in the interests of the Eastern Idaho Health and Welfare organization. Mr. Clawson concurred with the remarks of Mrs. Holden and gave the proposed improvement his endorsement.

Mr. Orville Cox, New Sweden School Road, also appeared in the interests of the Child Development Center with his endorsement to the proposed improvement. Mr. Cox

drew particular attention to the drainage problem. He said that French drains just weren't applicable in that area as, at one time, it was the location of an old landfill.

JULY 10, 1978

County Commissioner Artell Suitter appeared briefly to say that it was learned only recently that the County has an ownership interest in the National Guard property. He assured the Mayor and City Council that the County Commissioners endorsed the project and that the City could expect the County's cooperation.

Mrs. Myrtle Asper, 989 E. 15th Street, appeared briefly with reference to the proposed sidewalk, curb, gutter and paving improvement adjacent to her residential property. In answer to her question, City Engineer Laird informed her that, eventually when right-of-way is acquired and dedicated, it is hoped that a similar improvement on that street would extend to June Avenue.

Mr. Kirkpatrick reappeared briefly to ask about the long planned 17th Street widening between Boulevard and the Yellowstone Highway. The Mayor advised that this improvement was excluded from L.I.D. #52, as other means of funding was anticipated under the urban development program. In the absence of further comment from the floor the Mayor assured those present that, even though no decision was expected this night, all testimony would be seriously considered by the Council and would not fall on deaf ears. Asked for comment from the Councilmen, Councilman Hovey directed his words to those who protested their inclusion in the district on the grounds of financial hardship. Hovey assured those in that category that the City had no intention to take property in lieu of paid assessments and that hardship is a valid reason for registering a protest. Councilman Sakaguchi commented to the effect that all protests would be studied by the Engineering Department and the Public Works Council Committee and, in the interim period, those who wished to learn of their individual assessment could obtain that information from the Engineering Department. It was moved by Councilman Sakaguchi, seconded by Hovey, that all protests and other comments be taken under advisement and that a decision as to the creation and establishment of L.I.D. No. 52, including the areas to be improved, would be forthcoming at a future Council meeting. Roll call as follows: Ayes, 6; No, none; carried.

The Mayor thereupon declared this public hearing concluded.

In other business, a consent to assignment of a lease with Measurements, Inc. an Airport Industrial Park Tenant, was presented. It was learned that said assignment was in favor of the Valley Bank who would be financing certain expansion by Measurement, Inc. It was moved by Councilman Clark, seconded by Erickson, that this consent to assignment be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 8:35 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

* * * * *