

JUNE 8, 1978

The City Council of the City of Idaho Falls met in regular meeting, Thursday, June 8, 1978, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Mel Erickson, Ralph Wood, Charles Clark, Paul Hovey, Sam Sakaguchi, and Jim Freeman. Also present: Roy C. Barnes, City Clerk, Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last special meeting, held May 25th, 1978, were read and approved.

Noting from the agenda that an area to be known as Old Fashion Way, Division No. 2 was to be considered for annexation, having been recessed from the last Council meeting, the City Clerk was asked to present and read aloud this introductory memo from the Building Administrator:

City of Idaho Falls
May 11, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: OLD FASHION WAY, DIVISION NO. 2 – FINAL PLAT, ANNEXATION & INITIAL ZONING

Attached are copies of the final plat, annexation ordinance, and annexation agreement for the above described property. This property is located north of West Broadway, between the Coachman West Addition and Esquire Acres. The zoning requested for this property is R-1.

The Planning Commission reviewed this plat at their regular meeting April 1, 1978 and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

Mr. Doug Wenzel, Route 4, Box 76, Idaho Falls, appeared before the Council representing himself, his wife, and Mr. and Mrs. Kermit Peters. It was acknowledged that Wenzel had made previous appearances before the Council, protesting the annexation of Old Fashion Way, Division No. 2 on the grounds that a surface drainage problem existed and on the grounds, further, that development of said area would create flooding problems to his residence and that of Mr. Peters. Wenzel said his position was unchanged. He said he had no objection to responsible development but that this development, if allowed to proceed, would not, in his opinion, be responsible. He said the developers are guilty of negligence by their refusal to provide adequate surface drainage. Wenzel again reminded the Council that the existing French drains are not of sufficient size and most of them are full of mud. He said he was sufficiently knowledgeable to know that installation of dry wells are illegal and the existing ones also mud up. Wenzel found no fault with earlier engineering studies of the area but he said studies have been ignored. Continuing, Wenzel said a solution earlier presented to him that an L.I.D. surface drainage district would probably be created when the area was fully developed represented poor planning, as the problem should be faced now, rather than later. Wenzel appeared to be in the process of refuting all arguments and proposed solutions given to him by the Engineering Department when the Mayor interrupted by saying most of that being presented was no more than repeated duplication. The Mayor said the Council was fully aware, by now, of his protesting position on this issue. The Mayor,

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being aware that Wenzel's legal action against the City was still open in case of flooding, said the City would do everything in its power, reasonably, to protect his property. Councilman Freeman concurred and stated, further, that his official protest against this proposed annexation is, by now, and without any questions, a matter of record. Freeman also added that those responsible for handling drainage problems of this nature are also aware of his protest. Referring to the Mayor's comment pertaining to the open court case, Wenzel said that was one of the reasons for these repeated appearances. He said he was doing everything in his power to avoid the necessity for any further pursuit through the courts but, in his opinion, because of this insistence on nearby development, his property was slowly being condemned. In answer to a questions by the Mayor, Public Works Director Lloyd appeared briefly to say that, in the opinion of the Engineering Department, there is a solution. He said the City was endeavoring to purchase certain lands located east and south of the Wenzel property. He said although this had not yet been accomplished, the land owner has given his assurance that as if and when sold, the City would be given first preference. When acquired, it would be in the engineer's plan that surface drainage from Old Fashion Way would be collected on Broadway and thence into an open ditch from Broadway to said acquired land which would be converted into a holding pond. In answer to a second question, Lloyd said that, in his opinion, development of the area in question would aid in solving the drainage problem. Finally, Lloyd said resorting to either dry wells or canals was not a satisfactory solution as in either instance, it would constitute a violation. In answer to a question by the Mayor, Building Administrator Gilchrist said the area was destined for development, whether it be in the City or the County. The Mayor advised that creation of a storm drainage L.I.D. would surely be a practical and a necessary solution but that this would be financially prohibitive at the present time, as there are only three landowners. Later, when the area is developed, the cost would be shared by many, rather than just a few, making such action more fiscally feasible.

Mr. R. N. Henry, Park Taylor Road appeared briefly to inquire, further, about the detention pond. The Mayor explained that the area would probably be seeded into grass and, when not being used to detain water, could be utilized as a park and recreation area. It was then moved by Councilman Freeman, seconded by Clark, that the final plat of the Old Fashion Way, Division No. 2 be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

The annexation agreement between the Old Fashion Way, Division No. 2 developer and the City was then submitted. It was moved by Councilman Freeman, seconded by Clark, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1548

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. (OLD FASHION
WAY, DIVISION NO. 2)

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Clark, 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

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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.

The Old Fashion Way, Division No. 2 having been properly annexed, the Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider its initial zoning. There were none who appeared to protest or otherwise comment on said zoning, as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that the Old Fashion Way, Division No. 2 be initially zoned R-1 and the Building Official be directed to reflect said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk noted that a legal notice had been published without formal Council approval, in the interests of time, calling for a public hearing on June 22nd to consider the initial zoning of an area to be known as Cedar Gables Plaza, with the understanding that said public hearing would only be conducted if said area was first annexed that night. It was moved by Councilman Freeman, seconded by Erickson, that this action be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also, continued the City Clerk, a legal notice had been published without formal Council approval calling for a public hearing on June 22nd, to consider a rezoning petition pertaining to an area within the John Heights Addition, Division No. 4. It was moved by Councilman Freeman, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 6; No, none; carried.

Bills for the month of May, 1978, having been properly audited by the Fiscal Committee, were presented. The City Clerk read aloud all fund totals for materials, services and payroll as follows:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER/SEWER</u>
SERV/MAT	\$ 488,452.00	\$ 269,940.96	\$ 69,677.59	\$ 348,775.27
SALARY	<u>335,868.59</u>	<u>17,974.18</u>	<u>7,535.49</u>	<u>38,141.65</u>
TOTAL	\$ 824,320.59	\$ 287,915.14	\$ 77,213.08	\$ 386,916.82
	<u>ELECTRIC</u>	<u>RECREATION</u>	<u>MUN CAP</u>	<u>GEN LIBRARY</u>
SERV/MAT	\$ 711,820.26	\$ 15,045.40	\$ 123,149.66	\$ 3,543.51
SALARY	<u>60,837.83</u>	<u>6,756.08</u>	<u>.00</u>	<u>14,684.06</u>
TOTAL	\$ 772,658.09	\$ 21,801.48	\$ 123,149.66	\$ 18,227.57
	<u>REG LIBRARY</u>	<u>REV SHARING</u>	<u>COM DEV</u>	<u>FLOOD DISAS</u>
SERV/MAT	\$ 345.06	\$ 72,282.27	\$ 22,593.87	\$ 13,002.08
SALARY	<u>1,144.50</u>	<u>.00</u>	<u>702.40</u>	<u>.00</u>
TOTAL	\$ 1,489.56	\$ 72,282.27	\$ 23,296.27	\$ 13,002.08
	<u>CITY TOTALS</u>			
SERV/MAT	\$ 2,138,627.93			
SALARY	<u>483,644.78</u>			
TOTAL	\$ 2,622,272.71			

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Councilman Hovey explained all major expenditures. It was moved by Councilman Hovey, seconded by Erickson, that the bills be allowed and the Controller be authorized to issue warrants or checks from the respective funds for their payment. Roll call as follows: Ayes, 6; No, none; carried.

Reports from Division and Department Heads were presented for the month of May, 1978, and there being no questions nor objections, were accepted by the Mayor and ordered placed on file in the office the City Clerk.

License applications for FIREWORKS (SAFE & SANE), Minit Market; RESTAURANT, Development Workshop; ELECTRICAL CONTRACTOR, W. Neal Scott of Neal Scott Electric; JOURNEYMAN ELECTRICIAN, W. Neal Scott; APPRENTICE ELECTRICIAN, Kevin Bellah with Davis Electric, Tim McCracken with Neal Scott Electric; AUCTIONEER, Dryers Rug Galleries, TAXI CAB DRIVER, David Grover, Larry D. Siddoway, Joel Scott Reiman with Rabbitaxi and Kevin Jephson and Vernon Thomas Jones with Yellow Cab Company; BARTENDER, Hans Sealander, Sharon Frazier, Randy Stewart, Kermit Jacobs, Marva Felix, were presented. It was moved by Councilman Freeman, seconded by Clark, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Electrical Engineer was reviewed:

City of Idaho Falls
June 7, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: AUTHORIZATION FOR CH2M HILL TO PROCEED

The City's bulb turbine consultants have recommended that CH2M Hill be authorized to negotiate a power sales contract with BPA. The contract would provide for the sale of a portion of all of the output of our bulb turbines for a short term.

CH2M Hill will bill the City under the terms of the present contract with that organization.

s/ Steve Harrison

It was explained by Councilman Wood, chairman of the Electrical Committee, that this power sales contract, if approved, would be effective for a relatively short period of time; approximately, from 1981 to 1983. Wood continued by saying this was one of the requirements set forth by the bond Attorney and the above mentioned time frame would represent, approximately, the period after the bulb turbines are producing, recognizing that low cost Federal Energy through B.P.A. would still be available during that period. It was moved by Councilman Wood, seconded by Hovey, that the Electrical Engineer be authorized to proceed with negotiations by CH2M Hill as recommended. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Electrical Engineer was presented, as follows:

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City of Idaho Falls
June 7, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Steve Harrison
SUBJECT: REQUEST FOR ELECTRIC SERVICE

The Electric Division has a request from Mr. Arden Lee for electric service to a new 30 H.P. pump.

The load would be outside the City limits on the east side of Holmes Avenue.

Because Utah Power & Light Company has no facilities in this area they have no objection to the City supplying this load.

Consideration of Mr. Lees' desire for City electrical service is requested.

s/ Steve Harrison

Because of a conflict of interest Councilman Sakaguchi asked to be excused from discussion on this matter and advised that he would be abstaining on any action the Council might take. The foregoing memo prompted the reading of the following letter from Utah Power & Light:

Utah Power & Light Co.
April 25, 1978

Mr. Steve Harrison
City of Idaho Falls
P. O. Box 220
Idaho Falls, Idaho

Dear Mr. Harrison:

This letter is to confirm prior conversations concerning the City serving a small pump for Mr. Arden Lee, which is located across the street from the City limits. Utah Power and Light has no facilities in the immediate area and therefore releases Mr. Lee to the City of Idaho Falls so they can provide electrical service to his pump.

It is understood that the release provided by this letter is to serve the pump only and not for any additional connections outside the City limits of Idaho Falls.

If you have any questions let me hear from you.

Sincerely yours,
s/ R. J. Rhees
Division Manager

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It was learned that the Arden Lee home has, for many years, been provided City electrical service and that both the home and the proposed pump location are contiguous to the City. Councilman Erickson registered concern about this request and asked how it differed, if at all, from the East River Road residents requesting City electric service some time ago. The Mayor said there was no difference except that the East River Road residents were not contiguous to the City and, therefore, could not be annexed. It was recognized that the East River Road controversy prompted the Council to pass a resolution pertaining to City electric service outside the City and, as a refresher, the City Clerk was asked to read said resolution aloud, copy of which may be found on Page 181 in this book of minutes. Asked for comment, Electrical Engineer Harrison said that in his opinion, if Mr. Lee were to request service from Utah Power & Light they would serve him. It was moved by Councilman Wood, seconded by Hovey, that this request for outside-the-City electrical service be denied until such time as the Arden Lee property in question is annexed into the City. Roll call as follows: Ayes, 5; No, none; carried. Councilman Sakaguchi abstaining.

This letter from Mr. Bill Rigby was presented and read aloud:

Valley Bank
June 2, 1978

Mayor Thomas J. Campbell
City Office Building
P.O. Box 220
Idaho Falls, Idaho

Dear Mayor Campbell:

We would appreciate the City Council and your approval to open an account with the new office of Valley Bank at 501 Broadway.

We are very pleased to have a location in the downtown area from where we hope we can better serve the community.

Very truly yours,
s/ William F. Rigby
Vice President/ Manager

The foregoing letter prompted this memo of recommendation from the City Treasurer:

City of Idaho Falls
June 8, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Lorna Coughlin, City Treasurer
SUBJECT: NEW BANK ACCOUNT

Attached is a letter from William F. Rigby, Vice-President and Manager of the New Valley Bank at 501 Broadway. He is asking approval for me to open an account at his bank for the City of Idaho Falls. Mr. Rigby has handled my week-end investments out at the County Club Office, however, he has moved to the downtown office and would like to continue this. Also, if we refer to Idaho

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Code 57-127 we must open an account if they have declared an allocation of Capital and Surplus and ask for it. I recommend that we open an account.

s/ Lorna Coughlin

It was moved by Councilman Erickson, seconded by Hovey, that this request be granted and the City Treasurer be authorized to open an account at the bank as indicated for the reason as stated. Roll call as follows: Ayes, 6; No, none; carried.

From the General Services Director came this memo:

City of Idaho Falls
June 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS

The Fire Department and General Services Division respectfully request authorization to advertise to obtain bids for a 1,000 gallon pumper for the Fire Department.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that authorization be granted to advertise for bids on the fire equipment as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the General Services Director was submitted to-wit:

City of Idaho Falls
June 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: "SURPLUS EQUIPMENT SALE"

It is the recommendation of the General Services Division that the City Council accept the following bids for surplus equipment representing the high bidders in each case.

Item #1:	(1) Cab & Chassis, Ford 1963 Model Carl Hinckley C850, S/N C85GU-300799, City #43	\$ 362.00
Item #2:	(1) Cab & Chassis, International 1970 Frank Masner Model 18, S/N 416080G412284 City #776	325.00

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Item #3:	(1) Pick-up, ½ Ton, GMC, 1952 Model Jack Pruitt 102-22 S/N P-29706, City #1	50.00
Item #4:	(1) Motorcycle, Hodaka 1970 Model David Murdock 100CC, S/N S-S33835, City #500	75.00
Item #5:	(1) Welder-Arc, Lincoln, S/N A339512 Rodney Cooper City #267	205.00
Item #6:	(1) Tractor, Worthington, S/N C-2470 Frank Masner City # 232	25.00
Item #8:	(1) Service Bed with Hand-Operated Frank Masner Ladder	15.00

The General Services Division also asks the City Council to reject all bids on Item #7: (1) 1969 Berkley Pump, City #A2126, because of a prior commitment made for this equipment in a lease agreement.

Thank you,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that in each instance, the high bid be accepted as recommended for the surplus City owned equipment as stated. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the General Services Director, came this memo:

City of Idaho Falls
June 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger
SUBJECT: AUTHORIZATION TO PURCHASE

The General Services Division respectfully request authorization to purchase the recently discussed and demonstrated audio system for the City Council Chambers. The current price for the complete system installed by Gene's Radio and Sound is \$3,768.95.

Thank You,
s/ Chad Stanger

It was moved by Councilman Erickson, seconded by Sakaguchi, that the purchasing agent be authorized to acquire the audio system as recommended for use in the City Council Chambers. Roll call as follows: Ayes, 6; No, none; carried.

The Fire Chief presented this memo through the City Clerk:

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Douglas C. Call, Fire Chief
SUBJECT: WATER SERVICE CONTRACT FOR OUTSIDE CITY LIMITS

We are attaching hereto a Water Service contract for an outside-the-City water service in favor of the City of Idaho Falls and Bonneville County Fire Protection District #1. This service is for Fire Station #4 located at 1695 Lincoln Road.

We request that the Council authorize the City Attorney to prepare this document and we would then recommend that the Mayor and City Clerk be authorized to sign the completed contract.

s/ Douglas Call
Fire Chief

It was moved by Councilman Sakaguchi, seconded by Wood, that this outside the City water contract be accepted and the Mayor and City Clerk be authorized to sign, when prepared. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was submitted:

City of Idaho Falls
June 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: VACATION OF IONA STREET

A request has been received from Karl and Lida Carlson to vacate an unused portion of Iona Street west of Riverside Drive as shown on attached sketch. In discussing the matter, Public Works Committee considers it would be to the City's advantage to also exchange old Fremont Avenue for the right-of-way necessary to develop Island View Drive. This arrangement appears satisfactory to all, and we are recommending the City Attorney be instructed to prepare the necessary vacating ordinances.

In addition to the exchange of properties, we have made clear to the Carlsons' their responsibility to construct a complete 50 foot street with sidewalk along their property frontage.

s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Hovey, that the City Attorney be directed to prepare the necessary vacating and exchange legal documents for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was forthcoming, as follows:

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City of Idaho Falls
June 8, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ACQUISITION OF UTAH AVENUE RIGHT-OF-WAY

We are submitting herewith a Cooperative Agreement for the Utah Avenue Extension to Lindsay Boulevard in favor of BIS Investments (Bearing Service Property). The agreement calls for a payment of \$13,700.00 for the removal of a garage from the right-of-way and the construction of a new garage on the owner's property. This agreement has been prepared by the City Attorney with direction from the Council's Public Works Committee and we would recommend the Mayor and City Clerk be authorized to sign the City's approval.

Respectfully submitted,
s/ Donald F. Lloyd

It was moved by Councilman Sakaguchi, seconded by Hovey, that this cooperative agreement between the City and BIS Investments be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

A memo from the Police Chief was presented, as follows:

City of Idaho Falls
June 7, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: RECOMMEND RESTRICTED PARKING

The Idaho First National Bank has requested your consideration to restrict one parking stall on the west side of Shoup Avenue, immediately south of the alley to the north of Broadway to five (5) minute parking. (This is adjacent to the automated teller on the parking lot) and is for benefit of users.

s/ R. D. Pollock

It was moved by Councilman Clark, seconded by Freeman, that this request from the Idaho First National Bank for a restricted parking stall at the location as indicated be approved. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Police Chief was then reviewed, to-wit:

City of Idaho Falls
June 7, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pollock
SUBJECT: RECOMMEND PARKING FOR HANDICAPPED PERSON

JUNE 8, 1978

Your consideration of allowing the parking of a small automobile during week days in the alley between Park Avenue and Shoup Avenue on the north of "A" Street is suggested.

This young man works for EG&G in the old Diana Hughes quarters. They are attempting to affect a transfer from there for him possibly in mid July of this year. Our Department has looked over the situation and can offer no reason to deny this request.

s/ R. D. Pollock

It was moved by Councilman Clark, seconded by Freeman, that under the circumstances as stated, this request for alley parking for this handicapped person be approved at the location as indicated. Roll call as follows: Ayes, 6; No, none; carried.

At the request of the Mayor, this letter from Boy Scout Troop No. 328 was read aloud:

Dear Mayor Campbell and City Councilmen:

Many thanks to you for your efforts to keep beer out of public parks. We as youth appreciate not having to worry about beer drinkers sharing our playgrounds. Also, thank you for pledging to have the parks patrolled by policemen. We appreciate this kind of protection.

Sincerely,
Laura Jo Demordaunt
Blazer Leader

Todd Washburn
Tony Fife
Lorin DeMordaunt
Casey Huntsman
David Erickson

The Mayor expressed appreciation for this note from these civic-minded young men.

Also, under the heading of communications, the City Clerk presented and read aloud the following:

Idaho Falls Kennel Club
May 24, 1978

Mayor Tom Campbell
Members of the Idaho Falls City Council
308 C. Street
Idaho Falls, Idaho

Dear Sirs:

The members of the Idaho Falls Kennel Club wish to express their support for the expansion and improvement of the Bonneville Humane Society animal shelter. We feel expansion of the Kennel facilities is of utmost importance in order to humanely care for the large number of abandoned and neglected animals in the Idaho Falls area. Enlargement of the office facilities will enable the employees to more efficiently carry out their duties.

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Our club believes it is essential that the Bonneville Humane Society develop a strong public education program, and therefore support the expansion of the shelter to include a room for that purpose.

Representatives of the Idaho Falls Kennel Club have viewed preliminary designs of the proposed expansion and feel these facilities would provide the minimum necessary for the proper control and the humane treatment of the animals.

However, we do feel the attitude of the general public is generally favorable to a clinic.

Although, we believe sterilization of animals is a necessity of the control of the numbers, we feel education of the public must be the first step in that direction. Therefore, we suggest the rooms currently proposed for the clinic be used as a center for public education and designed so that they can be modified in the future into a spay-neuter clinic.

We will appreciate your consideration of our opinions in your final decision.

Respectfully yours,
s/ Allen F. Nations
Pres. I.F. Kennel Club

No Council action was considered necessary.

Continuing with communications, this letter was presented and read aloud:

Board of Commissioners
June 5, 1978

Mayor Thomas V. Campbell
City of Idaho Falls
P.O. Box 220
Idaho Falls, Idaho

Dear Honorable Mayor Campbell:

We wish to acknowledge your letter of May 31, 1978, relative to settlement of court fees.

It is our continued desire that the matter be resolved by way of negotiation in preference to litigation.

As of June 1, 1978, with the move of the courts to their new quarters in the Law Enforcement Facility, the State will be receiving \$3.75 per transaction on all transactions.

We wish to cooperate in every way and if we can be of any further assistance, please notify our office.

Sincerely,
s/ Artel Switter
Chairman, Bonneville
County Commissioners

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As a memory refresher, Councilman Erickson noted that there was a State Law passed in 1972 which provided that the City would furnish space for the magistrate court and also an area for the collection of fees. For two years, continued Erickson, the City received no money and so another bill was passed by the State Legislature which provided that the City would receive one half of all court fees or \$3.75 as long as the above mentioned services were furnished but, instead, the City only received \$2.50; the State received \$2.50 and the County retained \$2.50. Under these conditions, said Erickson, it would appear to be beyond the point of negotiation, as suggested in the foregoing letter and time, instead, for judicial interpretation. In answer to a question by Councilman Clark, Erickson said nothing would be gained by arbitration, because, if this course of action were pursued, the City would still be lacking the needed judicial interpretation. Asked for comment, City Attorney Smith concurred, generally, with the remarks made by Erickson. Smith added, however, that the Statute would appear to have some interpretation problems, even though the \$3.75 per court fee due the City seems clear. Smith continued by saying that the County's reasoning in not remitting that amount is based on the theory that some facilities were furnished by the County. Smith concluded his remarks by saying that it would be the Council's prerogative to negotiate or arbitrate but, in agreement with Councilman Erickson, Smith said a judicial interpretation would not be obtained by that course of action. The Council was in general agreement that, in view of the circumstances, litigation, if necessary, was in the best interests of the City for the reason as stated.

Finally, under the heading of communications, this letter was submitted and read aloud by the City Clerk:

June 7, 1978

Dear Mayor Campbell:

I have received a letter of "explanation" from the City's Electrical Division concerning the proposed 161 kV transmission loop. I cannot believe that this letter is supposed to explain anything except perhaps the history of this situation. I have spent a great deal of my own personal time researching this topic but despite these efforts I still find many unanswered questions, disappointment with the City government's attitude toward the public, and poor planning techniques. Perhaps the best way I can communicate this frustration is to site several examples and let you be the judge.

1. EXTREMELY POOR PUBLIC COMMUNICATIONS FOR THIS PROJECT

The letter that was distributed by the City makes the point several times that the news media has reported on this project more than once and that it has not been hidden from the public. Perhaps from the City's perspective they do feel that there has been adequate publicity. However, if you will examine the map of the proposed route that passes south of York Road which is one mile south of the route presently proposed. So if I had read this article (and I did not) I would have not received the correct information and very likely would not have bothered to respond. However, the real issue is how much feedback did the City want concerning this project. Can the City expect to receive an adequate appraisal of public sentiment when they do not contact by letter or phone the people who are affected by this line? Such a survey should not be limited to landowners although even that would have been a good start. Since no real effort was ever initiated to try to accurately determine public sentiment for this project, I am led to believe his story. I called the City and they confirmed what

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Mr. Brewster had told me. This is really "great" public relations, isn't it? I think you would agree that if I was planning to build a power line next to your house you would appreciate more notice than an incorrect newspaper article in Section B of the newspaper or visit from a realtor as means of communication.

2. ALTERNATIVE SOLUTIONS HAVE NOT BEEN THOROUGHLY EVALUATED

I understand that the City's 44 kV power loop is loaded to near capacity and that a west side feeding point is needed for this loop as well as distribution points for future growth. An alternative that would satisfy these requirements would be to upgrade the City's 44 to 161 kV. This option was never evaluated in the CH2M Hill report. Only three proposals were examined in the CH2M Hill report. Obviously, there are many others that were not considered. Construction of additional 44 kV loops to the north, south, east, and west of town to accommodate future growth would eliminate the problem of anyone living next to a 161 kV power line. However, this too was not evaluated in the CH2M Hill report. Also, how about bringing in a 161 kV power line from the west side of town? This would require building a new 161 kV line from Goshen, but this line could follow the existing 161 kV lines that runs west of town and then it could be tied into a substation at an agreed upon location.

It's been said that Idaho Falls won't grow if this power line doesn't get put in. This is just not true. It may be true that the City Electrical Division won't grow if this line isn't put in, but the area surrounding Idaho Falls will continue to grow. All the rural growth south and west of town has taken place without the help of City power. If Utah Power and Light can supply power in a less disturbing manner, then maybe they should be the ones providing the service. The difference between power rates for UP&L and the City will be significantly less in future years.

I really believe the City must take a serious second look at this whole project as per the recommendation of the CH2M Hill report "Review this planning study periodically and modify as required."

3. UNFAIR IDENTIFICATION OF PEOPLE AFFECTED BY THIS PROJECT

Another point that I think is grossly unfair is the City's interpretation to who is affected by the power loop. Apparently, the City has decided that only the landowners are involved. This is far from the truth. When the City tells me that I could suffer thousands of dollars of damage in property value and then tells my next door neighbor that there is no damage to his property I must admit that I don't see the logic here. It's like telling me that if the pole line was moved to his side of the property line there would be no damage to my property. The mere presence of the power line depreciates my property value; moving the line 26 to 50 feet to the south doesn't change this impact.

4. SELECTION OF ROUTE NOT JUSTIFIED BY MINIMUM IMPACT OF RESIDENTS

I've been told that the present proposed route south of town was selected because it affects the minimum number of people. There are at least a dozen houses in that area alone. Furthermore, why has this line been located at a distance from the City that exceeds the area of planned growth for the year 2000. Since this is a CITY power line and the City Council has voted unanimously NOT to supply rural residents with City power, I think there is very little justification for the City to expect much acceptance for such a project from the people being affected. The City should keep their problems within their own boundaries. Furthermore, looping the area the way the City plans will impact some areas that may never be brought into the City limits. For the most part, people who are living west and south of town have located themselves there because they enjoy low density living and I believe they would prefer to see things developed along this theme. They've moved from the City so they could have horses, etc. and "elbow room". I'm sure you're aware that livestock is not allowed within the City limits, so how will the City be able to grow around these areas?

Is high density growth what is really wanted by the people? Or is it what the City and the developers want? Who should decide? Do the area residents get a voice in the matter? If this area is developed on a low density basis then the power needs will be significantly less than those proposed, and a 161 kV line is surely an overkill.

5. ROUTE NOT JUSTIFIED BY SOUND PLANNING

In reading the CH2M Hill report I have noticed that the route selected by this report came down Township Road. I'm told that this is unacceptable because if the road were widened it could mean that the poles would have to be relocated at the City's expense. This is without a doubt the most illogical reasoning I have ever heard. The City is telling me that they can't plan for the future. Apparently some one can't plan the location of the poles next to the road so that future widening can be accommodated. Buying up private right-of-way is a waste of money when such a right of way is already provided for the roadway and is only side-stepping the problem of poor planning.

I don't believe this line is needed south of town, but wherever it is routed, it should be located along a road side to provide access for maintenance. If a farmer can't get into his own fields when it's wet, how does the City plan to get their vehicles into this field to maintain the line? And what about access during the winter months when snow is drifting?

6. SUBSTATION LOCATION NOT JUSTIFIED

The CH2M Hill report located the proposed west side substation close to the river in the vicinity of the City power building. Why was this substation moved far outside the City limits, into the County and beyond the proposed growth area of the City? There are many locations by industrial areas along the river that would have very little impact on housing areas and would still provide adequate service to the City.

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7. DISADVANTAGES AND POTENTIAL HAZARDS AREN'T BEING ADEQUATELY IDENTIFIED OR RESEARCHED

The City of Idaho Falls should tell people what it is really going to be like living next to a power line of this size. Present and future decreased property value should be discussed. Whether legally required or not, a study should be initiated to make sure there are no known health problems associated with living next to such a line. It would make little sense to build such a line for City growth if no one should live next to it. A symposium is being held this fall (Oct. 16-18) in Richmond, Washington concerning the "Biological Effects of Extremely-Low-Frequency Electromagnetic Fields. I hope the City is at least interested enough to obtain the proceedings from this symposium. Good planned growth doesn't purposely propose build-in hazards.

8. POOR CITY ATTITUDE

In closing let me discuss one other point. Not long ago my wife delivered a petition to the City requesting an open hearing on this subject. I attended the City Council meeting that was held on the morning of 5/9/78. I requested permission to tape record the meeting as there were other people who wanted to be there but couldn't. I was told in a very direct way that taping would not be desirable. During the meeting I listened to people who are paid to be "public servants" declare that they weren't required by law to have an open hearing and therefore they would not grant the request. Instead they preferred to talk to the land owners one or two at a time in their office. (Divide and Conquer). The meeting was, in general, a farce. One "setup" question after another was followed by a patsy answer waiting down the aisle. All I can say is that I left the meeting feeling very disappointed and realized that if the City Council has been the Mayor's only source of information concerning this project then he hasn't heard "the rest of the story". This is why I've taken the time to write this letter and I hope the responsible City parties will take time to read it thoroughly and think about it objectively. The next move belongs to the City. I hope it starts with a response to this letter and a date for a public hearing on this project. I think this project should start over from the beginning and all new alternatives should be evaluated. Give the people a chance to be heard and let them be part of this project. They may have some very good ideas that no one within the City has considered. The best solution isn't always the cheapest or the quickest. Thank for your time.

s/ R. N. Henry
Park Taylor Road

Mr. Henry re-appeared before the Council. In answer to his question as to whether or not a public hearing had been scheduled for the benefit of all those who might have a direct or even an indirect interest in the proposed 161 kV line, Councilman Wood said this decision had not as yet been made. In answer to another question by Henry as to what was causing this indecision and delay, Wood pointed out that the Council was proceeding according to a previously explained plan, as follows: first, an informal letter mailed out to all affected residents and/or party owners; second, a period of contacting and/or interviewing those with individual questions; third, all information would then be analyzed as a means of determining the need for a public hearing. Henry asked why the Council was reluctant to

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have a public hearing except as deemed necessary. Councilman Hovey said this was not the case; neither did the City have anything to hide. Hovey continued by saying every effort was being made, through the news media, to define the scope and need for the project. He said there were many and varied facets, some of which the City had no control. Councilman Freeman commented to the effect that, regardless of the final decision as to routing, this was not and would continue not to be a popular issue. In answer to a question by Erickson, Electrical Engineer Harrison reported that there are 27 directly affected property owners and about half of these have been interviewed. Mr. Henry Bennett, Park Taylor Road, appeared briefly to say that he and others needed practical answers to practical questions such as the dangers involved, once the line was installed, in moving irrigation pipe, the effect the line will have on crops, etc. Recognizing that others were anxious to be heard, the Mayor reminded those present that this was not a public hearing, per se, and that such questions should be withheld as, if and when a public hearing is conducted. Councilman Erickson said that, in his opinion, a public hearing should be conducted and a date set at this time. This met with hearty approval from those present. Mr. Brad Jahn, New Sweden School Road, appeared briefly to say that, according to Councilman Wood, a public hearing would be scheduled if enough interest was shown. Jahn noted that there were about thirty citizens present this night which in itself, should indicate and prove the degree of public interest. He assured the Council that said public hearing, when conducted, would be with good decorum, with the primary objective being one of exchange of information including such subjects as need, benefit, possibility of alternate routes, etc. It was moved by Councilman Wood, seconded by Erickson, that a public hearing on the proposed 161 kV line be scheduled and conducted within sixty days. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Hovey reintroduced the subject of joint City-County election registration, the subject of earlier Council meetings, with particular interest having been shown by the League of Women Voters. Hovey reminded the Council that, by State Statute, joint registration is now permissible but, to make it operative, a resolution must be passed by the City Council, adopting County registration procedures. Hovey pointed out that, up until recently, the Council has sound justification for said delay; namely, the conducting of two special revenue bond elections. Because of certain ambiguities and further, because the City has to satisfy all the requirements of the law and, also, the Bond Attorneys, it was felt the City, rather than the County should have been responsible for the conduct of said elections. Continuing, Hovey said, now that these bond elections have been successfully conducted, there would appear no remaining obstacles for passage of said resolution, but to be on safe ground, said Hovey, it seemed fair and prudent to ascertain the County's feelings on this matter. Hovey then presented the following which indicated and verified the County's cooperative position toward the establishment of joint City-County registration:

TO: Mayor of Idaho Falls, Thomas V. Campbell

BE IT HEREBY KNOWN that we, the Commissioners and Clerk of Bonneville County, do agree to the establishment of joint election registration between the City of Idaho Falls and said Bonneville County. We further agree to the adoption of joint precinct boundaries, registrars, polling places, and laws in the interest of uniformity, with all registration of electors being handled through the County Courthouse election offices only.

We further acknowledge that the County Clerk is the Chief Election Official for all County, State, and Federal elections, and that, in like manner, the City Clerk shall be the Chief Election Official for the elections of the City of Idaho Falls.

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We further agree that each entity shall pay the costs of its own elections with Bonneville County providing the polling booths, punch-card ballot counter as needed, and personnel direction as required.

We believe this action to be in the best interests of the citizens of Bonneville County and the City of Idaho Falls. By making the acts of registration and voting to be more uniform and by bringing the election laws into conformity, we believe the election process will become easier, more convenient, and more satisfying for the electors of these entities.

s/ Artell Suitter
Commissioner Chairman #2

s/ A. Wylie Snarr
Commissioner Chairman #1

s/ Clyde A. Burtenshaw
Commissioner Chairman #3

s/ DelRoy Bodily
County Clerk

Asked for comment, City Clerk Barnes pointed out that there were, primarily, two advantages to joint City-County registration: First, the elector would not lose his franchise to vote by failing to vote in one City election but instead, his registration would be valid and qualify him to vote anytime, at any type of election, for a four year period; second, it would only be necessary for the elector to register once, rather than twice, to qualify him as a voter at any type of election. Barnes said these have been the areas of voter confusion prior to previous elections. Hovey continued by saying there was certain preliminary work that should be accomplished before a resolution of adoption could be considered, such as causing all City precinct boundaries to be identical with County precinct boundaries within the City. It was moved by Councilman Hovey, seconded by Erickson, that the City Clerk be authorized to proceed with any and all preliminary work as indicated, thus, indicating the Council's intent to favorably consider a resolution at the proper time that would adopt the County's registration procedures. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Clark relayed a request from the Humane Society who was asking permission to place a trailer house in the immediate vicinity of the animal shelter, to be occupied by a care taker. Councilman Freeman commented to the effect that this would be a desirable arrangement, not only for animal shelter security but, also, the nearby impounding lot. Clark recognized there might be a problem in providing the necessary utility services to the trailer unit. The Mayor authorized Clark to investigate said problem and reflect his findings back to the City Council for consideration.

City Attorney Smith introduced a resolution pertaining to land use planning and, more specifically, pertaining to the area of City Impact. A map was placed on the wall, outlining said area. Smith explained that the area, as outlined, met with approval of the County Commissioners and, the map, if this resolution were to be adopted, would become a part of said resolution. Smith then read aloud the resolution which met with general Council agreement except Section VI which, after some discussion, was amended to read as follows: "The City shall have the right to review, at its expense, all building permits outside recorded subdivision, and no permit shall be issued in the presence of a written objection by the City. Provided, however, the City shall object to a permit only if its issuance should violate an ordinance, statute or valid regulation of a regulatory agency. The

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City shall reject or approve a permit within three (3) working days after the application documents are submitted to the City Building Official. If no objection is made by the City within such time, it shall be deemed that approval is granted". Reflecting the foregoing revision, the resolution was again introduced, as follows:

R E S O L U T I O N (Resolution No. 1978-11)

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF IDAHO FALLS, IDAHO,

I

The Area of City Impact of the City of Idaho Falls, Idaho, shall be all that land lying within the outer boundary line thereof and the City limits boundary line shown on the map appended hereto and made a part, all pursuant to the provisions of Section 67-6526, Idaho Code.

II

The Bonneville County Comprehensive Land Use Plan, as amended, governs therein.

III

The Bonneville County Zoning Code, as amended, governs therein.

IV

The Ordinances and regulations set forth in this paragraph shall govern the occupancy, use and development of land within said Area of City Impact. namely;

- (a) The Bonneville County Comprehensive Land Use Plan, as amended, shall govern therein.
- (b) The Bonneville County Zoning Code, as amended, shall govern development in all platted subdivisions therein, except as follows:
- (c) The City's subdivision Ordinance, as amended, shall govern development in all platted subdivision therein, except as follows:
 - (1) Any subdivision duly zoned for housing, whether single-family dwelling or multiple units, wherein the average density throughout the subdivision is equal to or less dense than, one single-family unit per acre shall be governed by the County Ordinance.
 - (2) Any subdivision zoned for industrial purposes having lots of at least two acres and frontage of at least 300 feet shall be governed by the County Ordinance. (Commercial development, including development of office use, shall be governed by the County Ordinance).

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- (3) The provision of the City's Subdivision Ordinance requiring installation of "dry sewer line" shall be waived in any case where the subdivider demands of the City's Engineering Department designation of elevation and grades for the laying of the pipe, and the City Engineering Department fails to furnish the same within a reasonable time. (Any delay after 120 days shall not be deemed reasonable without adequate excuse involving winter weather, or Act of God or the public enemy).

VI

The City shall have the right to review, at its own expense, all building permits outside recorded subdivisions, and no permit shall be issued in the presence of a written objection by the City. Provided, however, the City shall object to a permit only if its issuance should violate an ordinance, statute or valid regulation of a regulatory agency. The City shall reject or approve a permit within three (3) working days after the application documents are submitted to the City Building Official. If no objection is made by the City within such time, it shall be deemed that approval is granted.

VII

The City shall continue to have the authority granted to it by Section 50-1306, Idaho Code. (Approving plats).

VIII

The County shall at its expense, supervise all development, and enforce all ordinances and regulations applicable within the City Impact Area; and the County shall collect and retain all fees in furtherance of the same.

IX

If any subdivision shall be developed partly within and partly without the Area of City Impact, the entire subdivision shall be governed by the regulations and ordinances applicable within such area.

X

The Ordinances of Bonneville County shall continue to govern the Impact Area except as otherwise herein provided.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 8th day of June, 1978.

s/ Thomas Campbell
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

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It was moved by Councilman Freeman, seconded by Clark, that this Resolution be adopted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, None; carried.

Reference is made to Page 215 in this book of minutes and, more specifically, certain discussion and Council action pertaining to the refunding, in part, of sewer connection fees. City Attorney Smith said he had, in his files, quite a number of claims over and above those that had been honored and ordered paid by the Council and that he needed guidance from the Council as to a future policy for recommending further payments. Smith again explained that, legally, no refunds are necessary except those that are clearly paid under protest, substantiated by the words "paid under protest" across the face of the remittance or on a statement accompanying said remittance. Smith said he was running into problems from those who verbally claimed they paid under protest but did not so indicate in writing or as another example, one who made several remittances but only indicated "paid under protest" on one of them.

Mr. Dick Berger, President of the Home Builders Association appeared briefly, reminding the Council that there had recently been legal action against the City by the Home Builders Association and, as a result of said legal action, the City was required to make these refunds. Berger noted that the cost of said legal action was borne by all due-paying members. Berger said that, in his opinion, the legal action taken by the Association represented a mass protest by all members, whether or not they indicated on their sewer connection permits acquired since that time "paid under protest". Smith replied by saying this was not part of the legal action; neither was it one of the court stipulations. Smith said he would welcome any assistance that might be offered by Mr. Richard Greener, Attorney for the Home Builders. Berger then produced a form letter sent out by the City Attorney to all Builders who acquired a sewer construction permit during the time in question and took exception to one portion of said letter, asking them if they did, in fact, pay under protest. Mr. Kelly, President of Kelly Home Builders, came to the Council Table and concurred with this observation by Mr. Berger, adding that, in his opinion, this was an indirect charge of dishonesty. Smith said this was the same form letter sent to all affected parties and all he was attempting to do was seek cooperation, assistance and over-all guidance. In the absence of further comment, it was moved by Councilman Erickson, seconded by Freeman, that the City Attorney be authorized to recommend partial refund payment, only in proven instances where an applicant remitted for a sewer connection fee and clearly indicated "paid under protest". Roll call as follows: Ayes, 6; No, none; carried.

Councilman Sakaguchi introduced the following resolution in writing and moved its adoption:

RESOLUTION NO. 1 (Resolution No. 1978-12)

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, TO GRADE, GRAVEL, PRIME COAT, SEAL COAT, PAVE, CURB, GUTTER, SURFACE DRAIN, AND CONSTRUCT SIDEWALKS ON CERTAIN STREETS AND PARTS OF STREETS; TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 52 FOR IDAHO FALLS, IDAHO, FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAY THE COSTS AND EXPENSES OF SAID DISTRICT AND A PORTION OF THE COST AND EXPENSES OF SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS LEVIED UPON AND AGAINST THE LOTS AND LANDS ABUTTING ADJOINING AND ADJACENT TO THE STREET OR STREETS TO BE SO IMPROVED, AND ON AND AGAINST ALL LOTS AND LANDS BENEFITED BY SUCH IMPROVEMENTS INCLUDED IN SAID DISTRICT, AND TO PAY A PORTION OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS FROM THE FUNDS OF THE CITY AND

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SPECIFYING THE SAME; DECLARING SAID IMPROVEMENTS TO BE AN ORIGINAL IMPROVEMENT OR IMPROVEMENTS; GIVING THE KIND AND CHARACTER OF SAID IMPROVEMENTS AND THE ESTIMATED TOTAL COST THEREOF; FIXING THE TIME WHEN PROTESTS AGAINST SAID IMPROVEMENTS AND THE CREATION OF SAID DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK AND WHEN SUCH PROTESTS WILL BE HEARD AND CONSIDERED BY THE CITY COUNCIL; AND PROVIDING FOR GIVING NOTICE THEREOF.

WHEREAS, the City Council of the City of Idaho Falls, Idaho, deems it for the best interests of the City to grade, gravel prime coat, seal coat, pave, curb, gutter, surface drain and construct sidewalks on certain streets and parts of streets within the corporate limits of said City, hereinafter particularly described; and to create Local Improvement District No. 52 for the City of Idaho Falls, Idaho, for the purpose of making said improvements; and,

WHEREAS, the estimated total cost of said District and of said improvements is \$883,737.00, of which sum \$161,744.00 is the total estimated cost of said improvements to be paid from funds of the City; and,

WHEREAS, the City Council is authorized to expend from the general funds and other funds of the City the whole of the cost and expenses of said improvements within the street intersections and the improvements adjacent to City property and such other portion of the cost and expenses of said improvements as in their judgment may be fair and equitable in consideration of the benefits accruing to the general public by reason of such improvements; and,

WHEREAS, the City Council proposes to defray the costs and expenses of said improvements to the extend of \$721,993.00 by special assessments levied upon and against the lots and land abutting, adjoining and adjacent to the streets to be so improved, and on and against all lots and lands benefited by such improvements included in said District, and to defray the whole cost and expenses of such improvements within street intersections, and to defray a proper portion of such costs and expenses which accrue to the benefit of the general public from the hereinafter designated funds of the City.

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

Section 1. The City of Idaho Falls, Idaho, does hereby declare its intention to grade, gravel, prime coat, seal coat, pave, gutter, curb, surface drain and construct sidewalks on, certain streets and parts of streets within the corporate limits of said City, and for that purpose to create and establish a Local Improvement District therein to be known as Local Improvement District No. 52, for the City of Idaho Falls, Idaho, comprising said streets and parts of streets and the lots and lands abutting, adjoining and adjacent thereto and the lots and lands benefited by such improvements and situated in said District, which said improvements and streets and parts of streets, and lots and lands are described as follows, to-wit:

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LOTS AND LANDS WITHIN DISTRICT

ASPER ADDITION, NO. 1

Block 2, Lot 2
Block 3, Lot 1

ASPER ADDITION, NO. 2

Block 2, Lot 3
Block 3, Lot 4

CAPITOL HILL ADDITION

Block 1, Lots 25 to 48, inclusive
Block 8, Lots 1 to 48, inclusive
Block 9, Lots 1 to 24, inclusive
Block 2, Lots 25 to 48, inclusive

DWIGHTS ADDITION

Block 1, Lots 15 to 23, inclusive

EASTVIEW ADDITION

Block 16, Lot 2
Block 17, Lots 11 to 22, inclusive

FAIRMONT PARK ADDITION, SECOND AMENDED

Block 7, Lot 10

FALLS VALLEY ADDITION, NO. 4

Block 2, Lot 10

HIGHLAND PARK ADDITION

Block 30, Lots 20 to 38, inclusive
Block 31, Lots 1 to 37, inclusive
Block 32, Lots 1 to 18, inclusive
Block 50, Lots 1 to 24, inclusive
Block 51, Lots 25 to 48, inclusive

HOME RANCH ADDITION

Block 6, Lot 1

HOMER COMMERCIAL ADDITION

Block 2, Lot 1
Block 3, Lots 7 and 8, inclusive and a portion of Lot 6

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JENNIE LEE ADDITION, NO. 8

Block 8, Lots 18 to 23, inclusive

MEAD ADDITION

Block 1, Lots 1 and 2

MELBOURNE PARK ADDITION

Block 1, Lots 14 and 15, inclusive

PACKER ADDITION, NO. 3, FIRST AMENDED

Block 15, Lots 12 to 14, inclusive

ROSE PARK ADDITION

Block 2, Lots 11 and 12, inclusive
Block 2, Lots 16 and 17, inclusive
Block 2, Lot 19

SAFSTROM ADDITION, NO. 5

Block 6, Lots 6 to 8, inclusive
Block 7, Lots 8 to 10, inclusive

SOUTH HILLCREST ADDITION

Block 8, Lots 22 to 27, inclusive

SOUTH IDAHO FALLS ADDITION

Block 32, Lots 1 to 12, inclusive
Block 32, Lots 28 to 48, inclusive and east 15 feet of Lot 27
Block 33, Lots 13 to 48, inclusive
Block 34, Lots 13 to 36, inclusive
Block 35, Lots 1 to 12, inclusive
Block 35, Lots 37 to 48, inclusive
Block 37, Lots 1 to 12, inclusive
Block 37, Lots 37 to 48, inclusive
Block 38, Lots 13 to 36, inclusive
Block 39, Lots 13 to 36, inclusive
Block 42, Lots 13 to 36, inclusive

STANGER FARMS ADDITION

Block 1, Lot 1

SECTION 25, TOWNSHIP 2 NORTH, RANGE 37, E.B.M.

Leslie Avenue – A parcel of ground lying west of Leslie Avenue, extending westerly to the Union Pacific Railroad right-of-way; thence extending north of the South Idaho Falls Addition to the South property line of Twentieth Street extended.

SECTION 8, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

n North from North property line of Stanger Farms Commercial Addition approximately 200 feet to the North property line of North Highlander Farms, Inc. and extending west 125 feet.

A parcel of land lying east of Hemmert Avenue from the south corner of Lot 8, Block 3, Homer Commercial Addition and extending south approximately 235 feet and extending east 125 feet.

SECTION 16, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

First Street – A parcel of land lying between Lot 1 and Lot 22, Block 17, Eastview Addition extending 148.43 feet north of First Street.

SECTION 17, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

Fanning Avenue – A parcel of land lying north of First Street extending Northerly to the South right-of-way of Lomax Street and extending west from West property line of Fanning Avenue to 125 feet.

SECTION 17, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

Whittier Street – A parcel of land lying east of Wabash Avenue extending Easterly 450 feet to a point that is 150 feet west of Fanning Avenue and extending 124 feet north and south of Whittier Street.

SECTION 18, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

Blaine Avenue – A parcel of land lying south of Anderson Street and extending south to the North boundary of Blocks 31 and 32 of Highland Park Addition and extending 125 feet east and west of Blaine Avenue.

SECTION 18, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

Bingham Avenue – A parcel of land lying south of Anderson Street extending south to the North boundary of Blocks 30 and 31 of Highland Park Addition and extending 125 feet east and west of Bingham Avenue.

DESCRIPTION OF IMPROVEMENTS
SIDEWALK IN ASPER ADDITION

Fifteenth Street – Approximately 350 feet west of the Westerly right-of-way line of Ponderosa Drive, thence west along and including the frontages of Lots 1 and 4, Block 3, and Lot 2, of the Asper Addition, Divisions 1 and 2.

SIDEWALK IN CAPITAL HILL ADDITION

College Street – From the Easterly right-of-way line of Freeman Avenue to the Westerly right-of-way line of Wabash Avenue.

Whittier Street (North Side) – From the Easterly right-of-way line of Holmes Avenue to approximately 150 feet west of the Westerly right-of-way line of Fanning Avenue.

Whittier Street (South Side) – From the Easterly right-of-way line of Freeman Avenue to approximately 150 feet west of the Westerly right-of-way line of Fanning Avenue.

SIDEWALK IN DWIGHTS ADDITION

Elva Street – from the east right-of-way line of Lee Avenue to approximately 322 feet east of said right-of-way line.

SIDEWALK IN EASTVIEW ADDITION

First Street (North Side) – Approximately 375 feet east of the Easterly right-of-way of Eastview Drive east for approximately 150 feet.

Virlow Drive (North Side) – Those damaged sections from the Westerly right-of-way line of Hitt Road to approximately 550 feet west of said right-of-way line.

SIDEWALKS IN FALLS VALLEY

First Street (North Side) – beginning approximately 144 feet east from the Easterly right-of-way line of Cascade Street, thence east approximately 300 feet.

SIDEWALKS IN HIGHLAND PARK ADDITION

Bingham Avenue – From the Northerly right-of-way line of Shelley Street to the Southerly right-of-way line of Anderson Street.

Blaine Avenue – From the Southerly right-of-way line of Crowley Street north to the Southerly right-of-way line of Anderson Street.

SIDEWALKS IN SOUTH HILLCREST ADDITION

Elva Street – From the east right-of-way line of Lee Avenue to approximately 322 feet east of said right-of-way line.

SIDEWALK IN HOMER COMMERCIAL ADDITION

Hemmert Avenue (East Side) – From approximately 160 feet north of the Northerly right-of-way line (extended) of Browning Street approximately 704 feet south.

SIDEWALK IN HOME RANCH ADDITION

Hartert Drive (South Side) – From the Easterly right-of-way line of Fieldstream Lane east to the Westerly bank of the Gustafson Canal.

SIDEWALK IN JENNIE LEE ADDITION

St. Clair Road – The west side from the Southerly boundary of the University Manor Addition south approximately 500 feet.

SIDEWALK IN MEAD ADDITION

Twenty-fifth Street (South Side) – From the Easterly right-of-way line of Leslie Avenue (extended) east of the Westerly right-of-way line of Rollandet Avenue.

SIDEWALKS IN MELBOURNE PARK ADDITION

First Street – South side from the Easterly right-of-way of Meppen Drive east to approximately 100 feet west of the Westerly right-of-way line of Melbourne Drive.

SIDEWALKS IN SAFSTROM ADDITION

Seventh Street (North Side) – From the Westerly right-of-way of Safstrom Drive east to the Westerly right-of-way of Fanning Avenue, thence from the Easterly right-of-way of Fanning Avenue east to the Westerly right-of-way of Safstrom Avenue.

SIDEWALK ON SOUTH IDAHO FALLS ADDITION

Twenty-fifth Street (North Side) – From the East property line of Lot 36, Block 32, east to the Westerly right-of-way line of Rollandet Avenue.

Leslie Avenue – Approximately 30 feet south of the southerly right-of-way lien of Twentieth Street South to the northerly right-of-way line of Twenty-Fifth Street.

SIDEWALK IN STANGER FARMS COMMERCIAL ADDITION

Hemmert Avenue (West Side) - From the north property line of Stanger Farms Commercial Addition, south approximately 504 feet to the South property line of Stanger Farms Commercial Addition.

SIDEWALK IN SECTION 8, TOWNSHIP 2 NORTH, RANGE 38, E.B.M.

Hemmert Avenue (West Side) – From the North property line of North Highlander Farm, Inc. south approximately 200 feet to the North property line of Stanger Farms Commercial Addition.

SIDEWALK IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 38. E.B.M.

Fanning Avenue (West Side) – From the South right-of-way line of Lomax Street south to North right-of-way of First Street.

STREET PAVING IN ASPER ADDITION

Fifteenth Street – Approximately 350 feet west of the Westerly right-of-way line of Ponderosa Drive; thence west along and including the frontages of Lots 1 and 4, Block 3, and Lot 2, Block 2 of the Asper Addition, Divisions 1 and 2.

STREET PAVING IN CAPITOL HILL ADDITION

College Street – From the Easterly right-of-way line of Freeman Avenue to the Westerly right-of-way line of Wabash.

Whittier Street – From the Easterly right-of-way line of Freeman Avenue to approximately 150 feet west of the Westerly right-of-way line of Fanning Avenue.

STREET PAVING IN DWIGHTS ADDITION

Elva Street – From the East right-of-way line of Lee Avenue to approximately 322 feet east of said right-of-way line.

STREET PAVING IN EASTVIEW ADDITION

First Street – Approximately 300 feet east of the Easterly right-of-way of Eastview Drive east to the Westerly right-of-way of Hitt Road.

Virlow Drive – From the Westerly right-of-way line of Hitt Road to approximately 550 feet west of said right-of-way line.

STREET PAVING IN FAIRMONT ADDITION

Woodruff Avenue – From the Southerly right-of-way line of Twelfth Street to the south approximately 300 feet.

STREET PAVING IN FALLS VALLEY ADDITION

First Street –Beginning approximately 144 feet east of the Easterly right-of-way line of Cascade Drive; thence east approximately 300 feet.

STREET PAVING IN HIGHLAND PARK ADDITION

Bingham Avenue – From the Northerly right-of-way line of Shelley Street to the Southerly right-of-way line of Anderson Street.

Blaine Avenue – From the Southerly right-of-way line of Crowley Street north to the Southerly right-of-way line of Anderson Street.

STREET PAVING IN SOUTH HILLCREST ADDITION

Elva Street – From the east right-of-way line of Lee Avenue to approximately 322 feet east of said right-of-way line.

STREET PAVING IN HOMER COMMERCIAL ADDITION

Hemmert Avenue (East side) – From approximately 160 feet north of the Northerly right-of-way line (extended) of Browning Street approximately 704 feet south.

STREET PAVING IN JENNIE LEE ADDITION

St. Clair Road – West one-half of Street from the Southerly boundary of University Manor Addition south approximately 500 feet.

STREET PAVING IN MEAD ADDITION

Twenty-fifth Street (South Side) – From the Easterly right-of-way line of Leslie Avenue (extended) east to the Westerly right-of-way line of Rollandet Avenue.

STREET PAVING IN MELBOURNE PARK ADDITION

Twenty-fifth (South Side) – From the Easterly right-of-way line of Meppen Drive east to approximately 100 feet west of the Westerly right-of-way line of Melbourne Drive.

STREET PAVING IN SOUTH IDAHO FALLS ADDITION

Twenty-fifth Street (North Side) - From the Easterly right-of-way line of Gallatin Avenue east to the Westerly right-of-way line of Rollandet Avenue.

Leslie Avenue - Approximately 30 feet south of the Southerly right-of-way line of Twentieth Street south of the Northerly right-of-way line of Twenty-fifth Street.

STREET PAVING IN STANGER FARMS COMMERCIAL ADDITION

Hemmert Avenue (West Side) – From the North boundary line of Stanger Farms Commercial Addition to the South boundary line of Stanger Farms Commercial Addition.

STREET PAVING IN SECTION 8, TOWNSHIP 2 NORTH, RANGE 38. E.B.M.

Hemmert Avenue – Extending north from North property line of Stanger Farm commercial Addition approximately 200 feet to the North property line of North Highlander Farms, Inc.

Section 2. The kind and character of said improvements are grading, gravelling, prime coating, seal coating, guttering, curbing, paving, surface draining, and constructing sidewalks on said streets and parts of streets, all according to plans and specifications to be filed in the office of the City Engineer and City Clerk on or before the day fixed for hearing protests against the creation of said district and making of said improvements.

Section 3. The said improvements are original.

Section 4. The estimated total cost and expenses of said district and of said improvements are \$888,737.00, which sum is to be allocated and paid as follows:

From Special Assessments	\$ 721,993.00
From Revenue Sharing Funds	60,744.00
From Municipal Capital Improvement Fund	23,000.00
From City Water and Sewer Fund	58,000.00
From Arterial Street and Bridge Fund	20,000.00

Section 5. The cost and expenses of said district and of said improvements which is to be paid by special assessment is to be assessed against the abutting, adjoining and adjacent lots and lands on the streets or parts of streets on which said improvements are to be made, and upon lots and lands benefited by such improvements and included within said district, each lot and parcel of land being assessed separately for the debt thereof. Each lot or parcel of land shall be assessed to cover sidewalk improvements in proportion to the length of the sidewalk improvement lying adjacent to such lot or parcel and sufficient to cover the total cost and expenses of said sidewalk improvements; each lot or parcel of land shall be assessed to cover street paving and other street improvements lying adjacent to such lot or parcel and in proportion to the benefits derived by such property by said improvements and sufficient to cover the cost and expenses of said street paving and other street improvements.

The cost and expenses of said improvements to be paid from the specified funds of the City, namely, the sum of \$162,744.00, is, in the judgement of the City Council, a fair and equitable portion of the total cost and expenses of said district and of said improvements to be extended from the said funds of the City in consideration of the benefits accruing to the general public by reason of such improvements, and shall be paid out of said funds of the City.

JUNE 8, 1978

That Monday, the 10th day of July, 1978, at 7:30 o'clock P.M. of said day, and Council Chambers of the City Council in the Electrical Building, 140 South Capital Avenue, Idaho Falls, Idaho, be, and the same are hereby designated as the time and place when protests against the creation of said district or the making of said improvements will be heard and considered by the City Council and that protests against said improvements or the creation of such district may be filed in the office of the City Clerk on or before the day of such meeting to, but not later than, the hour of 7:30 o'clock P.M. of said day. The City Clerk is hereby ordered and directed to give notice of the passage of this Resolution, the time within which protests against said proposed improvements or the creation of said district may be filed, and the date when said protests will be heard and considered by the Council in the manner provided by law.

APPROVED BY THE Mayor of the City of Idaho Falls, Idaho, this 8th day of June, 1978.

s/ Thomas Campbell
Mayor

ATTEST: s/ Roy C. Barnes
City Clerk

Councilman Hovey seconded the adoption of Resolution No. 1, declaring the intention of the City Council of the City of Idaho Falls, Idaho, to create Local Improvement District No. 52, and the same, on being put to a vote, was unanimously carried by the affirmative vote of the Councilmen present, the vote being as follows: Ayes, Councilmen Clark, Erickson, Freeman, Hovey, Sakaguchi, and Wood; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 10:30 P.M., carried.

s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor
