

AUGUST 10, 2006

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 10, 2006, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Jared D. Fuhriman
Councilmember Joe Groberg
Councilmember Tom Hally
Councilmember Larry Lyon
Councilmember Michael Lehto
Councilmember Karen Cornwell
Councilmember Ida Hardcastle

Also present:

Dale Storer, City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Fuhriman requested Ida Hardcastle to come forward and lead those present in the Pledge of Allegiance.

Mayor Fuhriman introduced Chris Hatch, Eagle Rock Art Museum Director, and Shirley Koster, Eagle Rock Art Museum Board President. Ms. Hatch appeared to describe the 18-foot sculpture created by Mark Stasz who is an Idaho artist. When the museum opened its doors in 2002, a place was designated for a sculpture. Two years later, this project was started. It took two years to complete. A statewide public contest was conducted, calling for entries across the state. The contest was narrowed to three applicants. The piece installed in front of Eagle Rock Art Museum was unanimously chosen. The sculpture cost was approximately \$37,500.00, with an additional \$6,000.00 for installation. All funds were donated. Ms. Hatch explained, further, that the museum applied for grants through the Mayor's Office. She stated that the City of Idaho Falls has been extraordinarily helpful in preparing the site for the sculpture. She expressed her thanks to David J. Christiansen, Parks and Recreation Director for serving on the committee and for providing all assistance needed to get the sculpture installed.

Shirley Koster appeared to thank the City of Idaho Falls for all of the help in getting the sculpture installed. She expressed her appreciation for Chris Hatch and the work that she has done to make the Eagle Rock Art Museum the success that it is.

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council confirmation for the Appointment of Claire Pace to serve on the Library Board; and, the Appointment of Wayne B. Jones to serve on the Shade Tree Committee (Term to expire on December 31, 2006).

The City Clerk requested approval of the Minutes from the July 27, 2006 Regular Council Meeting and the August 7, 2006 Work Session.

The City Clerk presented monthly reports from various Division and Department Heads and requested that they be accepted and placed on file in the City Clerk's Office.

The City Clerk presented the following Expenditure Summary dated July 1, 2006 through July 31, 2006, after having been audited by the Fiscal Committee and paid by the Controller:

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FUND	TOTAL EXPENDITURE
General Fund	\$ 715,062.38
Street Fund	54,486.19
Recreation Fund	25,410.20
Library Fund	45,106.85
Municipal Equipment Replacement Fund	328,821.93
Electric Light Public Purpose Fund	47,761.13
Business Improvement District	1,194.16
Street Capital Improvement Fund	151,836.23
Water Capital Improvement Fund	49,125.46
Traffic Light Capital Improvement Fund	50,018.84
Airport Fund	117,524.17
Water and Sewer Fund	532,505.83
Sanitation Fund	76,302.83
Ambulance Fund	8,517.62
Electric Light Fund	2,706,717.13
Payroll Liability Fund	2,043,979.28
TOTALS	\$6,954,370.23

The City Clerk presented several license applications, all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on August 10, 2006.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
August 10, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: MCDERMOTT FIELD STADIUM RENOVATION

The Parks and Recreation Division respectfully requests ratification for authorization to receive bids for the McDermott Field Stadium Renovation.

s/ David J. Christiansen

Councilmember Lyon requested that the Library Board appointment be removed from the Consent Agenda to be considered under the Regular Agenda.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, that the Consent Agenda be approved, with the exception of the appointment to the Library Board, in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

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Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

It was moved by Councilmember Hardcastle, seconded by Councilmember Groberg, to appoint Claire Pace to the Library Board.

Councilmember Lyon stated that he had an opportunity to visit with Ms. Pace. He stated, further, that the Library has had a tumultuous few years. The Library has lost hundreds of thousands of dollars, the former Director resigned in disgrace, and a number of very good employees have been lost in the City. The main items that he was looking for in a Board member were an independent perspective and a higher level of accountability to the Library. He stated that he was impressed with the appointee and would be happy to confirm her appointment.

Councilmember Lehto stated that he disagreed with Councilmember Lyon's statement that hundreds of thousands of dollars have been lost at the Library.

Councilmember Cornwell agreed with Councilmember Lehto and objected to Councilmember Lyon's statement.

Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

The Airport Director submitted the following memo:

City of Idaho Falls
August 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: FEDERAL AVIATION ADMINISTRATION (FAA) MEMORANDUM OF AGREEMENT

The FAA is changing the method of documenting the FAA owned navigational and communication aids at airports. They previously had individual leases for each piece of equipment, but now want to consolidate to a Memorandum of Agreement. This should improve methods to identify and manage FAA-owned equipment that supports airports.

The Airport Division recommends approval and requests the Mayor be authorized to sign the documents.

s/ Mike Humberd

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It was moved by Councilmember Lyon, seconded by Councilmember Cornwell, to approve the Memorandum of Agreement with the Federal Aviation Administration identifying and managing FAA-owned equipment that supports the airport and, further give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
August 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Electric Division Director
SUBJECT: RECOMMENDATION FOR AWARD OF DESIGN SERVICES -
WESTSIDE DISTRIBUTION SUBSTATION DESIGN

Attached is a summary of the proposals received by Idaho Falls Power in response to the Request for Proposals related to the Westside Distribution Substation Design.

After reviewing the proposals and sample materials, staff recommends that the contract be awarded to Stanley Consultants for a "Not to Exceed" amount of \$159,648.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to accept the proposal from Stanley Consultants to complete the Westside Distribution Substation Design for a "Not to Exceed" amount of \$159,648.00 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

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City of Idaho Falls
August 8, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: SLICE SETTLEMENT AGREEMENT

Attached for your consideration is a Settlement Agreement resolving certain disputes and dismissing litigation between Bonneville Power Administration, Northwest Requirements Utilities, and the Slice Customers. The agreement has been reviewed by the City Attorney.

Idaho Falls Power respectfully requests approval of the Settlement Agreement and associated Exhibits, and authorization for the Mayor to sign the documents.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Slice Settlement Agreement resolving certain disputes and dismissing litigation between Bonneville Power Administration, Northwest Requirements Utilities, and the Slice Customers and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
August 4, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR IMPOSITION OF FEE INCREASES GREATER THAN 105% FOR FISCAL YEAR 2006-2007

Municipal Services respectfully requests the Mayor and Council to authorize the publication of the attached "Notice of Public Hearing" regarding the imposition of fee increases greater than 105% for Fiscal Year 2006-2007, with publication dates set for August 13, 2006 and August 20, 2006.

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The Public Hearing is scheduled for 7:30 p.m., Thursday, August 24, 2006, in the Council Chambers in the Idaho Falls Power Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City of Idaho Falls proposes to increase existing fees by an amount that exceeds one hundred five percent (105%) of such fees collected in Fiscal Year 2005-2006. The fee increases are necessary to cover increased costs associated with these programs.

<u>SOURCE OF FEES</u>	<u>CURRENT FEES</u>	<u>PROPOSED NEW FEES</u>
Public Safety:		
Parking Permit		
Downtown Resident Parking Permit	--	\$ 15.00
Zoo		
Rental Fees		
Tent Rental	\$ 25.00	\$ 35.00
Additional hour(s)	\$ 10.00	\$ 15.00
After hours fee (per hour)	--	\$ 75.00
Animal Encounter Show (unscheduled)	--	\$ 15.00
Animal interaction (1 person, 2 animals, 30 minutes)	--	\$ 25.00
10' X 10' tent	--	\$ 25.00
20' X 40' tent	--	\$ 100.00
Additional tables (each)	--	\$ 10.00
Cemeteries		
Burial Fees		
After 4:30 p.m. burial fee	--	\$ 100.00
Aquatic Center		
Admission Fees		
Child/Senior Admission	\$ 2.78	\$ 3.00
Adult Punch Card	\$ 56.70	\$ 60.00
Child/Senior Punch Card	\$ 44.10	\$ 48.00
Rental Fees		
Birthday Parties	\$ 50.25	\$ 55.00
Recreation Programs		
Activity Center Rental Fees		
Room rental for east and west rooms	\$ 15.00	\$ 20.00
Room rental for south room	\$ 25.00	\$ 30.00
Water Fees		
Non-Metered Rates (Inside City)		
Single-family dwellings and mobile homes (excluding separate apartment units within such dwelling), per dwelling or unit	\$ 13.00	\$ 15.00
Apartment unit – per unit	\$ 9.80	\$ 11.27
Apartment unit occupied by landlord or manager	\$ 13.00	\$ 15.00
Office buildings, banks, bowling alleys, lodges, markets Per 1,000 square feet of area	\$ 3.90	\$ 4.49
Laundromat – per machine	\$ 6.50	\$ 7.48

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Water Fees, Non-Metered Rates (Inside City), continued:		
Travel trailer court	\$ 13.00	\$ 15.00
Plus per occupied space	\$ 9.80	\$ 11.27
Barber or beauty shop, each bowl	\$ 2.21	\$ 2.54
Hotel, motor hotel, motel or rooming house – per room	\$ 4.15	\$ 4.77
Restaurant and fast-food establishment	\$ 34.66	\$ 39.86
Elementary Schools (Grades 1-6) – Per 50 students or fraction thereof	\$ 5.45	\$ 6.27
Secondary Schools (Grades 7-12) – Per 50 students or fraction thereof	\$ 6.88	\$ 7.91
All other non-metered customers – per premises or Building	\$ 13.00	\$ 15.00
Irrigation Service		
Each customer, landlord, tenant or agent	\$ 10.84	\$ 12.47
Each non-metered, non-residential property with lawn or cultivated area measuring more than 1/20 th of an acre – per acre or fraction thereof	\$ 60.62	\$ 69.71
Metered Rates (Inside City)		
5/8" meter	\$ 13.00	\$ 15.00
3/4" meter	\$ 13.00	\$ 15.00
1" meter	\$ 13.00	\$ 15.00
1-1/4" meter	\$ 17.73	\$ 19.93
1-1/2" meter	\$ 21.68	\$ 24.93
2" meter	\$ 25.96	\$ 29.85
3" meter	\$ 30.31	\$ 34.86
4" meter	\$ 43.29	\$ 49.78
6" meter	\$ 86.58	\$ 99.57
8" meter	\$ 129.80	\$ 149.27
Sanitation Fees		
Residential Service		
Pickups per week		
1	\$ 5.50	\$ 7.50
Commercial Service		
Hand-load Containers		
Pickups per week		
1	\$ 5.50	\$ 7.50
2	\$ 11.00	\$ 15.00
3	\$ 16.50	\$ 22.50
4	\$ 22.00	\$ 30.00
5	\$ 27.50	\$ 37.50
6	\$ 33.00	\$ 45.00
Small Containers		
Pickups per week – 1-1/2 C. Y.		
1	\$ 23.75	\$ 32.30
2	\$ 29.75	\$ 40.30
3	\$ 35.75	\$ 48.30
4	\$ 41.50	\$ 56.30
5	\$ 47.50	\$ 64.30
6	\$ 53.50	\$ 72.30
Pickups per week – 3 C. Y.		
1	\$ 29.00	\$ 39.40
2	\$ 40.50	\$ 50.40
3	\$ 51.50	\$ 61.50
4	\$ 63.00	\$ 72.40
5	\$ 74.25	\$ 83.40
6	\$ 85.50	\$ 94.40
Pickups per week – 4 C. Y.		
1	\$ 32.75	\$ 44.50
2	\$ 47.50	\$ 58.50
3	\$ 62.50	\$ 72.50

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Sanitation Fees, Commercial Service, Small Containers, continued:		
4	\$ 77.25	\$ 86.50
5	\$ 92.00	\$ 100.50
6	\$ 107.00	\$ 114.50
Large Containers		
Pickups per month - Uncompacted 30 C. Y.		
1	\$ 104.00	\$ 141.00
2	\$ 187.00	\$ 253.00
3	\$ 271.00	\$ 365.00
4	\$ 354.00	\$ 477.00
5	\$ 437.00	\$ 589.00
6	\$ 520.00	\$ 701.00
7	\$ 604.00	\$ 813.00
8	\$ 687.00	\$ 925.00
9	\$ 770.00	\$1,037.00
10	\$ 853.00	\$1,149.00
11	\$ 937.00	\$1,261.00
12	\$1,020.00	\$1,373.00
13	\$1,103.00	\$1,485.00
14	\$1,186.00	\$1,597.00
15	\$1,270.00	\$1,709.00
16	\$1,353.00	\$1,821.00
17	\$1,436.00	\$1,933.00
18	\$1,519.00	\$2,045.00
19	\$1,603.00	\$2,157.00
20	\$1,686.00	\$2,269.00
21	\$1,769.00	\$2,381.00
22	\$1,852.00	\$2,493.00
23	\$1,936.00	\$2,605.00
24	\$2,019.00	\$2,717.00
Pickups per month - Compacted 30 C. Y.		
1	\$ 76.00	\$ 103.00
2	\$ 153.00	\$ 206.00
3	\$ 230.00	\$ 309.00
4	\$ 306.00	\$ 412.00
5	\$ 383.00	\$ 515.00
6	\$ 460.00	\$ 618.00
7	\$ 536.00	\$ 721.00
8	\$ 613.00	\$ 824.00
9	\$ 690.00	\$ 927.00
10	\$ 766.00	\$1,030.00
11	\$ 843.00	\$1,133.00
12	\$ 920.00	\$1,236.00
13	\$ 996.00	\$1,339.00
14	\$1,073.00	\$1,442.00
15	\$1,150.00	\$1,545.00
16	\$1,226.00	\$1,648.00
17	\$1,303.00	\$1,751.00
18	\$1,380.00	\$1,854.00
19	\$1,456.00	\$1,957.00
20	\$1,533.00	\$2,060.00
21	\$1,610.00	\$2,163.00
22	\$1,686.00	\$2,266.00
23	\$1,763.00	\$2,369.00
24	\$1,840.00	\$2,472.00

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Any person who desires to provide comments regarding such fee increases may appear at 7:30 p.m. on Thursday, August 24, 2006, at the City of Idaho Falls Council Chamber, Second Floor at the Idaho Falls Power Building, 140 South Capital Avenue, Idaho Falls, Idaho.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: August 13 and August 20, 2006

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to give authorization to publish the "Notice of Public Hearing" regarding the fee increases greater than 105% for Fiscal Year 2006-2007 as presented. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
August 4, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" 2006-2007
FISCAL YEAR BUDGET

Municipal Services respectfully requests the Mayor and Council to tentatively approve the 2006-2007 Fiscal Year Budget in the amount of \$144,249,465.00.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 2006-2007 Fiscal Year Budget with publication dates set for August 13, 2006 and August 20, 2006.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 24, 2006, in the Council Chambers in the Idaho Falls Power Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

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NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR 2006-2007
CITY OF IDAHO FALLS, IDAHO

A public hearing pursuant to Idaho Code 50-1002, will be held for consideration of the proposed budget for the fiscal year from October 1, 2006 to September 30, 2007. The hearing will be held at the City of Idaho Falls Council Chambers, located on the second floor of the Idaho Falls Power Building, 140 South Capital Avenue, Idaho Falls, Idaho at 7:30 p.m., Thursday, August 24, 2006. All interested persons are invited to appear and provide comments regarding the proposed budget. Copies of the proposed budget are available at the Idaho Falls City Controller's Office during regular office hours (8:00 a.m. to 5:00 p.m., weekdays). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities in order to allow access to the budget documents or to the hearing should contact the City Controller's Office at 612-8230 at least 48 hours prior to the public hearing. The proposed FY 2007 budget is shown below as FY 2007 proposed expenditures and revenues.

PROPOSED EXPENDITURES			
Fund Name	FY 2005 Actual Expenditures	FY 2006 Budget Expenditures	FY 2007 Proposed Expenditures
General Fund			
Mayor and Council	\$ 122,277	\$ 134,798	\$ 155,513
Legal	154,986	209,767	204,013
Municipal Services	5,607,089	7,564,048	7,911,412
Planning and Building	1,249,667	2,527,813	2,093,484
Police	9,400,065	9,851,692	10,503,509
Fire	7,486,026	8,171,539	8,070,729
Parks	5,527,928	10,573,733	10,657,244
Public Works	<u>1,332,832</u>	<u>2,146,293</u>	<u>1,952,144</u>
General Fund Total	<u>\$ 30,880,870</u>	<u>\$ 41,179,683</u>	<u>\$ 41,548,048</u>
Special Revenue Funds			
Street Fund	\$ 2,979,617	\$ 3,199,335	\$ 3,433,948
Recreation Fund	952,316	957,841	1,130,931
Library Fund	1,736,200	2,348,776	2,184,059
Passenger Facility Fund	462,610	455,000	490,000
Municipal Equipment Replacement Fund	1,147,010	3,788,200	1,389,750
Electric Light Public Purpose Fund	431,040	750,000	550,000
Business Improvement District Fund	<u>46,908</u>	<u>60,000</u>	<u>60,000</u>
Special Revenue Funds Total	<u>\$ 7,755,701</u>	<u>\$ 11,559,152</u>	<u>\$ 9,238,688</u>
Capital Projects Funds			
Sanitary Sewer Capital Improvement Fund	\$ 251,999	\$ 3,350.00	\$ 100,000
Municipal Capital Improvement Fund	90,934	2,500,000	3,000,000
Street Capital Improvement Fund	4,282,019	5,000,000	4,300,000
Bridge and Arterial Street Fund	6,856	900,000	1,000,000
Water Capital Improvement Fund	808,964	950,000	550,000
Surface Drainage Fund	41,106	55,000	40,000
Traffic Light Capital Improvement Fund	<u>5,985</u>	<u>1,000,000</u>	<u>1,000,000</u>
Capital Projects Funds Total	<u>\$ 5,487,863</u>	<u>\$ 13,755,000</u>	<u>\$ 9,990,000</u>

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Enterprise Funds			
Airport Fund	\$ 5,788,755	\$ 11,562,948	\$ 6,567,713
Water and Sewer Fund	9,717,256	10,732,942	11,821,471
Sanitation Fund	2,666,605	2,973,625	3,687,241
Ambulance Fund	2,484,685	2,600,675	2,618,034
Electric Fund	55,577,688	58,713,963	58,778,270
Enterprise Funds Total	\$ 76,234,989	\$ 86,584,153	\$ 83,472,729
Total Expenditures - All Funds	\$120,359,423	\$153,077,988	\$144,249,465
PROJECTED REVENUES			
Fund Name	FY 2005 Actual Revenues	FY 2006 Budget Revenues	FY 2007 Projected Revenues
Property Tax Levy			
General Fund	\$ 15,509,624	\$ 16,454,395	\$ 17,556,006
Recreation Fund	335,648	366,407	391,851
Library Fund	1,236,608	1,313,783	1,405,017
Municipal Capital Improvement Fund	494,585	526,472	563,031
Fire Retirement	750,000	843,287	843,287
Liability Insurance	667,054	670,000	670,000
Property Tax Levy Total	\$ 18,993,519	\$ 20,174,344	\$ 21,429,192
Revenue Sources Other Than Property Tax			
General Fund	\$ 13,464,807	\$ 16,654,192	\$ 15,278,755
Street Fund	3,089,911	3,199,531	3,284,258
Recreation Fund	611,291	607,200	761,350
Library Fund	699,523	1,004,090	804,587
Passenger Facility Fund	462,609	455,000	490,000
Municipal Equipment Replacement Fund	196,323	150,000	150,000
Electric Light Public Purpose Fund	461,004	750,000	550,000
Business Improvement District Fund	55,918	60,000	60,000
Electric Rate Stabilization Fund	458,235	150,000	200,000
Sanitary Sewer Capital Improvement Fund	319,232	193,750	198,750
Municipal Capital Improvement Fund	40,571	20,000	25,000
Street Capital Improvement Fund	84,789	2,000,000	3,505,000
Bridge and Arterial Street Fund	156,352	178,000	180,000
Water Capital Improvement Fund	324,911	238,750	243,750
Surface Drainage Fund	54,113	40,000	45,000
Traffic Light Capital Improvement Fund	551,358	540,789	346,000
Airport Fund	5,601,991	11,452,184	6,389,309
Water and Sewer Fund	10,781,257	11,364,000	11,414,500
Sanitation Fund	2,426,441	2,512,500	2,538,500
Ambulance Fund	2,522,577	2,477,686	2,519,392
Electric Fund	59,559,290	54,356,281	54,663,257
Fund Transfers	2,297,548	1,805,600	2,010,500
Fund Balance Carryover	25,836,790	22,694,091	17,162,365
Other Revenue Sources Total	\$130,056,841	\$132,903,644	\$122,820,273
Total Revenues - All Funds	\$149,050,360	\$153,077,988	\$144,249,465

I, Rosemarie Anderson, City Clerk of the City of Idaho Falls, Idaho certify that the above is a true and correct statement of the proposed expenditures by fund and the entire estimated revenues and other sources of

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the City of Idaho Falls, Idaho for the Fiscal Year 2006-2007; all of which have been tentatively approved by the City Council on August 10, 2006 and entered at length in the Journal of Proceedings.

Dated this 11th day of August, 2006.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: August 13 and August 20, 2006

Councilmember Lyon stated that he did not have a problem with publishing the Notice of Public Hearing for the budget. In attending the budget meetings, he stated that he was not satisfied with the results of the budget.

Councilmember Groberg stated that he agreed with Councilmember Lyon.

Councilmember Hally stated that several Councilmembers did not agree with everything that is on the budget. Some thought things should be added and some thought things should be subtracted. Historically, the City Council has come together in a consensus to approve the budget.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to tentatively approve the 2006-2007 Fiscal Year Budget in the amount of \$144,249,465.00. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Lehto

Nay: Councilmember Lyon
Councilmember Groberg

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to give authorization for publication of the "Notice of Public Hearing" for the 2006-2007 Fiscal Year Budget with publication dates set for August 13, 2006 and August 20, 2006. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

AUGUST 10, 2006

City of Idaho Falls
August 1, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: IF-06-28, ONE (1) NEW 2006 OR NEWER SELF-PROPELLED
INDUSTRIAL CARGO DECK CRANE

Attached for your consideration please find attached the tabulation for Bid IF-06-28, One (1) New 2006 or Newer Self-Propelled Industrial Cargo Deck Crane.

It is the recommendation of Municipal Services to accept the low bid of Metroquip, Inc. to furnish a new 2007 Broderson Cargo Deck Crane for an amount of \$94,467.00 including trade-in Unit No. 319.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the low bid of Metroquip, Inc. to furnish a new 2007 Broderson Cargo Deck Crane for an amount of \$94,467.00 including trade-in Unit No. 319. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
August 4, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: FINANCIAL ADVISORY CONTRACT

Attached for your consideration is a Financial Advisory Contract with George K. Baum and Company to provide financial advisory services for the Intermountain Power Agency's Unit 3 Project.

It is respectfully requested the Council approve said contract and authorize the Mayor to sign.

s/ S. Craig Lords

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It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Financial Advisory Contract with George K. Baum and Company to provide financial advisory services for the Intermountain Power Agency's Unit 3 Project and, further, give authorization for the Municipal Services Director to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

City of Idaho Falls
August 4, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SOLE SOURCE PURCHASE

Municipal Services respectfully requests authorization to advertise and then make a sole source purchase in the amount of \$59,150.00 for NaviLine Software from Sungard HTE, Inc.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to give authorization to advertise and make a sole source purchase of NaviLine Software from Sungard HTE, Inc. in the amount of \$59,150.00. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

The memo from the Planning and Building Director regarding the Development Agreement and Final Plat for Rollandet Place, Division No. 1 was withdrawn by the Division Director.

The Police Chief submitted the following memo:

AUGUST 10, 2006

City of Idaho Falls
August 3, 2006

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: COUNCIL AGENDA ITEM

I respectfully request approval of the attached ordinance enacting Section 5-10-15 of the City Code of Idaho Falls, Idaho providing for dog owners to clean up after their dogs in certain circumstances; providing for severability; and establishing effective date. This ordinance will be presented for your approval at the City Council Meeting on Thursday, August 10, 2006.

Thank you for your consideration.

s/ J. K. Livsey

Councilmember Lyon requested Councilmember Hardcastle to explain how she envisioned this Ordinance to work and, further, requested that this Ordinance be passed on the first reading only to allow for public comment on this issue.

Councilmember Hardcastle stated that this Ordinance would be enforced by the person who was offended signing a complaint against the person who violated the Ordinance.

Councilmember Lyon stated that he did not understand how this Ordinance could be enforced.

The Police Chief appeared to state that this Ordinance will be enforced in the same manner as all Ordinances regarding animals. When something is done and it is not in the presence of a police officer or animal control officer, the offended person will sign a citation or complaint against the dog.

Councilmember Hally stated that he did not see any reason for this to read on three separate dates.

Councilmember Lyon stated that he must be missing something. As a taxpayer, there are many other things that he would have his tax dollars go to than chasing after a neighbor and their messy dog. Neighbors should be able to work out these types of issues. There are many other safety issues that need to be addressed, such as Sunnyside Road and Pancheri Overpass. He stated, further, that he has not received any complaints about dog messes and no other Councilmember has made him aware of any complaints.

Councilmember Hardcastle stated that she has received complaints regarding this issue. Keeping in mind what Councilmember Lyon has said, this should not be prolonged. She also suggested that the Ordinance should be passed on all three readings.

Councilmember Lyon stated that this was not good business. People should have the right to have a reasonable amount of time for public input.

At the request of Councilmember Hardcastle, the City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2659

AN ORDINANCE ENACTING SECTION 5-10-15 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR DOG OWNERS TO CLEAN UP AFTER THEIR DOGS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

AUGUST 10, 2006

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Cornwell seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: Councilmember Lyon

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
August 7, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 1, BLOCK 1, FENWAY PARK
ADDITION, DIVISION NO. 1

The owner's representative has requested vacation of a platted utility easement located in Lot 1, Block 1, Fenway Park Subdivision, Division No. 1. There are no utilities located in that portion of the subject easement.

Public Works requests authorization for the City Attorney to prepare the documents needed to vacate this easement.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization for the City Attorney to prepare the documents needed to vacate an easement in Lot 1, Block 1, Fenway Park Addition, Division No. 1. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

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Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from C-1 (Limited Retail) to RSC-1 (Residential Shopping Center) and Annexation Proceedings (KJ's Sunnyside Addition, Division No. 1). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
August 4, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE ONE ACRE FROM C-1 TO RSC-1 AND ACCOMPANYING REQUEST FOR ANNEXATION, INITIAL ZONING OF RSC-1, AND FINAL PLAT – KJ'S SUNNYSIDE, DIVISION NO. 1

Attached is the rezoning request for 1.0 acres at the southeast corner of the Sunnyside Road and 15th East (St. Clair Road) intersection. This rezoning request is accompanied by a request for the annexation of 2.41 acres with the initial zoning of RSC-1 and a final plat entitled KJ's Sunnyside, Division No. 1. The applicant has also submitted a site plan for approval under the RSC-1 provisions. At its June 20, 2006 Meeting, the Planning Commission recommended approval of rezoning from C-1 to RSC-1, the annexation request, initial zoning of RSC-1, and final plat. They recommended approval of the site plan with the condition the lighting be shielded. These requests are now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this rezoning and annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Vicinity Map showing area to be annexed
Slide 3	Comprehensive Plan
Slide 4	Aerial Photo showing parcel under consideration
Slide 5	Aerial Photo for annexation
Slide 6	Final Plat under consideration
Slide 7	Site Plan and Landscape Plan
Slide 8	Front and Rear Elevations of Buildings
Slide 9	Site Photo showing that the buildings will have a similar look as those at Taylor Crossing on the River
Slide 10	Site Photometry
Slide 11	Lighting Plan
Slide 12	Canopy Fixtures
Slide 13	Site Photo looking northwest of site
Slide 14	Site Photo looking east of the site
Slide 15	Site Photo of KJ's site
Slide 16	Site Photo looking southwest of site

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Slide 17 Site Photo looking west of the southern portion of the site
Exhibit 1 Planning Commission Minutes dated June 20, 2006
Exhibit 2 Staff Report dated June 20, 2006
Exhibit 3 Copy of Final Plat

The Planning and Building Director explained that the applicant wants to rebuild and expand the convenience store and to build a car wash on the site. She stated, further, that Staff has found the Site Plan to be in compliance with the RSC-1 Zone requirements, with the exception from the Planning Commission that the lighting fixtures need to be designed with shielding.

Councilmember Lehto requested to know whether the access to the east was going to allow another access onto Sunnyside Road.

The Planning and Building Director explained that the property to the east of this development is approximately 7 to 8 acres. When that parcel develops, the access to the east of KJ's development will allow for traffic to have access through KJ's development and not to have access directly onto Sunnyside Road.

Dan Odell, 5299 Skidmore Lane, appeared to state that the proposal for this development will enhance the area. The convenience store located on this property at this time has outlived its usefulness.

Richard Magnus, 3365 Creekside Drive, appeared to question what stores would be located in the new buildings.

Dan Odell, reappeared to state that there will be a convenience store at this location, much the same as it is, only larger and modernized. There will also be a fueling station and a car wash.

There being no further discussion either in favor of or in opposition to this rezoning and annexation request, Mayor Fuhrman closed the public hearing.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezoning request for 1.0 acres at the southeast corner of the Sunnyside Road and 15th East (St. Clair Road) intersection, legally described as Sunnyside Estates Addition, Division No. 1 which is proposed to be replatted as a portion of KJ's Sunnyside Addition, Division No. 1 and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for KJ's Sunnyside, Division No. 1 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Cornwell

AUGUST 10, 2006

Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

At the request of Councilmember Groberg, the City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2660

KJ'S SUNNYSIDE, DIVISION NO. 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Hardcastle seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of KJ's Sunnyside, Division No. 1 as RSC-1 (Residential Shopping Center) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

AUGUST 10, 2006

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat and Site Plan for KJ's Sunnyside, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell
Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle to recess the public hearing for consideration of a rezoning from PB (Professional Business) and C-1 (Limited Retail) to R-3A (Apartments and Professional Offices) on property located generally on the west side of South 25th East (Hitt Road), south of Sunnyside Road, east of South 15th East (St. Clair Road), and north of East 49th South (Township Road), legally described as Metes and Bounds Property, 4.23 Acres, Section 33, Township 2 North, Range 38 (Kingwood Addition, Division No. 2) to the September 14, 2006 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from R-1 (Single-Family Residential) to M-1 (Manufacturing) on property located generally south of International Way and Idaho Falls Regional Airport, east of 25th West and Idaho Falls Airport, west of North Skyline Drive, and immediately north of Olympia Drive, legally described as West 47.17 feet of Lot 11, Lots

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12-14, Block 14, John Heights Subdivision, Division No. 9 (Airport Property). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
August 4, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO CHANGE THE ZONE FROM R-1 TO M-1, WEST 47.17 FEET OF LOT 11, LOTS 12-14, BLOCK 14, JOHN HEIGHTS SUBDIVISION, DIVISION NO. 9

Attached is the request to change the west 47.17 feet of Lot 11, and Lots 12 through 14, Block 14, John Heights Subdivision, Division No. 9, from R-1 (Single-Family Residential) to M-1 (Manufacturing, Airport). This parcel is at the western end and immediately north of Olympia Drive. The Planning Commission recommended approval of the rezoning request for the lower elevation and the slope with retention of the R-1 zone on the portion of the parcel which is south of the slope and immediately adjacent to Olympia at its July 11, 2006 Meeting. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this rezoning request:

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Vicinity map enlarged
- Slide 3 Aerial Photo
- Slide 4 Aerial Photo – Close up
- Slide 5 Comprehensive Plan
- Slide 6 M-1 Zone Requirements
- Slide 7 M-1 Zone Requirements, continued
- Slide 8 Site Plan
- Slide 9 Airport Master Plan
- Slide 10 Site Photo of Site
- Slide 11 Site Photo looking north at the slope
- Slide 12 Site Photo looking toward the west
- Slide 13 Site Photo looking at the western portion of the site
- Slide 14 Site Photo looking at the view from the end of Melody Drive and Olympia Drive
- Slide 15 Site Photo of home to the east of the rezoning request
- Slide 16 Site Photo of intersection of Melody and Olympia
- Slide 17 Site Photo of area at the intersection of International Way and Olympia Drive
- Slide 18 Site Photo looking south towards Olympia Drive

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- Exhibit 1 Planning Commission Minutes dated July 11, 2006
- Exhibit 2 Staff Report dated July 11, 2006
- Exhibit 3 Copy of Final Plat

Councilmember Lehto questioned the Planning and Building Director as to whether these lots are the only R-1 zoned lots that are part of the Airport property.

The Planning and Building Director started that there are other R-1 lots south of the airport that were purchased for Airport Clear Zone property. They are not actually part of the airport property.

Councilmember Lehto requested to know whether the hangars that are under construction are on the lots being considered for rezoning.

The Planning and Building Director stated that the lots requested for rezoning are not being built on.

Councilmember Lehto requested to know why this City property has so many weeds on it.

The Planning and Building Director did not have an answer for that.

Councilmember Lyon requested to know whether it was against the rules to have commercial construction in an R-1 Zone.

The Planning and Building Director stated that it is against the rules to build a structure in an R-1 Zone. In the R-1 Zone, elevations can be reduced. There are no regulations in the City Ordinances to govern grading or the removal of soil.

Councilmember Groberg requested the Planning and Building Director to explain why the Planning Commission recommended that a portion of these lots be left under the R-1 Zone.

The Planning and Building Director explained that the Planning Commission wanted this small portion of land to be a buffer for the single-family residential homes from the airport hangars. She stated further that the Planning Commission recommended that there be no construction on the R-1 Zoned land that remained. The Planning and Building Director stated that the zone change request came from the Planning Department. Originally, there was a suggestion that an additional roadway may be necessary to go to the small hanger next to Melaleuca's hanger.

John Melling, 2022 Olympia Drive, appeared to express his concern regarding the roadway that was suggested earlier. He understood that there would be no roadway to the small hanger, but that Olympia Drive would end. Since the hangars are being built in the M-1 Zone and the roadway will not be built, the zone change is a moot point. The slope in the area, which has since been leveled, provided a buffer from the M-1 Zone. There are not many areas in Idaho Falls where M-1 Zoning is against R-1 Zoning. He stated that he would like to see the existing fence removed, with a new fence or cement barrier constructed at the top of the slope. He also wanted the area to be beautified with grass, shrubs, and trees. This area could be maintained by the Parks and Recreation Division when they take care of Rinehart Park. Mr. Melling stated that he was opposed to the zone change. He said that it would have been good to hold public hearings on the Comprehensive Plan change for the Airport in 1998. This would have provided for a win-win situation for both the City and the residents in the area. He stated, further, that he would like to see the City of Idaho Falls establish a written policy for notification procedures when a Comprehensive Plan change is made.

Kevin Bird, 1418 Melody Drive, appeared to state that he purchased his home in 1998. His realtor told him that nothing would be built in the area as it was Airport Clear Zone. That has clearly changed. He stated that he approved of growth at the Airport. He stated that one of the reasons that he purchased his home was to watch airplanes. He stated that the runway has been extended to within 150 feet from where his children are sleeping. Mr. Bird stated that the neighbors should have been notified of the extension of

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the Airport in this location, so that public input could be provided. The M-1 Zone provides for park-like conditions to be provided around the Airport. There has been discussion in the past regarding whether Melody Drive would ever be opened up. The Airport Director has stated that this street will never be developed any further. He requested that the City Council put something in writing to assure the neighbors that the street would not be developed further.

Mayor Fuhriman stated that he would have the City Attorney look into this issue.

Nancy Baumgart, 1981 Olympia Drive, appeared to state that there is a level of mistrust with regard to what is going to happen around their neighborhood. The Zoning Ordinance states that the M-1 Zone should provide for buffering and park-like conditions around the residential zones. There is no buffering in this area. Mrs. Baumgart submitted two photographs; one is of the dust blowing in the area on Friday evening and the second is of a business located on Airport property where there is dead grass and weeds. She stated that no one is enforcing the Zoning Ordinance.

Larry Matson, 1998 Olympia Drive, appeared to express his concern that the security fencing along Olympia Drive should extend across Olympia Drive. He stated, further, that he was not certain how security would be provided in that area, as children and pets go onto the Airport property now. He said that it was terrible looking at the back of a bunch of hangers. The buffer area between the Airport and the residences is small.

Sidney Fugate, 2036 Olympia Drive, appeared to state that his property is adjacent to the M-1 Zone. There is a small triangular piece of land next to his property. That is all that is left of the lots being rezoned. He stated that he would prefer to see a privacy fence be constructed between his property and the M-1 Zone.

Leo Montie, 2071 Olympia Drive, appeared to state that he has called two times regarding the dust in the area. The contractor has come to spray the dust. He requested to know whether it was his job to call when the dust gets too bad in the area.

Councilmember Groberg requested to know who Mr. Montie called regarding the dust problem

Mr. Montie stated that he called HK Contractors, Inc. to complain about the dust, and then he called Senator Craig's office. HK Contractors were out there the next morning to take care of the problem. He stated, further, that the hangers are great sound reflectors. When an airplane comes in from the north and reverses thrust to slow down there is a double blast of the noise. He stated that he was getting twice as much noise as he used to. He requested to know whether that was legal. Mr. Montie stated that the area will have to be rezoned. He gets dust from the west side all of the time. They water that when he complains that the dust is bad. He requested to know what is going to happen to the value of his house.

Sandra Melling, 2302 Olympia Drive, appeared to state that she has talked with a horticulturist. She submitted the following list of trees:

SHRUBS FOR SCREENING

1. Grey Gleam Juniper
2. Peking Cotoneaster
3. Siberian Pea Shrub
4. Lilacs
5. Mugo Pine
6. Skyrocketing Juniper

All of these plants will stay under or can be kept under 15 feet.

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Mrs. Melling stated that she agreed with Mr. Montie in that when she called her cat to come home this evening, she could hear her echo coming back from the hanger. The noise level has doubled.

Beth Elliott, 1269 Melody Drive, appeared to express her concern for the dust that is coming from the stockpile of dirt to the west of her property. The property owners were assured that the stockpile would be watered by HK Contractors, but it is not being watered.

Councilmember Lehto requested to know whether the dirt stockpile was covered in some manner.

Mrs. Elliott stated that there was no covering over the stockpile.

The Planning and Building Director reappeared to state that there is no dedicated roadway beyond Lot 11 on Olympia Drive. She explained further that the Comprehensive Plan is only a policy document. The Comprehensive Plan states that industrial traffic should not move through a residential area.

Councilmember Groberg requested to know whether there was a permanent way to exclude the possibility of a roadway going through this area.

The Planning and Building Director stated that the City Attorney was going to investigate this and provide the information to City Council. She explained further that at one time there were no barricades in this area to block through-traffic. There are now physical barricades at the western end of the roadway. There will be no access from the Airport to this subdivision.

Councilmember Groberg questioned whether there was anything that could be done to assure that no access will be made between the Airport and the subdivision.

The City Attorney stated that the City Council could instruct the Airport Director or the Public Works Director to provide barricades or curb and gutter to define the roadway and its end. He stated, further, that the Mayor requested him to look into whether or not a legally binding agreement could be entered into to end the roadway.

Councilmember Lehto commented that a future City Council could revoke this City Council's decision.

Councilmember Groberg requested the Planning and Building Director to comment on any fencing and landscaping that would be done in the area.

The Planning and Building Director stated that she understood that it takes a significant amount of landscaping to be a significant noise barrier.

Councilmember Lehto requested to know whether the site plans for development of the Airport property would have to be presented to the Planning Commission for approval.

The Planning and Building Director stated that the site plans would have to be approved. Recently, the City Council approved revisions to the M-1 Zoning Ordinance. Those revisions were triggered by the M-1 Zone that is now along East River Road where a residential area is located. The revisions were passed and became effective after the Site Plan was received at the Planning Office and after the Building Official had discussed the location of the hangers with the applicant.

Councilmember Lehto requested to know how a hanger would be developed in complying with the Noise Ordinance.

The Planning and Building Director stated that this project is a Federal Aid Project. Noise contours have been developed and she believed that this would show the land uses that were close.

Councilmember Lyon questioned what type of buffering has been used between the M-1 Zone and the R-1 Zone in other parts of the City.

The Planning and Building Director stated that she could not provide any examples as this has not been required until recently. The new Zoning Ordinance states that there will be a 20-foot area planted with evergreens, along with providing an earthen

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berm. This Site Plan was submitted prior to this requirement. She explained, further, that an earth berm takes up a large piece of land, but it is the most effective means for buffering. As the M-1 Zone is not limited to the Airport, the Planning Department tried to develop a light industrial park. The Airport Master Plan developed in the mid-1960's provided for the airport to be part of an industrial park with businesses on both sides of the taxiways. That did not happen.

The Airport Director appeared to state that at the end of Olympia Drive that is a 15-foot drop off into a large water retention pond. As long as that land is there, there is a requirement for a water retention pond. There is no way that Olympia Drive could be extended beyond the point that it exists now. The Airport cannot grow further into that area due to the way the Airport is laid out and restriction lines. The Airport Director explained that the plan is to remove the existing fence and replace it with chain link fence with three strand barbed wire. This is the same security fencing that is around the rest of the Airport. He explained that he will work with the Canal Company to determine what types of fencing and access could be provided around the canal system to provide security to that area of the Airport. Arrangements have been made with HK Contractors, Inc. to loop an 8-inch water line to provide for fire fighting requirements should an emergency exist. That water line would also provide the water for any landscaping that will be done in that area. The Airport Director gave a brief description as to how this area would develop. As some people have expressed a concern for a view of the hangers, it was suggested that slats be placed in the chain link fence to restrict the view. He stated that the airplane from Melaleuca is much quieter than what they are currently flying. Within the hanger system, activities on the ramp act as a buffer between the system and residential housing. He stated, further, that the stockpiled dirt is in the Air Cargo Zone which will be used for future projects. The area that is dirt at this time will be seeded into grass.

Councilmember Lyon stated that he understood the Airport Director to state that the roadway at the end of Olympia Drive would never be extended due to the water retention pond in that location. The Airport Director stated that to be correct. There are two ways to get to the hangers in this area. They can be accessed from the back or through the security gate that accesses the hangers. Councilmember Lyon requested to know where the water retention pond requirement is in writing.

Councilmember Lehto stated that there are no concrete requirements to provide that a roadway will not someday exist. A future City Council could authorize the road to go through this area.

The Airport Director stated that the City Council was welcome to put something in writing to state that this roadway will never go through. He stated that he did not see how a future Airport Director could develop anything further at this end of the taxiway.

Councilmember Lehto requested the Airport Director to explain what types of assessments were conducted for noise and dust abatement.

The Airport Director explained that the plans are submitted to the Federal Aviation Administration for review. There is a requirement for the Environmental Section of the FAA to review the plans also. The Federal Aviation Administration would determine whether a full-scale environmental review was required.

Councilmember Lehto requested to know what the Federal Aviation Administration requirements for dust abatement were, in that if the wind were blowing the other direction from the residential area, would an airplane be in danger.

The Airport Director stated that there are Idaho State requirements for a contractor to provide dust abatement. HK Contractors has been complying with these requirements.

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Councilmember Lehto requested to know whether the Airport Director believed that the Airport was compliant with air quality regulations. The Airport Director stated that the Airport was compliant. Councilmember Lehto requested to know whether the Airport Director believed that based upon what he has seen tonight, whether there would be a safety problem at the Airport regarding air quality. The Airport Director stated that there was no problem with air quality. Councilmember Lehto requested to know how a hanger can be approved through the Planning Division without going through a noise study. Councilmember Lehto explained the process that was taken with the Sunnyside Road development. Councilmember Lehto requested to know whether the elevations of the Airport were consistent with the topography of the Airport as it currently exists. The Airport Director explained that before the work began the land was climbing, rolling terrain. In order to build a ramp that ties into the taxiway, the terrain needed to be leveled.

Councilmember Hardcastle requested to know whether the rules from the Federal Aviation Administration would not allow trees to be planted on Airport property. The Airport Director explained that trees and airports do not mix and trees attract wildlife. The requested rezoning is far enough away from the Airport property that trees are not an issue.

Larry Matson, 1998 Olympia Drive, reappeared to request whether a decibel study was conducted. The Airport Director stated that he had that information for the residents. Mr. Matson requested to know who would install the fencing and landscaping and, further, whether the water line would be tapped into the water line in Olympia Drive.

The Airport Director explained that a noise contour map is part of the Airport Master Plan. All noise contours are determined for one-way aircraft noise. The majority of the noise from an airplane is on the runway in the take off configuration. In developing a noise contour for the Master Plan, the loudest noise is evaluated. The Airport Director indicated the different noise contour lines on a map. The company that was hired to prepare the Airport Master Plan conducts noise modeling as well as sound technician work. The Airport Director stated that the Airport is providing the fencing and landscaping. He stated, further, that he is working with the Parks and Recreation Division regarding the maintenance of this area. He is also working with a Horticulturist to develop the landscaping plan. With regard to the 8-inch water line loop that will be installed, the Water Superintendent tested the water line in Olympia Drive and determined that it was flowing at 50 PSI. There was one complaint from a neighbor that their water pressure was not very good. The water pressure was tested at this location. Through years of sediment and the hard water, a restriction in the flow was found between the City water line and the service line to the home.

The City Attorney stated that the City Council needs to be careful about making a record. This is a rezoning hearing. When there is cross talk, it is difficult to make a record. He encouraged everyone to be careful about having one person at the podium at a time.

Dale Tobias, 1274 Norton, appeared to question whether there was a specific area for engine check-out.

The Airport Director appeared to state that the Airport Operations Manual stipulates that all engine run-ups, other than idle power, be conducted at the end of the runway.

There being no further discussion either in favor of or in opposition to this rezoning request, Mayor Fuhrman closed the public hearing.

Councilmember Lehto encouraged the Airport Councilmembers to be more proactive with this project by putting the City in a better light as good neighbors. In sitting on the Electric Council Committee, he reflected upon the construction of the Hatch Substation which was bounded by a residential neighborhood and adjacent to a commercial shopping complex. As that project was developed, there was an environmental assessment,

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a noise consultant was hired, and public input was received. That information was presented to the neighbors in the area. Then the project was designed. This was a win-win situation, in that the neighborhood was involved at the beginning of the project. In this process, it was pointed out that substations have a small hum that could be disturbing to the neighbors. To alleviate as much of that as possible berms were built, security fencing was added, and trees were planted. He stated that he could share a similar story about how the Public Works Division proceeds with projects. Councilmember Lehto stated that he could see none of this type of preparation with the Airport project. He stated that the zoning request should not be approved in the hope that the City Council might recognize that the additional R-1 Zone might be needed to provide the neighborhood with buffering.

Mayor Fuhriman stated that the City will continue to work with the residents in the area. The Airport Director will make himself available and keep in contact with the neighbors as he works with the Parks and Recreation Division to develop a landscape plan. Mayor Fuhriman requested Mr. Melling to stay in contact with the Airport Director so that any issues may be rectified.

Councilmember Cornwell stated to Councilmember Lehto that the rules and regulations for the Hatch Substation project might be somewhat different when related to the Airport. The Federal Aviation Administration may have jurisdiction over the City of Idaho Falls with regard to the Airport development. She stated, further, that she received two telephone calls regarding the Airport construction and returned one telephone call where a telephone number was provided for her. The Airport Council Committee has requested that the neighbors submit a plan for the area, and they have submitted that plan. The neighbors have done everything that the Committee has asked them to do and she hoped that the Airport is doing everything that has been asked of it.

Councilmember Lehto stated that Federal Law is usually the law of the land, State Law is derived from Federal regulations and Municipal and County regulations are usually derived from State Law. None are usually less restrictive than the higher law. He stated that he believed that a noise study was in order before the buildings were erected, that buffering was in order before the buildings were erected, and the stockpile of dirt needs to be visibly covered. He expressed his concern for poor visibility for an airplane, should a wind arise and dirt start moving. The City of Idaho Falls needs to be a responsible steward by putting down water and doing the project correctly.

Councilmember Lyon stated that he appreciated all of the citizens that appeared. This is what democracy is all about. He stated that he appreciated Councilmember Lehto's comments. He took those comments as critical of the Airport Council Committee and that criticism, in large part, is deserved. There is a question that is still unresolved. Councilmember Lyon stated that he has been told by the Mayor and City Attorney that he is not in charge of the Airport Council Committee. He received a letter from the City Attorney that, in effect, says that Councilmembers and Council Committees really do not have any authority. The Division Directors preside and conduct those meetings and set the agenda. He stated that he did not believe that to be true. Councilmember Lyon requested the following letter from the City Attorney to be entered into the record:

MEMORANDUM

Office of City Attorney

TO: Mayor Jared Fuhriman

FROM: Dale W. Storer, City Attorney

DATE: May 18, 2006

RE: Mayor and City Council Roles; Council Committee structure

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The following will respond to your request for my counsel and guidance regarding the nature and scope of the powers and authority delegated to mayors and city councils under Idaho law and how such authority is exercised as between the office of the mayor and the city council. In particular, this memorandum will address the respective roles of the mayor and city council in directing and controlling city officers and employees and will explain how such authority is exercised in the context of the committee system adopted by the City.

Idaho Code §50-602 provides that the mayor “shall be the chief administrative official of the city [and] have *the superintending control of all officers and affairs of the city. . .*” Conversely, Idaho Code §50-701 provides, “The *legislative* authority of each city in the State of Idaho . . . shall be vested in a council consisting of . . . six members . . .” Essentially this structure is very similar and parallel to the structure of the federal government in that the mayor is the chief executive officer of the city; and the city council, like the U.S. Congress, is the legislative branch of municipal government. In particular, the mayor supervises all officers and employees of the city and administers the day to day affairs of the city including: administration of city financial affairs, personnel, law enforcement, public safety and city utility enterprises. Conversely, the city council has, among other things, authority to adopt city ordinances, to establish broad policy directives affecting all city divisions, to oversee city finances and to conduct planning and zoning hearings. Such latter authority must be exercised broadly and collectively, that is each individual council member has no authority to direct or control the establishment of policy, adoption of ordinances or budgets nor does the council have collective authority to “micro-manage” the day to day affairs of the city. Rather, the council’s authority is “legislative” in nature and should be exercised broadly and collectively in one body as a whole. Further, all business of the council must be transacted at a properly called city council meeting at which a quorum is present and by a vote of the majority of the members present. (See Idaho Code §50-705.) In contrast, the functions of the office of the mayor may be exercised without the need to convene a meeting, have a quorum present or call for a vote, as long as the mayor’s actions are consistent with the ordinances and policies adopted by the city council and are in accordance with State law. For obvious reasons, it would be impossible to have the city council manage the day-to-day affairs of the city, given the need for prompt day to day decisions and the cumbersome procedure of requiring a meeting, after proper notice, before any action could be undertaken.

You have also asked for my guidance and counsel regarding how the “committee system” established by the City of Idaho Falls fits within the organizational structure mentioned above. Title 50 of the Idaho Code contains general provisions applicable to municipal corporations within the State of Idaho. Title 50 establishes the nature and extent of the powers to be exercised by municipal corporations, and includes provisions dealing with ordinances, finances, elections, public property, civil service, and territorial limitations, among others. There are no provisions in Title 50 (or for that matter anywhere else in the Idaho Code) requiring the establishment of council committees or expressly allowing the same. Presumably therefore the authority to establish committees necessarily flows from the authority exercised by the mayor as the

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chief administrative official of the City. As such, the management and control of the committees falls under the administrative authority of the office of the mayor, as delegated to each division director. Section 1-5-10 of the Idaho Falls City Code requires the appointment of two members of the city council to sit upon seven separate committees, to-wit: municipal services, parks and recreation, planning and building, public safety, electrical, public works, and airports. Given the absence of authority of individual council members to act without collective city council action, city council members have no individual authority to direct or control the affairs of the committee or to manage the division associated with such committee. Traditionally, the role of city council members sitting on a committee has been as a liaison to and information source for the committee and division director and to represent and express the desires and "sense" of the city council. The committee system also serves as a means to educate and inform council members regarding the day to day operation of the City. By tradition, as well as a necessary adjunct of the organizational structure noted above, business coming before each committee is conducted by the division director pursuant to authority delegated by the mayor. In that capacity, the division director conducts all meetings of the committee, establishes the agenda and has managerial control over the affairs of his or her division. There is nothing in the Idaho Code or City Code which delegates managerial control over the committee or the division to a City Council member. Although the input, advice, and counsel of a council member appointed to the committee is carefully considered, weighed and evaluated, there is nothing in Idaho State Law or in the City Code which vests administrative or management authority over the division or committee in a city council member. In the absence of a vote by a quorum of the city council, each city council member appointed to a city council committee has no authority to make any decision in behalf of the city council. To do so would violate State law and infringe upon the prerogative of other council members who are not members of the particular committee.

Hopefully, the foregoing is of assistance to you and the city council in understanding your respective roles, as established by State Law and the City Code. If you have any questions concerning the foregoing, please feel free to contact me and I will be happy to discuss the same with you.

The City Attorney stated that he did not believe that to be true and stated that Councilmember Lyon misquoted the opinion.

Mayor Fuhrman stated that he did not want to continue this conversation.

Councilmember Lyon stated that the point that he wanted to make is that the issue of who is in charge and presides over a Council Committee is the Chairman of that Committee. The Council Committee leans heavily on the Division Directors because they are there full-time. Just as Councilmember Lehto is Chairman of the Electric Council Committee, there are policies that are specific to the Electric Division. There are things that Councilmember Cornwell and Councilmember Lyon can do that are specific to the Airport. One of those items would be to set an Airport-specific policy that will protect the residents that are adjacent to the Airport. He stated that he would like to see the boundary at the end of Olympia Drive defined. It is true that another City Council could come along and undo what this City Council has done. That is true for most of the things that this City Council does. He stated that he would like to see a Memorandum of Understanding written to say that this City Council acted in good faith and that the road will not be extended.

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That would provide the strength of precedent and good faith with the neighbors to discourage that from happening. Councilmember Lyon stated that he would like to see the City Council develop a communications policy that would require more than the Federal or State requirements would be. This would put the citizens at the forefront of what is going on so that the City Council does not find itself in these types of situations. He could give examples of other situations that may have been diffused in the early stages if the City Council had been more proactive in communicating with the citizens (For example – Teton Apartments and Westside Alternative High School). Councilmember Lyon requested the support of Councilmember Lehto in moving the Council forward to establish the City Council as a co-equal branch of government with the Mayor as the executive and that the City Council sets the policy and does the business of the City. Ultimately, the Division Directors are accountable to the City Council.

Mayor Fuhriman stated that this issue is not going to be discussed further and requested to know whether Councilmember Lyon had any further information on the rezoning request.

Councilmember Lyon stated that Councilmember Lehto has made some excellent points. He concurred with Councilmember Lehto's opinion that in the absence of a sufficient protection for the citizens that live next to the Airport as far as a buffer between the M-1 Zone and the R-1 Zone, he would vote against this rezone.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezoning from R-1 (Single-Family Residential) to M-1 (Manufacturing) on property located generally south of International Way and Idaho Falls Regional Airport, east of 25th West and Idaho Falls Airport, west of North Skyline Drive, and immediately north of Olympia Drive, legally described as the West 47.17 feet of Lot 11, Lots 12-14, Block 14, John Heights Subdivision, Division No. 9 (Airport Property) and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally
Councilmember Cornwell

Nay: Councilmember Lehto
Councilmember Lyon

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to recess consideration of Annexation Proceedings Prior to Platting for Kingston-Bauchman/Heritage Hills to the August 24, 2006 Regular Council Meeting. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

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Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Cornwell, that the meeting adjourn at 10:05 p.m.

CITY CLERK

MAYOR
