

JUNE 8, 2006

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 8, 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 Thomas Hally
Councilmember Michael Lehto
Councilmember Karen Cornwell
Councilmember Ida Hardcastle
Councilmember Larry Lyon (joined the meeting at 7:33 p.m.)

Also present:

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

Mayor Fuhriman requested Lieutenant Colonel Russell Johnson to come forward and lead those present in the Pledge of Allegiance.

Lieutenant Colonel Russ Johnson appeared and stated that he is the Battalion Commander for the First Battalion 140 Field Artillery for the National Guard Unit in Southeast Idaho. He presented the City of Idaho Falls with a Certificate of Appreciation from the Officers and Soldiers of this Battalion. This Certificate was presented to commemorate the outstanding community support and shared sacrifices and commitment to our soldiers, families and employers. Mayor Fuhriman stated that the Mayor and City Council and the citizens of Idaho Falls should be thanking the National Guard for their efforts in our behalf.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the May 25, 2006 Regular Council Meeting and the three Work Sessions held on May 30, 2006.

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 May 1, 2006 through May 31, 2006, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 608,436.83
Street Fund	32,259.68
Recreation Fund	22,269.92
Library Fund	32,634.67
Municipal Equipment Replacement Fund	410,670.58
Electric Light Public Purpose Fund	32,639.37
Business Improvement District	5,500.00
Street Capital Improvement Fund	47,917.00
Water Capital Improvement Fund	108,684.18

JUNE 8, 2006

FUND	TOTAL EXPENDITURE
Traffic Light Capital Improvement Fund	24,482.47
Airport Fund	163,963.42
Water and Sewer Fund	500,783.40
Sanitation Fund	124,185.39
Ambulance Fund	5,709.96
Electric Light Fund	3,074,176.27
Payroll Liability Fund	1,998,890.06
TOTALS	\$7,193,203.20

The City Clerk presented several license applications, including a BEER License to Chili's Grill and Bar (Transfer Only), 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 June 8, 2006.

The Acting Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
June 5, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Fikstad, Power Manager
SUBJECT: CONSENT AGENDA – MARKETING RFP FOR FIBER NETWORK

Idaho Falls Power respectfully requests authorization to solicit marketing proposals for the Fiber Network.

s/ Jo Fikstad

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Fuhriman requested those who had issues for the City Council that were not otherwise on the Council Agenda to come forward at this time.

Larry Smith, 915 7th Street, appeared to express the following three concerns:

JUNE 8, 2006

1. Illegal fireworks have been discharged near his home for the past few years. He requested that the laws on the books be enforced.

2. Indiscriminate spraying of pesticides and herbicides around the City. These sprays filter into homes.

3. The "D" Street railroad underpass has been a disgrace for 40 years. The additional money being spent on McDermott Field should be used to replace the deteriorating underpass.

Mayor Fuhriman thanked Mr. Smith for his comments and concerns.

The Airport Director submitted the following memos:

City of Idaho Falls

June 5, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT BETWEEN THOMAS C. PIPER AND
TIMOTHY J. LEAHY

Attached for City Council approval is the Consent to Assignment for the transfers of an aircraft hangar. All other terms and conditions of the lease remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Cornwell, to approve the Consent to Assignment of Hangar Lease Agreement between Thomas C. Piper and Timothy J. Leahy 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.

City of Idaho Falls

June 5, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT BETWEEN HAROLD E. KNAUTS
AND THOMAS C. PIPER

JUNE 8, 2006

Attached for City Council approval is the Consent to Assignment for the transfers of an aircraft hangar. All other terms and conditions of the lease remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Cornwell, to approve the Consent to Assignment of Hangar Lease Agreement between Harold E. Knauts and Thomas C. Piper and, further, give authorization for the Mayor and City Clerk 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 Acting Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
June 5, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Fikstad, Power Manager
SUBJECT: CONFIRMATION AGREEMENT WITH CARGILL POWER
MARKETS

Attached for your consideration is a Confirmation Agreement to purchase power from the Cargill Power Markets from December 1, 2006 through February 28, 2007. This agreement is for 15 megawatts on-peak.

Idaho Falls Power respectfully requests ratification of this agreement.

s/ Jo Fikstad

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Confirmation Agreement to purchase power from the Cargill Power Markets from December 1, 2006 through February 28, 2007. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell

JUNE 8, 2006

Councilmember Hally
Councilmember Lyon
Councilmember Groberg

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
June 1, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-06-21, ONE (1) NEW 2006 TELESCOPIC MATERIAL
HANDLER/LOADER

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services to accept the low bid of Pro Rentals and Sales, Inc. to furnish one (1) New 2006 Turbo Telescopic Material Handler/Loader for an amount of \$74,859.00.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the low bid from Pro Rentals and Sales, Inc. to furnish One (1) New 2006 Turbo Telescopic Material Handler/Loader for an amount of \$74,859.00. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
June 1, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-06-24, MONOTUBE STEEL STREET LIGHT POLES

JUNE 8, 2006

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services to accept the low bid of Codale Electric. They will furnish Fifty – 30’ poles for an amount of \$794.85 each for a total purchase price of \$39,742.50.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the low bid of Codale Electric to furnish fifty 30’ monotube steel street light poles for a total purchase price of \$39,742.50. 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
June 1, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-06-25, ONE (1) NEW 2006 OR NEWER GENERAL PURPOSE WHEEL TRACTOR

Attached for your consideration is the tabulation for Bid IF-06-25, One (1) New 2006 or Newer General Purpose Wheel Tractor.

It is the recommendation of Municipal Services to accept the low bid of Tractor Sales and Auto, Inc. to furnish a new tractor for a total amount of \$49,314.00 with an option for a pallet fork and with trade-in Unit No. 669.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the low bid of Tractor Sales and Auto, Inc. to furnish a new tractor for a total amount of \$49,314.00 with an option for a pallet fork and trade-in of Unit No. 669. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle

JUNE 8, 2006

Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls
June 1, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: IDAHO FALLS EQUIPMENT MAINTENANCE FACILITY – CHANGE
ORDER NO. 4

Attached for your consideration is the Change Order No. 4 in the amount of \$2,225.00.

Item No. 1: Provide and install, suspended plywood ceiling in Grinding Shop 118. Adjust fire sprinkler system as required. Cost for Item 1 is \$1,939.90.

Item No. 2: In shower rooms 109 and 110, delete 8" X 8" floor tile and replace with 2" X 2" ceramic mosaic. Cost for Item 2 is \$286.00.

Contract completion date will be increased by six (6) days. Construction completion date will be June 19, 2006.

It is respectfully requested that the City Council approve the Change Order and authorize the Mayor to execute said document.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve Change Order No. 4 to Shook Construction Company, Inc. for the Idaho Falls Equipment Maintenance Facility and, further, give authorization for the Mayor 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.

JUNE 8, 2006

City of Idaho Falls
June 5, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SUNNYSIDE ROAD PROJECT, TEMPORARY CONSTRUCTION
EASEMENT – TOM AND DONNA COLE, PARCEL NO. 66

Attached is a proposed Sunnyside Road Project, Temporary Construction Easement – Tom and Donna Cole, Parcel No. 66, in the amount of \$668.00. This amount includes an administrative settlement for wall vegetation. In addition, the City agrees to reimburse the owner for the cost of a dog kennel.

Public Works recommends approval of this agreement; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Sunnyside Road Project Temporary Construction Easement Agreement for Parcel No. 66 in the name of Tom and Donna Cole and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
May 25, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: AMENDMENT TO CITY CODE SECTIONS 4-3-16, 4-4-11, AND
8-3-4

Attached for your consideration is a proposed Ordinance amending Sections 4-3-16, 4-4-11, and 8-3-4(c) of the City Code. This Ordinance would allow the sale of beer and wine within the area known as “The Green” at the Tautphaus Park Zoo.

JUNE 8, 2006

The proposed Ordinance has been reviewed and drafted by the City Attorney and is therefore submitted for your approval.

s/ David J. Christiansen

Councilmember Cornwell requested those to come forward who were in opposition or in favor of this Ordinance Amendment.

Brett Manwaring, 2160 Aegean Avenue, appeared to share the following letter:

HomePointe Real Estate
June 8, 2006

TO: City of Idaho Falls Mayor and City Council
RE: City Ordinance to Allow Beer and Wine in Zoo

Since the current law does not allow this use, those in favor are asking to change a long-standing law. All the same reasons that put that law into effect are still valid or more so today. More alcohol in our parks and the zoo is not desirable. There are already sufficient places for folks who drink to do so, without opening new venues on City property.

Some say they see nothing wrong with small insignificant changes to the law. Most big changes come from combining small changes. Where to draw the line is what you are faced with. If there weren't many, many places already available for drinking it would be different. This community does have values shared by the large majority of the people – if you are so sure they wouldn't mind this change – why not put it on the ballot?

I would hope that this attempt to change our laws, for the worse in my opinion, is not a payback to those who supported the election of some of you. Campaign dollars should not be buying your approval of something you personally don't partake of for good reasons. How is it that if it isn't good for you, that it is good for the community? It would be far more impressive that you voted as the majority of the people would vote.

Good Luck,
Brett Manwaring

Elaine Barraclough, 3018 Westmoreland Circle, appeared to state that she lives approximately 200 feet from the Zoo. She stated that she was not notified of this change until approximately two weeks ago. She stated that she agreed with Councilmember Hardcastle, in that she agreed with responsible drinking and that there was nothing wrong with having a glass of wine with dinner. Mrs. Barraclough stated that she has been active in choice City groups, two of which are top fundraisers for the community. She served on the Board for Festival of Trees and with the City Music Club, neither of which serve alcohol at their fundraisers. She requested to know whether the Zoological Society's cause was greater than the committees she mentioned or whether they were not capable of successful fundraising unless alcohol was involved. Mrs. Barraclough stated that she went door-to-door in her neighborhood and submitted the following petition:

Petition to Stop Expansion of Idaho Falls Drinking Ordinance

I do not want the City Council or Mayor to expand the Idaho Falls City Ordinance to allow the drinking of alcohol, after hours in the zoo, for

JUNE 8, 2006

fundraising purposes. Please attend the City Council Meeting on 8 June, 2006, 7:30, at the Electric Building across the street from the library at 140 South Capital Avenue. You can contact the Mayor/City Council with your concerns at: <http://www.ci.idaho-falls.id.us/main/ContactList.asp>.

NAME	ADDRESS
Jack Barraclough	3018 Westmoreland Circle, Idaho Falls 83402
Marilyn Sanow	3008 Westmoreland Circle, Idaho Falls 83402
Dan Sanow	3008 Westmoreland Circle, Idaho Falls 83402
Tammy Taylor	155 East 19 th Street, Idaho Falls 83404
Mary Lou DeMott	3021 Westmoreland Circle, Idaho Falls 83402
Bernice I. Nagata	3026 Westmoreland Circle, Idaho Falls 83402
Ruth Tiffany	3069 Westmoreland Circle, Idaho Falls 83402
Summer Peterson	382 Westmoreland Drive, Idaho Falls 83402
Barth Combe	368 Westmoreland Drive, Idaho Falls 83402
Jill Neeley	3195 Gustafson Drive, Idaho Falls 83402
Glenn and Emma Jane Nelson	338 Gustafson Drive, Idaho Falls 83402
Lewis G. Tiffany	3069 Westmoreland Circle, Idaho Falls 83402
Sue Manwaring	2160 Aegean, Idaho Falls 83404
April Crandall	3715 Clearfield Lane, Idaho Falls 83406
Lisa Maynard	2676 Desert Drive, Idaho Falls 83404
Amy Taylor	815 Wolfcreek Circle, Idaho Falls 83401
Kim O. Johnson	6195 Sunnyside Road, Idaho Falls 83406
Sharyn Johnson	6195 East Sunnyside Road, Idaho Falls 83406
Betsy Monson	1386 St. Clair Road, Idaho Falls 83404

Submitted by Elaine Barraclough
3018 Westmoreland Circle

Mrs. Barraclough stated that it took an insightful and courageous City Council years ago, to ban alcohol in the City parks. She requested the Mayor and City Council to consider the will of the people.

Jim Brooks, 905 Austin Avenue, appeared to state that he and his wife oppose the opening of the City parks and the Zoo to alcohol.

Ralph Wood, 3559 Stonegate, stated that some years ago when he was on the City Council, Police Officer Tex Hamberlin picked him up early one morning to view the mess left at Tautphaus Park following an evening of alcohol consumption by a group of people. Not long after this, the City Council voted to remove alcohol from the parks and return the parks back to families and those that could respect the parks in a much better way. He requested the Mayor and City Council to keep the parks for families and youth and do not turn it back to those who would desecrate the City parks.

Jeannie Cousin, 960 Terry Drive, appeared to state that she is a school teacher in the Idaho Falls area. Every October, teachers are required to teach the children in Idaho Falls to say "No" to drugs, including alcohol. The Sixth Graders in the School District also receive instruction from DARE Officers challenging them to avoid alcohol, tobacco, and other dangerous drugs. If the City Council passes this Ordinance, a hypocritical message will be sent to the children and youth of Idaho Falls. To vote "Yes" on this issue because alcohol fund raising events causes people to give more money since their thinking has been impaired, is one of the very reasons we teach our children not to drink. If that is the mindset, then these events need to be held on private property with designated drivers to take these people home. To vote "Yes" on this City Ordinance based on the premise that alcohol is already served on some City properties, would be opening the

JUNE 8, 2006

door to every other private interest group that approaches this Council asking that alcohol be allowed at their specialized event. Soon every major event that takes place from the Greenbelt to Freeman Park would be requesting alcohol. This City Council should be setting a precedent to keep the City properties, especially those designed for children and families, alcohol free. Mrs. Cousin requested the City Council to say "No" to drugs on City property.

Dave Shipman, 160 Brookside Drive, appeared to tell the Mayor and City Council to keep this in perspective. The Zoological Society is requesting a very narrow use of wine and beer at fundraisers at the Zoo. There would be no danger. They are not being hypocritical. There is no message being sent to the youth of Idaho Falls, other than they need to be responsible.

Kevin O'Brien, 425 Atlantic, appeared to state that he is not a drug taker, he is a responsible drinker of wine. He requested that the Mayor and City Council vote their conscience and vote for good social responsibility. Vote for those that are responsible adults and act as such.

Don Carey, 5325 Gleneagles Drive, appeared to state that he supported the amendment to the Ordinance when drinking is responsible. If someone is irresponsible with drinking, they ought to be dealt with. Mr. Carey stated that this is a reasonable amendment and requested that the Mayor and City Council be reasonable.

Tim Larson, 364 East 13th Street, appeared to share the following statement:

City Ordinance

City Councilmembers and Mayor Fuhriman:

The reason many of us are here this evening is to address the change that has been requested to be made to our City Ordinances in regards to consumption of alcohol, particularly at the zoo. Thus far, there has yet to be stated any compelling reason as to why our ordinances require a change.

Our current ordinances are in place for a reason; that reason is not only to protect our children, but also to keep a safe haven in the community for families.

There is no compelling city interest in changing this alcohol consumption ordinance.

Obviously, the zoo has grown in previous years. It is a wonderful place that, just this week, my wife and daughter were able to visit with friends for an afternoon of enjoyment. I do not see how allowing alcohol to be consumed at the zoo two nights a year will benefit my family's enjoyment of the zoo. Obviously, enough money has been raised in previous years to keep the zoo not only fun, enjoyable and educational, but it has also grown significantly as well.

The onus lies upon the Zoological Society to provide compelling reason to change current City Ordinances. They have yet to provide how the change to City Ordinance provides a benefit to the City.

The City laws are not on trial here today. It is not up to the law to defend itself. Again, the burden of proof lies on the Zoological Society.

JUNE 8, 2006

My responsibility tonight is not to answer to the Zoological Society as to how this change in City Ordinance will hurt children and families. Rather, it is the Zoological Society's responsibility to state how, exactly, the zoo is in danger by the six/seven of you not changing City Ordinance tonight?

Again, our Ordinances are in place for a reason. A change requires ample evidence by the Zoological Society which is yet to be seen. A few weeks ago, a major reason they provided us was that:

1. Everybody is doing it.

This, is in fact a logical fallacy.

I exhort you to vote NO on this change!

Chad Campos, President of the Tautphaus Park Zoological Society, 330 Napa Drive, appeared to state that the donors to the zoo have the right and privilege to see where their dollars are going. They should be able to come in a responsible manner to the place that they are sacrificing and giving of their dollars to continue to see improvements at the zoo. These are donors that have been significant donors in the past. There are numerous activities throughout the year that are available to those who do not like to attend this type of an activity. The Symphony at the Zoo is next week. He invited the Mayor and Council and all those present to attend this event. Mr. Campos submitted the following letter:

Tautphaus Park Zoological Society of
Idaho Falls
June 8, 2006

Honorable Mayor Jared Fuhriman
And City Councilmembers
City of Idaho Falls
P. O. Box 50220
Idaho Falls, ID 83405

Tautphaus Park Zoological Society Request for Ordinance Change

Dear Mayor Fuhriman and Councilmembers:

The Tautphaus Park Zoological Society thanks you for your long-term support of the zoo and the efforts of the Zoological Society.

The Society has requested a change to the Idaho Falls Ordinances governing the sale and consumption of beer and wine in City Parks. We have requested this change to allow the Society to serve beer and wine at select fundraiser events on zoo grounds.

The Society believes that this change will enhance our ability to raise money to support Tautphaus Park Zoo. We organize a wide variety of fundraiser events throughout the year, most of which are family-oriented events held at the zoo. These events include the annual Symphony at the Zoo, Photo Safari and Boo at the Zoo.

JUNE 8, 2006

The Society also organizes an annual gala, which includes dinner, dancing and an auction. This event, now in its eighth year, has been held off zoo grounds to allow us to serve alcoholic beverages during the event.

Moving the event to the zoo will allow us to distinguish this event from other fundraiser dinners and galas in the community to showcasing the zoo and its incredible atmosphere. It will allow us to personally demonstrate to potential donors the vast array of incredible programs and projects that have been supported in the past and the unique opportunities available for the future.

Society fundraiser events that include serving beer and wine would be held after regular zoo hours and all attendees would be required to be 21 or older. Beer and wine dispensing and consumption would only be conducted in the Zoo Green area.

The Tautphaus Park Zoological Society Board of Directors thanks you for your continued support of the Society's quest for new and exciting ways to present the zoo to potential major donors.

Sincerely,

s/ Chad Campos

Chad Campos, President

Tautphaus Park Zoological Society

Kathy Stanger, 295 East 13th Street, appeared to state that there would be no one present who has any more compelling reason to fight this amendment than she does. Members of her family were killed by a drunk driver. Her daughter was almost killed by a drunk husband. Most domestic violence is caused by alcohol abuse. She stated, further, that she lost a lot of money as a former business owner because of absenteeism and incarceration. She stated that she appreciated the City Council for taking alcohol out of City parks. Mrs. Stanger stated that she did not believe that since a great number of citizens oppose drinking, that a requirement be placed that no one else do it. There will be responsible drinking under the circumstances that are being outlined. Her first concern about this amendment, was whether or not it would weaken and allow alcohol in family areas. She became convinced as she talked with people about this amendment, that it will not do that. This amendment is for people who are responsible. She did not recall in the past, that police officers have had to be called out to Zoological Society functions at other locations for irresponsible behavior. Mrs. Stanger stated that she was deeply appreciative of the time, the resources, and the abilities of the people who have donated money to the Zoo to make it as lovely as it is. She requested that the Mayor and City Council give this amendment serious consideration.

Sonja Schanz, 302 11th Street, appeared to submit the following petition:

Petition to Stop Expansion of Idaho Falls Drinking Ordinance

I do not want the City Council or Mayor to expand the Idaho Falls City Ordinance to allow the drinking of alcohol, after hours in the Zoo, for fundraising purposes. Please attend the City Council Meeting on 8 June, 2006, 7:30, at the Electric Building across the street from the Library at 140 South Capital Avenue. You can contact the Mayor/City Council with your concerns at: <http://www.ci.idaho-falls.id.us/main/ContactList.asp>.

JUNE 8, 2006

NAME	ADDRESS
Elaine S. Barraclough	3018 Westmoreland Circle
Susann Lund	462 11 th Street
James W. Brook	905 Austin 83404
Jeanette Brook	905 Austin 83404
Kaei Hann	905 Austin Avenue 83404
Camille Munson	140 East 20 th Street, Idaho Falls 83404 (208) 552-6401 camillemunson@msn.com
Eleeny Collette	1420 Mountain View, Idaho Falls 83402
Don Schanz	302 11 th Street, Idaho Falls
Mike Adams	1470 Mountain View Lane, Idaho Falls 522-5050
Lacey J. Keller	615 Crestview Avenue, Idaho Falls 83402
Carmen McKellar	659 Troy Circle, Idaho Falls
Laura J. Jenson	1711 Ninth Street, Idaho Falls, Idaho 83404
Jorden M. Argyle	2040 Tiffany Drive, Idaho Falls, Idaho
David B. Black	1965 Sequoia Drive
Kathy Black	1965 Sequoia Drive
D. J. Brasher	2835 Redbarn Lane
Heidi McCann	1865 Santalema Drive
Shane McCann	1865 Santalema Drive
Mark D. Argyle	2040 Tiffany Drive
L. McKay Rich	1076 East 21 st Street, Idaho Falls
Roger Olsen	2225 Arctic Avenue, Idaho Falls
J. M. Picano	1143 Pacific Street, Idaho Falls
Terry L. Young	1945 Tiffany
Duane Williams	1066 Sahara Street
Pat Martin	1875 Jeppson
Claire Pace	2014 Azalea
JoAnn Fife	2258 Santalema
Miriam Olsen	2225 Arctic Avenue
Karen Beckstead	2065 Santalema Drive
Heather Rich	1076 East 21 st Street
Ellen Wages	1210 East 21 st Street
Gary Jenks	1010 Austin Avenue
Barbara Young	1945 Tiffany Drive, Idaho Falls
Steven D. Schellenberg	1050 Austin Avenue, Idaho Falls
Wayne Simpson	1480 Merrett, Idaho Falls
Kim Houk	1920 Sequoia Drive, Idaho Falls
David Bailey	2275 Baltic Avenue
Joy R. Wallstedt	750 I Street, Idaho Falls, 83402
Weather P. Jemmett	730 K Street, No. 5
Bethany Crenshaw	826-1/2 J Street, Idaho Falls 83402
Carolina Brunson	950 Canyon Avenue 83402
Sandra Brunson	950 Canyon Avenue 83402
Sandy Heeding	651 L Street, Idaho Falls, Idaho 83402
Bobbi L. Tracy	1275 Sage, No. 2, Idaho Falls, Idaho 83402
Melissa Moss	757 L Street, Idaho Falls, Idaho 83402
Ruth Arnell	1446 Mound Avenue, Idaho Falls, Idaho 83402
Mina Haroldsen	975 Iona Street, Idaho Falls, Idaho 83402
Nikkie Long	725 K Street, No. 7, Idaho Falls, Idaho 83402
Heather Lyon	780-1/2 J Street, Idaho Falls, Idaho 83402
Joy Hobbs	966 Cassia, Idaho Falls 83402 522-3031
Susan Holyoak	959 Cassia Avenue, Idaho Falls 83402
Jennifer Caywood	725 K Street, No. 11, Idaho Falls, Idaho 83402
Virginia Stultz	960 West Elva Street, Idaho Falls, Idaho 83402

JUNE 8, 2006

NAME	ADDRESS
Karri Holland	920 West Elva, Idaho Falls, Idaho 83402
LaDene Parsons	891 J Street, Idaho Falls, 83402
Sharon Anderson	976 Boise Avenue, Idaho Falls, Idaho 83402
Marcene C. Nielson	925 K Street, Idaho Falls, Idaho 83402
Beth Jensen	737 J Street, Idaho Falls, Idaho
Louise Clement	1002 West Elva, Idaho Falls, Idaho
Jeana Nef	725 K Street, No. 2, Idaho Falls, Idaho
Bonnie Bowles	1285 Sage Avenue, Idaho Falls, Idaho 83402
Ora S. Whittier	970 Elmore Avenue, Idaho Falls, Idaho 83402
Gay S. Solomon	644 J Street, Idaho Falls, Idaho 83402
Megan Baird	730 K Street, No. 13, Idaho Falls, Idaho 83402
Cheryl Neitzel	947 K Street, Idaho Falls, Idaho 83402
Ruthanne Gines	610 H Street, Idaho Falls, Idaho 83402
Mary Jo Stucki	925 Cassia Avenue, Idaho Falls 83402
Shaun Ellis	1268 Mound Avenue, Idaho Falls 83402
Wendy Wellman	670 I Street, Idaho Falls 83402
Jolene Holverson	951 Bannock, Idaho Falls 83402
Linda Johnson	948 I Street, Idaho Falls 83402
Charles Johnson	948 I Street, Idaho Falls 83402
Jean Ricks	1041 Ada Avenue
E. Lloyd Ricks	1041 Ada Avenue
John Ricks	197 East 14 th Street, Idaho Falls
Ron Ricks	197 East 14 th Street, Idaho Falls
Kenneth E. Turner	270 East 15 th Street, Idaho Falls
Rayna Turner	270 East 15 th Street, Idaho Falls
Kati Hardy	565 Gladstone Street
Annette Mendosa	522-8045, East 15 th Street
William Grace	521-1850, 1900 Parkwood Street
Katherine L. Walker	535-0690, 1054 Bannock Avenue
Travis Walker	1054 Bannock Avenue
Kevin C. Stanforth	374 12 th Street
Halli H. Stone	305 Eastview
Dale Cresap	991 7 th Street
Carrie Lyn Lyon	346 5 th Street, Idaho Falls
Brett Manwaring	2160 Aegean Avenue, Idaho Falls
Sonja Schanz	302 11 th Street
Barbara Ehardt	961 J Street, Idaho Falls
Mark D. Jefs	1425 Scorpius, Idaho Falls
Amber Schanz	302 11 th Street, Idaho Falls, Idaho
Michael Strobel	1134 Pacific Drive
Jacob Schanz	302 11 th Street, Idaho Falls, Idaho 83404
P. F. McClernon	292 11 th Street, Idaho Falls
Trent Fowers	125 East 13 th Street
Joan Bressler	139 East 13 th Street
Shelli Ricks	197 East 14 th Street
Kimberly Smith	282 East 16 th Street
Katrina S. Scott	293 12 th Street
Anne L. Leymaster	1247 South Emerson Avenue
Sommer S. Larsen	364 East 13 th Street
Patsy Shipley	900 Austin
Michelle Ross	4257 Smithfield
Brandon Ross	4257 Smithfield
Brandon Andrus	675 North Wabash
Valerie Andrus	675 North Wabash

JUNE 8, 2006

NAME	ADDRESS
Leo McLane	331 Eastview
Mark Stone	305 Eastview

Mrs. Schanz shared the following comments made by her neighbors:

1. You have to change the signs.
2. It doesn't make sense, the signs say no drinking.
3. He won't do that.
4. She won't do that.
5. They won't do that.
6. Why would they do that?
7. City shouldn't support alcohol.
8. Giving in a little bit opens the door for other things we don't want.
9. Other groups will want to do it.
10. I don't want to start this. Give an inch, and take a mile.

Mrs. Schanz stated that the Zoological Society has done a great job with the Zoo. They can continue to raise without bringing alcohol to the Zoo. She questioned whether there would be a liability issue in allowing alcohol in the Zoo area. This is a watershed moment for the Mayor and City Council. This is a "yes" or a "no" for family values or special interests. The Zoological Society can continue to have their party at the Country Club. Previous Councilmembers have set the precedent for no alcohol in the Zoo. She hoped that the Mayor and Council did not feel an obligation to make this amendment to the Ordinance because of the work that the Zoological Society has done for the Zoo. The Mayor's and City Council's obligation is to the people who voted them into office and to the families who love the Zoo and the parks and want to keep them as they are.

Dale Perry, 755 Saturn Avenue, appeared to state that he agreed with all the statements opposing alcohol in the park. He requested those who agreed with that, to stand. Approximately 50% stood to oppose alcohol at the Zoo.

Carmen McKellar, 659 Troy Avenue, appeared to state that she was seventeen years of age and has seen kids come to class drunk. It is amazing what a couple of glasses of wine can do. She questioned whether there was a limit as to how much wine can be consumed at the fundraisers. Ms. McKellar expressed her concern for someone driving home drunk. There are many people in the audience that do not want to have alcohol in the Zoo. She requested that the Mayor and Council oppose this Ordinance amendment.

Jordan Argyle, 2040 Tiffany Drive, appeared to share the following letter:

June 8, 2006

Dear Mayor and City Council,

As youth of this community, we express our opposition to the proposed change in the city alcohol ordinance to allow alcohol to be served at the Tautphaus Park Zoo.

As young people, we are inundated on a daily basis with the promotion of alcohol. It is prevalent in the television shows we watch, in widespread advertisements, in books, magazines and our local newspaper. In the majority of these portrayals, alcohol is shown as being acceptable, cool and even necessary to have a good time. Every day we have to resist that image and it is not always easy. The City Council can either help us or hinder us by their decision tonight.

JUNE 8, 2006

If the City Council passes this measure, they will be sending a clear message to the youth of this community where they stand on alcohol use. Because the City must codify this, they would be placing their stamp of approval on alcohol. This nonverbal support of alcohol use in general will far outweigh the lip service paid to the opposition of underage alcohol consumption. This message of "Do as we say, not as we do" will not be effective in preventing underage drinking.

As the youth of this community, we are its future. By introducing alcohol into the Zoo now, the City Council takes a step down the wrong path. Eventually, today's youth will be the ones that have to undo the negative results from this decision. We do not want this now and we do not want this as part of our future!

We have heard the arguments. We realize that the Zoological Society does good in the Zoo and feels this measure is needed to further their ability to support the Zoo. We understand that the proponents of this Ordinance believe that the sideboards placed on this law are enough to protect from the potential negative consequences that may come. We do not. We respectfully request that the City Council prioritize the concerns of the youth in this community as more important than alcohol. Please vote no on this Ordinance.

Sincerely,

s/ Lacey Keller
s/ Melanie Jensen
s/ Akira Keller
s/ Stephanie C. Mary
s/ Diana Cox
s/ Laura Zaugg
s/ Myleah Keller
s/ Shelley McKellar
s/ Kimberly Bates

s/ Jordan Argyle
s/ Hailey Keller
s/ Justin McBride
s/ Jacqueline Barker
s/ Carmen McKellar
s/ Laura J. Jensen
s/ Kristie Barker
s/ Ashley Ward
s/ Brian McKellar

Dan Call, 2716 Laguna Drive, appeared to state that he supported the amendment. This is for adults, not children.

Sommer Larsen, 364 East 13th Street, appeared to state that she appreciated the City Council's efforts to raise money and take some of the burden off of taxpayers in this City. There is a better way to do that. She expressed her concern regarding a couple of things that Councilmember Hardcastle said in a telephone conversation with her and her husband. Councilmember Hardcastle stated to Mr. Larsen that she was a realist and drinking will not be kept out of Idaho Falls. Mrs. Larsen stated that no one is asking to bring back prohibition. She does not want alcohol at the Zoo. She shared the following from an e-mail to Councilmember Lehto:

1. A law that allows a special group, the Zoological Society, to drink alcohol is unfair. On one side of the fence it would be legal to drink and on the other side it would be criminal. It gives the message of elitism and since we all pay taxes to maintain the Zoo, one group should not be given preference simply because they give money for a charitable cause.

JUNE 8, 2006

2. Since the Zoo is a family friendly place, we want no one drinking at the Zoo – period – from any group. There are other places where the Zoological Society can have their wine tasting party, like where they are already doing it at the Country Club. Other ideas of fundraising for the Zoological Society could be explored.

Mrs. Larsen stated that at the City Council Meeting on May 25th, many concerned citizens shared the same sentiments. There were some comments made by City Councilmembers that bothered her. Councilmember Hally stated that he grew up in a family of recovering alcoholics. He added that drinking should not be demonized. Councilmember Hardcastle stated that she grew up in a responsible drinking family. No one is trying to demonize drinking. Mrs. Larsen stated that she felt that the taxpayers were being chided at the meeting. She was sure that there were thousands of people who want to preserve the Zoo as family friendly and would be disappointed if the City Council voted in favor of this Ordinance.

Lacey Keller, 615 Crestview Avenue, appeared to share the following letter:

Lacey Keller
615 Crestview Avenue
Idaho Falls, Idaho 83402
313-2377
June 8, 2006

Dear Mayor and City Council,

I am, once again, speaking in opposition of introducing alcohol into the Tautphaus Park Zoo. I have listened to the debate and understand that many of you feel that the precautions you have taken are enough to ensure the safety of any part affected. I do not.

Some of you have said that you believe in responsible drinking. So do I, but drinking in the Zoo is not responsible. There are too many what ifs that cannot be answered and the extent of the message being sent cannot be predetermined.

There have been many who have spoken out against this Ordinance. There have been only a few who have come forward to support it. In this nation, we elect representatives to do just that – represent us. You have not been elected to represent the Zoo or the Zoological Society. You have been elected to represent the citizens of Idaho Falls. Please do that.

Sincerely,

s/ Lacey Keller

Ms. Keller stated that there have been more than twenty people who have spoken against this Ordinance amendment and five or six who have spoken in favor of it. Three of the Zoological Society have spoken in favor of this amendment. She stated that this is not wise policy for Idaho Falls. The Mayor and City Council have been elected to make wise policy. The Mayor and City Council have, also, been elected to vote as to how the citizens want you to vote.

JUNE 8, 2006

Halli Stone, 305 Eastview, appeared to state that Channel 3 News covered a small portion of the May 25, 2006 City Council Meeting regarding "Booze at the Zoo", after which an extensive report followed regarding preventing youth from using and abusing alcohol. She wanted the City Council to be aware of that report. Mrs. Stone requested to know if there were members of the City Council that were affiliated with the Bonneville Youth Development Council. Councilmember Cornwell, Councilmember Hardcastle, Councilmember Lehto, and Mayor Fuhriman stated that they were members or were affiliated with this group. Mrs. Stone requested to know whether the Bonneville Youth Development Council had a position on alcohol use.

Mayor Fuhriman stated that the Bonneville Youth Development Council opposes this Ordinance amendment.

Mrs. Stone stated that if this is approved, there is a definite message sent by the City regarding the use of alcohol. You can use it when it is appropriate. She stated that she did not believe that this was a message that the City Council wanted to send. There are other areas available for consumption of alcohol. Those present that are opposed to this Amendment are afraid that youth are getting the message that this is something that wealthy, elite individuals do away from the rest of the public. The Bonneville Youth Development Council and their leaders ought to be listened to. They are speaking wisdom and requested that the City Council listen to them as well as to the concerned citizens present.

Ted Milton, 650 Troy Avenue, appeared to state that if this amendment is approved, the door will be open to similar requests. He stated that he was so sure that this would happen that he was willing to escrow \$5,000.00 in a bank, for anyone to match it, that this was going to come before the City Council again. Mr. Milton suggested that those who were on the City Council who work for the Bonneville Youth Development Council should resign if this amendment is passed.

Don Schanz, 302 11th Street, appeared to tell the Mayor and City Council to consider the voters with regard to this issue. He conducted an informal survey. In that survey, he found that people that he talked to opposed this amendment approximately 2 to 1. Mr. Schanz suggested that those Councilmembers who vote in favor of this amendment, will have this become a campaign issue at the next election. He stated that the City Council needed to consider their votes and who they represent.

Lisa Keller, 615 Crestview Avenue, appeared to state that she brought statistics to the last City Council Meeting from the Bonneville Youth Development Council from "Teens Rising Above Peer Pressure To Stay Sober". As far as she was aware, Bonneville Youth Development Council has no official position on this amendment.

Councilmembers submitted the following letters and telephone calls in support of this Ordinance Amendment:

June 8, 2006

Mayor Fuhriman
City Councilmembers
City of Idaho Falls

As a former City Councilmember and a current member of the Tautphaus Park Zoological Society, I would encourage the acceptance of the ordinance permitting beer and wine in the Zoo's Green Area.

This City of ours has some very fine attractions and the Zoo is number ONE in my estimation. The change in it over the years is phenomenal and one of the major contributors is the TPZS. Their labor, money raising events, and

JUNE 8, 2006

general love of the Zoo has always had my admiration. The Society's dedication is "awesome".

To allow the TPZS to sponsor fund raising events at the Zoo, with the sale of beer and wine, would increase those Zoo dollars and continue to keep this City's number ONE attraction on top.

There are all kinds of arguments against this proposal and I wonder why those who will benefit the most (young families) seem to be most opposed. Do they realize what the loss of Society funds and interest would cause?

Enough...

Thank you for your consideration.

Sincerely,

s/ Mary
Mary Klingler

June 8, 2006

Dear Councilmember Hardcastle:

We would like to express our support for a change in the City ordinances to allow beer and wine sale/consumption at special events in Tautphaus Park Zoo.

We have lived in the Idaho Falls area since 1968 and have always been supporters of the Zoo. We took our children there when they were growing up, and we take our grandchildren now. Any events held to raise money for Zoo improvements have our wholehearted support, including a fundraiser involving the sale of wine.

We are former Zoological Society members and have participated in Zoo fundraising events over the past many years. We strongly urge you to consider this ordinance change.

Sincerely,

Jeanne and Gene Sherman
11415 South Greenbrier Drive
Idaho Falls, Idaho 83404

June 8, 2006

Councilmember Cornwell

Karen: Carol and I are unable to attend the City Council Meeting tonight, but we want to express our support for allowing alcohol to be used on

JUNE 8, 2006

a limited basis for special fund raising events at the Idaho Falls Zoo. We believe this proposal enhances the ability of the IF Zoological Society to raise funds, so they can continue to improve this wonderful community asset without taxpayer dollars. As an adjacent property owner we cannot imagine this controlled and limited use of alcohol will have any negative effect on us or our neighbors. Thank you for passing our thoughts on to the Mayor and rest of the Council.

Kenlon and Carol Johnson
2695 South Boulevard

June 8, 2006

City Clerk:

I am very much in favor of allowing alcohol to be served for special events at the Tautphaus Park Zoo.

Thank you,
Phyllis Stallings
524-2058

June 8, 2006

City Clerk:

We would like to vote yes to allowing alcohol to be served at Tautphaus Park Zoo for special event programs.

Ray and Jo Thomas
2985 Newman Drive
Idaho Falls, Idaho 83402
208-529-9120

June 7, 2006

Telephone call from Laurel Redd, 2367 Hoopes Avenue:

She stated she was in favor of the Amendment to the Ordinance on "The Green". She said that the Zoo personnel and Zoological Society are responsible people and would not do anything to harm the animals.

June 8, 2006

Telephone call from Linda Yaegle:

She stated that she supported the Amendment to the Ordinance. She has attended several such events. It would be a shame to not support this.

JUNE 8, 2006

June 8, 2006

Telephone call from Blanche Redd:

She stated that she called to say that she supports the beer and wine ordinance amendment for "The Green".

Councilmember Cornwell closed the public comment portion of this discussion.

Councilmember Groberg stated that he has never been concerned about whether this would be an effective way to raise money for the Zoo. He stated that he trusted the representations that have been made that this would be effective. It has, also, not been an issue for him as to whether the City condones the responsible use of alcohol in the City. Councilmember Groberg stated that he appreciated that efforts were made to narrow this proposed amendment. He stated that some friends of his e-mailed him in support of this amendment. He, in turn, e-mailed them back with the following statement:

Thanks for your e-mail on the Zoological Society's request for a change in the City Ordinance to allow beer and wine to be served at fundraisers at the Zoo. Because I very much respect your opinions and your loyalty to the City, I would like to share with you my opinion on this matter. If these changes pass, I believe the Society will hold responsible, successful events which would not negatively impact the Zoo. However, I am against changing the Ordinances because I believe it will lead to unanticipated consequences, not necessarily at the Zoo, but in other City parks and public spaces. We have had two fairly comprehensive looks at this over the years. The first was long before my time and it resulted in a ban of alcohol in all City parks except where there were existing Concession Agreements. The second, which I was involved in was just a few years ago, when we passed the Open Container Ordinance. At that time, we excepted the Downtown Civitan Plaza from a general prohibition of alcohol in the City parks. This was done intentionally so that there would be a park where alcohol could be served. Everyone involved in those hearings agreed on this settlement and the Ordinance was passed with support from all sides.

Councilmember Groberg stated that it is in this larger context that he opposed the change for the Zoo at this time. He stated that he did not think that it would be good overall public policy for the City to take this step. He did not appreciate being threatened with regard to the action. He believed that every Councilmember can cast their vote in what they think is in the best interests of the City.

Councilmember Hardcastle stated that Mrs. Schanz challenged her to talk to people regarding this Ordinance Amendment. She stated that she did that. Councilmember Hardcastle stated that maybe it is how the question was framed, but she did not get the negative response from the many people that she talked to. One gentleman told her that he read the headline in the newspaper and was offended to think that this was being considered. As he read the article, he learned how narrow and restrictive this amendment was crafted. He told Councilmember Hardcastle that this was "no big deal". Councilmember Hardcastle stated that she was comfortable with the way that the Ordinance is written. This is not a slippery slope. She stated that she supported the Ordinance.

Councilmember Lehto stated that approximately five years ago, the City Council considered an Open Container Ordinance. Councilmember Groberg and Councilmember Lehto sat on that committee at that time. There was a large input of

JUNE 8, 2006

information received on the Open Container Ordinance. At that time, consideration was given to allowing alcohol in other public areas or public parks. He, also, believed that at that time, they discussed alcohol events at the Zoo. He stated that when this was discussed before, that he opposed such an Ordinance. The Open Container Ordinance allowed for beer gardens and green areas which were limited in space and location. The City Council also provided for no open containers on public streets. That was a long and arduous process, but he stated that he believed that at the time it was the right thing to do after what was experienced at Street Fest. Councilmember Lehto stated that he could understand why those present might think that the City Council is opening a Pandora's Box. The way that the Ordinance has been amended to allow for one or two events and to have the Zoo closed during those events only allowing those 21 years of age and older, is a reasonable proposal. He stated, further, that he did not view this as a slippery slope and felt that this community is becoming more responsible. Councilmember Lehto stated that he would support the Ordinance Amendment. As he visited with many of those present this evening, for a variety of reasons not known to him, this issue has been blown out of proportion. He did not support the original proposal. He said that he would support an Ordinance Amendment that was narrow and restrictive. Councilmember Lehto felt certain that this would become an election issue. Many of the people who are in attendance opposing this Ordinance Amendment, are the same people that challenge his senses at budget time. The General Fund supplies \$500,000.00 of hard-earned tax dollars to the Zoo. To make the Zoo the show case that it is in the State of Idaho, the Tautphaus Park Zoological Society and others were challenged to raise funds. Many of the good things that go on at the Zoo are done through charitable fundraisers. He stated that anything that he can do to minimize the contributions from the General Fund to the Zoo, is what the people elected him to office for.

Councilmember Lyon stated that he appreciated all those who spoke this evening regarding this Ordinance Amendment. When Ralph Wood spoke, he was reminded of a saying, "Those who don't remember the lessons of the past, are condemned to repeat them." He stated that he did not remember when the parks were littered with the leftovers from people drinking and he did not want to go back to that. If the City Council is going to allow one special interest group to have fundraisers at the Zoo that include alcohol, it was not fair to others. It was not fair to other organizations that the Zoological Society should benefit from a change in the law. It seems unfair and discriminatory. If the sense of the community is to have alcohol in the parks, then he would be happy to oblige them. In his estimation, approximately 80% of those present stood in opposition to this Ordinance. He stated that he would vote with what he considered to be the will of the people.

Councilmember Lehto stated that he was concerned organizations had been written out of this Ordinance Amendment. In fact, they are not written out of this Ordinance. Any group can conduct fundraisers as allowed in the Zoo, but the proceeds will be donated to the Zoo.

Councilmember Lyon stated that he appreciated Councilmember Lehto's comments. He stated that he read the Ordinance amendment. There has been some legal two-stepping to keep this thing within the law. Technically, even though any group could come to the Zoo for one of the fundraisers with the proceeds being donated to the Zoo, it appears that the City is bending the law without breaking the law. That is the disincentive.

Councilmember Lehto requested to know what Councilmember Lyon meant by his statement. Councilmember Lehto stated that he supports the holding of one or two events, as provided in the Ordinance, with the proceeds being donated to the Zoo given the fact that the activities are being held at the Zoo.

Councilmember Hally stated that he appreciated all of the telephone calls and e-mails that he has received regarding this issue. He stated that he was not certain about

JUNE 8, 2006

this proposal when it was first brought before the City Council. He stated that the restrictions that have been placed on the events - requiring that the proceeds go to benefit the Zoo - put the brakes on this being expanded. One of the tough decisions that the City Council has to make, is to look at all the issues. Many fears and emotions have been projected with regard to this Ordinance Amendment. Councilmember Hally stated that he did not believe that many organizations were going to apply for permits to raise money for the Zoo.

Councilmember Lehto commented that there are strict provisions that will need to be met once the fundraising is complete. A total accounting will need to be made of the money and a report will need to be made about how the event was conducted.

Councilmember Hally stated that it was those types of limitations and brakes that will put a strict limit on the number of events that will be held. He did not believe that the projection that the City Council is opening up drinking in the parks is an accurate projection.

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

ORDINANCE NO. 2650

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTERS 4-3-16, 4-4-11, AND 8-3-4 OF THE IDAHO FALLS CITY CODE RELATING TO THE SALE OF BEER AND WINE BY CHARITABLE ENTITIES WITHIN THE TAUTPHAUS PARK ZOO GREEN AREA; PRESERVING PRIOR ORDINANCE; PROVIDING SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

Councilmember Cornwell stated that she will not go into all of the details that were misconstrued in the e-mails that she received regarding this Ordinance Amendment or those e-mails that were attacking her. She requested the President of the Tautphaus Park Zoological Society to research the history as to how much money the Society has raised for the Zoo. The Zoological Society has raised in excess of \$250,000.00 in the past ten years. The Zoo is at the heart of our community. She stated that this is a passion, whichever side you are on. Councilmember Cornwell thanked the Larsens for their telephone call. She thanked those present for their courteousness and for their comments. Councilmember Cornwell stated that she was very uncomfortable with the comments that this is going to be carried as a payback for election funds and votes.

The foregoing Ordinance was presented by title only. Councilmember Cornwell moved, and Councilmember Hardcastle seconded, to pass this Ordinance on its second and third readings and 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 Cornwell
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: Councilmember Lyon
Councilmember Groberg

JUNE 8, 2006

Motion Carried.

Following a brief recess, the Parks and Recreation Director submitted the following memo:

City of Idaho Falls
June 8, 2006

MEMORANDUM

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

Attached for your consideration is a revised Resolution authorizing the use of City Funds for the renovation of the stadium at McDermott Field at Highland Park.

s/ David J. Christiansen

RESOLUTION NO. 2006-09

WHEREAS, the City of Idaho Falls owns certain property, known as McDermott Field, located at the Highland Park Division of the City of Idaho Falls;

WHEREAS, the City recognizes that certain benefits to the City may be obtained if the grandstand and bleacher areas at McDermott Field are renovated and upgraded;

WHEREAS, the current tenant of McDermott Field, the Chukars Baseball Club, Inc., (the "Chukars") is willing to contribute a portion of the construction costs deemed necessary to upgrade the grandstand and bleacher areas at McDermott Field;

NOW, THEREFORE, BE IT RESOLVED, that the City of Idaho Falls declares its intent to contribute Two Million Four Hundred Thousand Dollars (\$2,400,000.00) for the renovation of the McDermott Field grandstand and bleacher areas, subject to the following conditions:

1. The City's total contribution, including all change orders and construction claims, shall in no event exceed the sum of two million four hundred thousand dollars (\$2,400,000.00);

2. The Chukars, or a non-profit entity designated by the Chukars shall first raise One Million Six Hundred Dollars (\$1,600,000.00), towards such renovation and shall deliver to the City, cash or certified funds in an amount equal to \$1,600,000.00, no later than 5:00 o'clock p.m., August 31, 2006.

3. The Chukars shall prepare, at its sole expense, all building and architectural plans, site plans, mechanical plans, drawings,

JUNE 8, 2006

renderings, and bidding documents necessary to award and accomplish such construction in the manner required by law. The City shall have the right to review and approve all such building plans, architectural drawings, renderings and bidding documents prior to the solicitation of bids for said project. The City shall also have the right to award and administer all construction contracts necessary to accomplish such renovation project.

4. The bid submitted by the lowest responsible bidder for such project, together with a bid contingency in the amount of ten percent (10%) thereof, does not exceed the sum of \$4,000,000.00.

5. The City will cooperate with the Chukars in negotiating or renewing a corporate sponsorship contract awarding naming rights for the stadium, provided the City shall have sole and complete discretion with respect to the terms, conditions and length of such contract. In no event shall the term of such contract exceed twenty (20) years. Amounts paid to the City prior to August 31, 2006, on account of such naming rights contract shall also be deducted from the share of the construction funds to be raised by the Chukars.

6. The project has been submitted, reviewed and approved by the Idaho State Parks and Recreation Department and the National Parks Service.

PASSED BY THE COUNCIL this 8th day of June, 2006.

APPROVED BY THE MAYOR this 9th day of June, 2006.

s/ Jared D. Fuhriman
Jared Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

June 7, 2006

To the City Council and Mayor Fuhriman of Idaho Falls,

The Chukars Baseball Club appreciates the support of the City of Idaho Falls to participate with us and Step Up to the Plate, to build a new stadium for the Chukars and the community.

The Chukars commit to the City of Idaho Falls that the City will not pay more than \$2.4 Million to complete the stadium. Provided the Chukars have the right to approve the terms and conditions of the stadium construction

JUNE 8, 2006

contract and any change orders, then the Chukars agree, that in the event of cost overruns, the Chukars will pay for the overruns.

Sincerely,

s/ David G. Elmore
David G. Elmore

The Parks and Recreation Director appeared to state that this Resolution provides for an additional \$400,000.00 from the City, making the total request \$2,400,000.00. This request is based on the anticipated additional cost associated with this project. This project was originally bid late last fall. No bids were received. The Chukars recently made a presentation to the Mayor and City Council at two Work Sessions stating that costs have risen approximately 20%. The group made a request of the City Council to raise their contribution by 20% and the Chukars would do the same.

David Shipman, 160 Brookside Drive, appeared to state that he did not understand the rationale for needing additional funds. He stated, further, that there are other worthwhile projects that could use funding. He suggested that the ticket price could be raised (for example, \$.50 per ticket) to be dedicated to the stadium construction. The City could loan the money up front, with it being returned at the end of the season. He requested to know whether the Chukars Baseball Association was contributing any money.

Kevin Greene, General Manager for the Chukars Baseball Association, 2836 Londonderry Avenue, appeared to state the owner of the team contributed \$100,000.00 towards this stadium project. He explained that the Chukars are presenting a financial package, whereby a stadium will be built that the City of Idaho Falls will own. The City of Idaho Falls will manage the project. The Chukars will be contributing \$1,600,000.00 to the project. If the City of Idaho Falls approves this Resolution, the Chukars will be starting the "Step Up To The Plate" donation drive immediately. The City will hold the \$4,000,000.00 in escrow to build the project.

Councilmember Lehto stated that the City of Idaho Falls started this process in May, 2004 with a Resolution that was passed with a vote of 6 to 0, entering into a partnership with the community. This included private and public dollars to go into the demolition and reconstruction of the McDermott Field Stadium. The City Council is now two years into this project, and Hurricane Katrina has caused construction costs to increase by approximately 20%. The City Council has held two Work Sessions to discuss financial concerns with regard to this project. The Resolution before the City Council at this time is probably a valid proposal. An additional item provided for in this Resolution is to provide a Construction Project Manager to oversee this project and build it within the monies available. Once a project has been committed to, the City Council should act responsibly to complete the project, even in the face of rising costs.

Councilmember Groberg stated that his comments relate to the Resolution. He understood the Resolution to mean that the City would commit \$2,000,000.00 and the Chukars would match that amount, and if there were cost overruns, the Chukars would see that the stadium was built. Councilmember Groberg stated that he would like to see the stadium finished. He did not want the City Council to be placed in the same position as before, whereby the Chukars would return to request more money. He stated that he appreciated receiving the letter from David Elmore, owner of the Chukars, committing that they will cover any cost overruns. This is not part of the Resolution. He wanted to make sure that there was nothing in the Resolution that would prevent the City from insisting upon that. Councilmember Groberg requested to know whether the City's Resolution needs

JUNE 8, 2006

to express something to that effect. There is nothing in the Resolution that says that the stadium will get built.

The City Attorney stated that the purpose of the Resolution is to express the sense of the Council. This represents a good faith "journey" with each of the parties involved to move forward on this project. Conversely, it is not intended to be a finely crafted contract. If and when the City gets to the stage where all of the monies have been raised, a contract will be written. If the Resolution were presented to a court of law, more than likely it would not be enforced, as it is written generally.

Councilmember Groberg stated that the City Council does not want to be approached again with a request for more funds to complete the McDermott Field Stadium Renovation. If it should come to that point, the project would have to be scaled back to fit within the funds that are available. This project is a City asset. For a time the City Council took the position that they would not make additional monies available. As the construction did not take place for two years, the \$2,000,000.00 was not spent. The City has earned interest on that money. He stated that he had no problem with contributing the additional interest to this project in the approximate amount of \$150,000.00 to \$200,000.00. The City is, also, receiving improvements which might not be done otherwise. That makes the amount closer to the additional \$400,000.00 being requested. Councilmember Groberg stated that the City Council should just get the project done.

It was moved by Councilmember Cornwell, seconded by Councilmember Hardcastle, to approve the Resolution and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. 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 Hally to conduct a public hearing for consideration of a proposed Amended 2005-2006 Fiscal Year Budget. At the request of Councilmember Hally, the City Clerk read the following memo from the Municipal Services Director:

City of Idaho Falls
June 5, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ADOPTION OF THE AMENDED 2005-2006 FISCAL YEAR BUDGET

Attached for your consideration is a copy of the proposed Amended 2005-2006 Fiscal Year Budget that was tentatively approved on May 25, 2006 by the Mayor and City Council and has been advertised as required by Idaho Code.

JUNE 8, 2006

Municipal Services respectfully requests the adoption of the Amended 2005-2006 Fiscal Year Budget in the amount of \$153,077,988.00 and the attached Appropriation Ordinance, appropriating the monies to and among the various funds.

s/ S. Craig Lords

**NOTICE OF PUBLIC HEARING
AMENDED BUDGET FOR 2005-2006 FISCAL YEAR
CITY OF IDAHO FALLS, IDAHO**

NOTICE IS HEREBY GIVEN that the City Council of the City of Idaho Falls, Idaho will hold a public hearing for consideration of an amended budget for the fiscal period October 1, 2005 – September 30, 2006 (the “Fiscal Period”) and an amended fiscal appropriation ordinance for such period pursuant to the provisions of Sections 50-1002 and 50-1003 Idaho Code. This hearing will be held at the City 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. on Thursday, June 8, 2006. At this hearing all interested persons may appear and show cause why this amended budget should not be adopted or why the fiscal appropriation ordinance as amended should not be approved in accordance therewith.

PROPOSED EXPENDITURES

The following is an estimate, as set forth in said amended budget, of the increase in the expenditures of the City of Idaho Falls, Idaho for the Fiscal Period. All other expenditures shall remain without change as set forth in the original appropriation ordinance adopted on August 25, 2005. These amounts are set forth by fund as follows:

Fund Name	FY 2004 Actual Expenditures	FY 2005 Actual Expenditures	FY 2006 Original Gross Expenditures	FY 2006 Proposed Gross Expenditures	FY 2006 Net Increase in Expenditures
Airport Fund	\$ 5,797,108	\$ 5,788,755	\$ 5,562,948	\$ 11,562,948	\$6,000,000
All Other Funds	108,325,533	114,570,668	141,515,040	141,515,040	
TOTAL PROPOSED EXPENDITURES	\$114,122,641	\$120,359,423	\$147,077,988	\$253,077,988	\$6,000,000

ESTIMATED REVENUE

The estimated increase in revenue of the City of Idaho Falls for the Fiscal Period is set forth below. All other revenue shall remain without change as set forth in the original appropriation ordinance.

Fund Name	FY 2004 Actual Revenues	FY 2005 Actual Revenues	FY 2006 Original Proposed Revenues	FY 2006 Proposed Amended Revenues	FY 2006 Net Increase in Revenues and Fund Balance
Airport Fund	\$ 5,882,549	\$ 6,064,601	\$ 5,562,948	\$ 9,572,435	\$6,000,000
All Other Funds	112,699,818	117,148,969	118,820,949	118,820,949	
TOTAL REVENUES	\$118,582,367	\$123,213,570	\$124,383,897	\$130,383,897	
Fund Balance Carryover			\$ 22,694,091	\$ 22,694,091	
Total Revenues and Fund Balance Carryover	\$118,582,367	\$123,213,570	\$147,077,988	\$153,077,988	\$6,000,000

JUNE 8, 2006

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 of the City of Idaho Falls, Idaho for the Fiscal Year 2005-2006, which budget has been tentatively approved by the City Council on May 25, 2006 and entered at length in the Journal of Proceedings.

Dated this 26th day of May, 2006

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Published: May 28th and June 4th, 2006.

Councilmember Hally explained that after the budget was finalized for the 2005-2006 Fiscal Year, a Federal Aviation Administration Grant arrived. In order to spend those funds, they must be included in the budget. That is the purpose for amending this budget.

There being no further discussion either in favor of or in opposition to this budget amendment, Mayor Fuhriman closed the public hearing.

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

ORDINANCE NO. 2651

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING ORDINANCE NO. 2615, BEING THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006 APPROPRIATING ADDITIONAL MONIES RECEIVED BY THE CITY IN THE FORM OF PREVIOUSLY UNAPPROPRIATED FUND BALANCE; PROVIDING FOR EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hally moved, and Councilmember Groberg 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 Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

JUNE 8, 2006

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for a Metes and Bounds Property in Section 7, Township 2 North, Range 38, a portion of Stanley Street. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 4, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF A PORTION OF STANLEY STREET

Attached is the Annexation Ordinance to annex approximately three acres of Stanley Street immediately north and adjacent to Premier Business Park Subdivision. The requested initial zoning is I & M-1. This annexation request was considered by the Planning Commission on May 2, 2006, and the Commission recommended approval. This request is now being submitted by the Division 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 annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Exhibit 1	Planning Commission Minutes dated May 2, 2006
Exhibit 2	Staff Report dated May 2, 2006
Exhibit 3	Zoning Map in color

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

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

ORDINANCE NO. 2652

ANNEXATION OF A PORTION OF STANLEY STREET

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; 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.

JUNE 8, 2006

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 Groberg
Councilmember Hally
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

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 a portion of Stanley Street, in Section 7, Township 2 North, Range 38, East of the Boise Meridian as I & M-1 (Industrial and Manufacturing) 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:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for Metes and Bounds Property in Section 33, Township 2 North, Range 38, Hitt Road adjacent to Calvary Chapel. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 4, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF A PORTION OF HITT ROAD (EAST 25TH STREET)

JUNE 8, 2006

Attached is the Annexation Ordinance for slightly over two acres of Hitt Road immediately east and adjacent to the Calvary Chapel. The requested initial zoning is R-1. The Planning Commission considered this request at its May 2, 2006 Meeting and recommended approval. This request is now being submitted by the Division 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 annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Exhibit 1	Planning Commission Minutes dated May 2, 2006
Exhibit 2	Staff Report dated May 2, 2006
Exhibit 3	Zoning Map in color

The Planning and Building Director explained that Hitt Road is on a prescriptive easement, whereby the property owners along Hitt Road own to the center of the road. As the City receives permission from the property owners additional portions of Hitt Road will be annexed to the City of Idaho Falls.

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

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

ORDINANCE NO. 2653

HITT ROAD ANNEXATION PHASE 1 SOUTH

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; 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 Lehto
	Councilmember Lyon
	Councilmember Hardcastle
	Councilmember Groberg
	Councilmember Hally
	Councilmember Cornwell

JUNE 8, 2006

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 a portion of Hitt Road adjacent to Calvary Chapel, in Section 33, Township 2 North, Range 38, East of the Boise Meridian as R-1 (Single Family Residential) 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:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for Bowen Addition, Division No. 2. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
June 4, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF HC-1, AND FINAL PLAT FOR BOWEN ADDITION, DIVISION NO. 2

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Bowen Addition, Division No. 2. This final plat of eight commercial lots is located south of Lincoln Road, west of Woodruff Avenue, east of Hollipark Drive, and north of Jones Street. The requested initial zoning is HC-1. The Planning Commission considered this request at its April 4, 2006 Meeting and recommended approval. 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 annexation request:

JUNE 8, 2006

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Final Plat under consideration
Slide 4 Comprehensive Plan
Exhibit 1 Planning Commission Minutes dated April 4, 2006
Exhibit 2 Staff Report dated April 4, 2006
Exhibit 3 Vicinity Map
Exhibit 4 Copy of Final Plat

Jerome Bowen, 149 West Birch Creek, appeared to state that he was present to answer any questions. The Mayor and City Council did not have any questions for Mr. Bowen.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Bowen Addition, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2654

BOWEN ADDITION, DIVISION NO. 2

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; 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:

JUNE 8, 2006

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

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 Bowen Addition, Division No. 2 as HC-1 (Highway Commercial) 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:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Bowen Addition, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Hally, that the meeting adjourn at 9:35 p.m.

CITY CLERK

MAYOR
