

**MAY 25, 2006**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 25, 2006, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Jared D. Fuhriman  
Councilmember Ida Hardcastle  
Councilmember Karen Cornwell  
Councilmember Thomas Hally  
Councilmember Larry Lyon  
Councilmember Joe Groberg

Absent was:

Councilmember Michael Lehto

Also present:

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

Mayor Fuhriman requested Councilmember Tom Hally to come forward and lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

Mayor Fuhriman presented the following Resolution:

**RESOLUTION NO. 2006-08**

**BY THE CITY COUNCIL OF IDAHO FALLS, IDAHO**

A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF **THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H)** PROGRAM AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY **THE HAVEN HOMELESS SHELTER AND THE HOMELESS TO HOMEOWNERS (H2H) PROGRAM** TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF IDAHO FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF, THE CITY OF IDAHO FALLS AND ITS OFFICERS.

WHEREAS, The Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program provides a valuable and necessary service to the

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residents of the City of Idaho Falls and the surrounding communities and counties by providing housing and services to homeless and indigent persons; and,

WHEREAS, The Haven Homeless Shelter and the Homeless to Homeowners (H2H) Program is in good standing with the City of Idaho Falls and is in compliance with all applicable City Codes.

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

Section 1. That the Mayor and City Clerk be, and they hereby are, declaring public support for The Haven Homeless Shelter and Homeless to Homeowners (H2H) Program.

ADOPTED by the Council of the City of Idaho Falls, Idaho this 25<sup>th</sup> day of May, 2006.

APPROVED by the Mayor of the City of Idaho Falls, Idaho this 26<sup>th</sup> day of May, 2006.

APPROVED:

s/ Jared D. Fuhriman  
MAYOR

ATTEST:

s/ Rosemarie Anderson  
CITY CLERK

(SEAL)

The City Clerk requested approval of the Minutes from the May 11, 2006 Work Session and the May 11, 2006 Regular Council Meeting.

The City Clerk presented several license applications, including a BEER License to The Pinecrest Inn (Transfer Only), all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on May 25, 2006.

The Acting Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Fikstad, Power Manager

SUBJECT: CONSENT AGENDA – DESIGN SERVICES FOR MOBILE  
SUBSTATION TRANSFORMER BAYS

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Idaho Falls Power respectfully requests authorization to accept a proposal from Idaho Power Solutions for design of a mobile substation transformer bay at Milligan and Belaire Substations. This proposal is in conjunction with the Technical Service Agreement between Idaho Falls Power and Idaho Power Solutions. A copy of the proposal is attached.

s/ Jo Fikstad

City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Fikstad, Power Manager  
SUBJECT: CONSENT AGENDA – DESIGN RFP FOR WESTSIDE DISTRIBUTION SUBSTATION

Idaho Falls Power respectfully requests authorization to solicit proposals for engineering design of Westside Distribution Substation.

s/ Jo Fikstad

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
May 18, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise to receive bids for a parking lot at the Airport.

s/ S. Craig Lords

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 Lyon  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

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**REGULAR AGENDA ITEMS**

Mayor Fuhriman requested Council confirmation for the appointment of Jacqueline R. Flowers to serve as the Idaho Falls Power Director. Councilmember Lyon stated that he would be abstaining from this vote as he did not know enough about Jacqueline R. Flowers to vote for her or against her. It was moved by Councilmember Hally, seconded by Councilmember Lyon, to confirm the appointment of Jacqueline R. Flowers to serve as the Idaho Falls Power Director. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Hally

Nay: None

Abstain: Councilmember Lyon

Motion Carried.

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

Jack Barraclough, 3018 Westmoreland Circle, appeared to state that the City of Idaho Falls has not been a good neighbor to him. He gave a history of his experiences with the City of Idaho Falls. He stated that the City should not pass the Ordinance regarding the sale of beer and wine in the Green at Tautphaus Park Zoo.

Chris Bidstrup, 2391 Eastview Drive, appeared to comment that the traffic light signalization on 17<sup>th</sup> Street is not yet synchronized. He requested to know when that would be accomplished.

Councilmember Hally stated that he would discuss this matter with the Electric Division. He also stated that it is difficult to synchronize 17<sup>th</sup> Street due to the fluctuations in traffic on that street.

Councilmember Groberg stated that this has been brought to the City Council's attention previously. This has been complicated because of the work that has been done at 17<sup>th</sup> Street and Hitt Road.

The Acting Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Fikstad, Power Manager  
SUBJECT: HATCH SUBSTATION CHANGE ORDER NO. 1

Attached for your consideration is Change Order No. 1 to the Hatch Substation contract with Wheeler Electric. The total amount of the Change Order is \$42,723.00 consisting of items that were inadvertently omitted during the design phase or require modification from the original design. Idaho Falls Power respectfully requests approval of Change Order No. 1.

s/ Jo Fikstad

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It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve Change Order No. 1 to Wheeler Electric, Inc. for the Hatch Substation contract and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
May 16, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-06-20, WESTERN RED CEDAR POWER POLES

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 J. H. Baxter and Company, per the evaluated lump sum amount of \$122,250.00. Per bid specifications, we will only purchase the quantity of poles required of Item No. 4 to make four full truck loads. With the required pole quantity at seventy-two (18 less than estimated amount specified), the final purchase amount is \$110,712.00. The breakdown of quantity, description, and price for the power poles is listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the low bid of J. H. Baxter and Company to provide seventy-two (72) Western Red Cedar Power Poles in the amount of \$110,712.00. Roll call as follows:

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

Nay: None

Motion Carried.



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City of Idaho Falls  
May 16, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-06-23, DISTRIBUTION TRANSFORMERS

Attached for your consideration is the tabulation for Bid IF-06-23, Distribution Transformers.

It is the recommendation of Municipal Services to accept the lowest evaluated bid for Items 1 through 6 and Items 9 and 10. It is also recommended to award to the second lowest bidder for Items 7 and 8 because the delivery time was not acceptable for the low bid. The total purchase amount will be \$184,792.00.

s/ S. Craig Lords

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to accept the lowest evaluated bid for Items 1 through 6 and Items 9 and 10 and the second lowest bid for Items 7 and 8 as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 16, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO PURCHASE POLICE VEHICLES

It is the recommendation of Municipal Services to ratify the purchase of six (6) used 2005 Ford Crown Victoria Sedans with police package for an amount of \$20,500.00 each for a total purchase amount of \$123,000.00. The vehicles were available through the Salt Lake County's vehicle sale.

s/ S. Craig Lords

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It was moved by Councilmember Hally, seconded by Councilmember Groberg, to ratify the purchase of six (6) used 2005 Ford Crown Victoria Sedans with police package for a total amount of \$123,000.00 from the Salt Lake County's vehicle sale. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 16, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" TO AMEND  
THE 2005-2006 FISCAL YEAR BUDGET

Municipal Services respectfully requests the Mayor and Council to tentatively approve the amended 2005-2006 Fiscal Year Budget in the amount of \$153,077,988.00 on May 25, 2006.

Approval is also requested to publish the attached "Notice of Public Hearing" of the amended 2005-2006 Fiscal Year Budget with publication dates set for May 28, 2006 and June 4, 2006.

The Public Hearing is scheduled for 7:30 p.m., Thursday, June 8, 2006, in the Council Chambers in the Idaho Falls Power Building at 140 South Capital Avenue in Idaho Falls, Idaho.

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.

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**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:

<u>Fund Name</u>	<u>FY 2004 Actual Expenditures</u>	<u>FY 2005 Actual Expenditures</u>	<u>FY 2006 Original Gross Expenditures</u>	<u>FY 2006 Proposed Gross Expenditures</u>	<u>FY 2006 Net Increase in Expenditures</u>
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.

<u>Fund Name</u>	<u>FY 2004 Actual Revenues</u>	<u>FY 2005 Actual Revenues</u>	<u>FY 2006 Original Proposed Revenues</u>	<u>FY 2006 Proposed Amended Revenues</u>	<u>FY 2006 Net Increase in Revenues and Fund Balance</u>
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

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 26<sup>th</sup> day of May, 2006

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

Published: May 28<sup>th</sup> and June 4<sup>th</sup>, 2006.

It was moved by Councilmember Hally, seconded by Councilmember Groberg to tentatively approve the Amended 2005-2006 Fiscal Year Budget in the amount of \$153,077,988.00

and, further, give authorization to publish the “Notice of Public Hearing” of the Amended 2005-2006 Fiscal Year Budget on May 28 and June 4, 2006. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ADOPTION OF ORDINANCE NO. 2645 AND APPROVAL OF PUBLICATION

It is respectfully requested that the Mayor and City Council adopt Ordinance No. 2645 authorizing issuance, sale and delivery of the City of Idaho Falls Airport Revenue Refunding Certificates of Participation, Series 2006.

I also request your approval and authorization to publish the attached Summary of the Ordinance as per Idaho Code Sections 50-901 and 50-901A.

s/ S. Craig Lords

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

**ORDINANCE NO. 2645**

ORDINANCE AUTHORIZING ISSUANCE, SALE, AND DELIVERY OF THE CITY OF IDAHO FALLS, IDAHO AIRPORT REVENUE REFUNDING CERTIFICATES OF PARTICIPATION, SERIES 2006 (AIR TERMINAL RENOVATION PROJECT) IN THE AMOUNT OF \$4,205,000; APPROVING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED LEASE AND TRUST AGREEMENT; AMENDING ORDINANCE NO. 1580, AS AMENDED, EFFECTIVE UPON THE PAYMENT OF THE 1993 REFUNDING BONDS; ACKNOWLEDGING CERTIFICATE PURCHASE COMMITMENT; APPROVING TAX CERTIFICATE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

Jim Matsumori, Salt Lake City, Utah, appeared to explain that the City of Idaho Falls is doing this at a good time. The interest rates are better than was anticipated.

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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. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, that the Ordinance No. 2645 be adopted and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

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.

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

s/ David J. Christiansen



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Don Schanz, 302 11<sup>th</sup> Street, appeared to share the following statement:

May 25, 2006

**Statement Concerning Drinking at the Zoo for Fund Raising**

The following statements are a compilation of several concerned citizens with Donald Schanz as spokesperson:

The arguments for the change to allow drinking at the zoo are that it will be limited to fundraisers for the zoo, and that The Zoological Society will buy out the whole Zoo for their "Wild Wines" fundraiser so there won't be any children there.

I see this, however, as simply changing City law to pander to one special interest group. It is terrible public policy. The revision to the Ordinance has a deliberate disincentive built into it to discourage other charities from using the zoo for alcohol fundraisers. This is fundamentally unfair. This Ordinance sends the subtle message that to paraphrase George Orwell, "All charities are equal, but some charities are more equal than others." It is against the law for the rest of us to drink at the park or zoo, but you will be allowing it for a special and select group of people. This is discriminating in nature and will eventually lead to other groups and people insisting on the same privilege.

Also, serving alcohol at the zoo using fundraising for a good cause as an excuse is like serving beer and wine at Toys R Us to raise money to buy toys for children. Many of you on the Council have professed concern to provide our community with assets that will make our young people successful. In fact, Mayor Fuhriman campaigned on making Idaho Falls a better place for our youth. This Ordinance that promotes alcohol in a public setting advances instead the "Culture of Alcohol" and sends the wrong message to our youth. I am very much against this as our parks are maintained by City taxes and should be family oriented. I realize that children will not be at the zoo at the time, but taxpayers will still be subsidizing the very thing we are trying to prevent in our young people (excuse the pun, but monkey see, monkey do).

We are told that alcohol will only be allowed in the limited green space of the zoo. I don't believe that this will be enforced because of the risk of offending potential contributors to the Zoological Society. Also, as this select group of people from the Zoological Society leaves their special function, what about them driving through a park filled with children and families in a concentrated area? Who will be responsible if someone is hurt by a drunk driver? Will the City be liable for allowing this? And, last but not least: having a party with alcohol in close proximity to wild animals is not a good idea.

The Zoological Society can have their "Wild Wine" party in a more appropriate place suitable for "Wild Wine" behavior. It is a bad precedent for our parks to be the setting for such an affair and could let "the nose of the camel in" starting a pattern we don't want. Tom Campbell's legacy is the greenbelt. I'm sure you wouldn't want our legacy to be the first Mayor and Council to allow

drinking in the parks. You have been elected to represent the values of those

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who voted for you, not to pander to a special interest group. I hope that you don't let us down.

Donald Schanz  
302 11<sup>th</sup> Street  
Idaho Falls, Idaho 83404  
208-529-6684

Amy Taylor, 815 Millcreek Circle, appeared to state that she has four small children. She stated that they love to visit the Zoo. She requested to know who would be responsible for the DUI's that would result from the type of events that are planned for the Zoo. She requested the City Council to remember that the Zoo is a family place.

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

May 24, 2006

Mayor Fuhriman,

It has come to my attention that part of tomorrow night's council agenda is a change in City Ordinance to allow for the sale of alcohol on the green at Tautphaus Park. This concerns me greatly.

I believe you were in attendance at the BYDC Meeting May 4<sup>th</sup> when a group of teens presented information on their TRAPPED-SOBER Conference. If not, I would like to let you know that one point repeatedly made was that they live today in a culture of alcohol.

Allowing this change to happen at a family oriented, City/taxpayers supported location would send the very message that these teens informed us is so crucial to change in the prevention of teen involvement with alcohol, I believe that the decision made tomorrow night will send a clear message, one way or the other, to our children where our priorities lay.

Please do not let this change that could cost our community so much, happen.

Thank you,

s/ Lisa D. Keller  
Lisa Keller

Chris Bidstrup, 2391 Eastview Drive, appeared to share the following e-mail that was sent to Mayor Fuhriman:

April 11, 2006

Subject: Beer and Wine Amendment  
From: [gcb@srv.net](mailto:gcb@srv.net)  
Date: Tuesday, April 11, 2006 11:00 p.m.  
To: [mayor@ci.idaho-falls.id.us](mailto:mayor@ci.idaho-falls.id.us)

Cc: [hardcast@srv.net](mailto:hardcast@srv.net) (more)  
Mailer: SquirrelMail/1.4.4

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Mayor Fuhriman,

While perusing the agenda for Thursday Night's Council Meeting, I noticed the following item that I had heard nothing about before:

"Amendment to City Code Sections 4-3-16, 4-4-11, and 8-3-4 allowing for the sale of beer and wine within the area known as "The Green" at the Tautphaus Park Zoo."

I have some concern that this item is coming up for consideration before the City Council without, as far as I am aware of, any public knowledge and/or discussion. I think that this is an issue that many people would have strong feelings about, probably in both directions. As such, to pass it without public comment will probably raise feelings in many people that the City government is out of touch with the citizens of this community.

I personally feel that this change would encourage more public drinking in this park, and would lead to requests for more widespread sale of alcoholic beverages in other parks in the future. I feel that this reduces the "family friendly" nature of our parks and tends to make the atmosphere in this City more like the atmosphere in the cities that many people moved here to get away from. Unfortunately, I have noticed that many people from those areas don't always understand what all went into generating the atmosphere that they are trying to escape from, and so they tend to start trying to change this or that little thing that they were used to doing before. Eventually, if we are not careful, the atmosphere here will end up being like the ones they came here to escape, and not the type that the local people have worked so hard over the years to build here.

This type of thing will likely increase tolerance for public drunkenness. Is this the type of environment that we want our kids to be exposed to when we take them to the park? Will there end up being incidents of intoxicated people interacting in inappropriate ways with the animals in the zoo, with the possibility of harm to either themselves and/or the animals?

I know that proponents will say that this is the only thing that they are asking for and that we shouldn't be alarmed that there will be future requests to carry the sale of alcoholic beverages any further in the park system. I have learned through sad experience to never believe this argument, as the first step usually leads to further steps because, as people get used to the environment created by the first step, invariably the next step is asked for. The foot in the door makes it that much harder to say no the next time.

There is probably a large percentage of the population of this city who would agree with many of the points I have raised. Don't they deserve a voice in this matter? I would strongly urge the Council to delay final voting on this item and put the word out through all means available, including the news media, that it is being considered and ask for public comment on this proposal.

Thank you,

Chris Bidstrup

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The City Attorney clarified that the ordinance as written provides for three different provisions that allow for the sale of beer and wine at a particular event within a defined area.

Bill Gersonde, Zoo Superintendent, 240 6<sup>th</sup> Street, appeared to state that he and his staff has been trained to deal with difficult people. Through that training, he believed that should a difficult situation arise, he or his staff could diffuse any problem.

Tim Larsen, 364 East 13<sup>th</sup> Street, appeared to echo all of the comments made to deny this Ordinance Amendment. He stated that he was opposed to the provisions to allow for the sale of beer and wine in the Green at the Zoo.

Thea Wilcox, 424 Hickory Circle, appeared to request that the Mayor and City Council support the Ordinance Amendment to allow for sale of beer and wine on the Green at Tautphaus Park Zoo. The two events would allow the Zoological Society to raise funds to support the Zoo. The children would not be present at these events, which would be held after the Zoo is closed for the evening. Children have benefited from the funds that have been raised by the Zoological Society.

Stephanie Foster, 155 East 20<sup>th</sup> Street, appeared to state that she was not in favor of having alcohol at the Zoo. Our City should be the leader whereby families are thought of first. She requested that the Mayor and City Council not support the Ordinance Amendment.

Ann Marie Riedesel, 228 Stone Run Lane, appeared to state that the Zoo is for everyone. She stated that they have made an incredible effort to maintain the Zoo. They have researched what other Zoos around the country have done. She requested the Mayor and City Council to support this Amendment.

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

Lacey Keller  
615 Crestview Avenue  
Idaho Falls, Idaho 83402 (313-2377)  
May 25, 2006

Dear Mayor Fuhriman:

I have recently discovered that consideration of the sale of alcohol at the Tautphaus Park Zoo Green is on the City Council Agenda tonight. I am very concerned. As a young person, I am inundated with messages that encourage alcohol use, regardless of age. This message is further enforced by alcohol use by prominent adults in the community.

By placing alcohol at the Zoo, *a family oriented location*, the law makers of this City will send a clear and direct message to the young people of this community that the City supports alcohol consumption at any age. Regardless of the fact that the events that at which alcohol will be served at the Zoo will be limited in number and by age, the message will still be sent.

Many adults argue that because of these limitations, the young people of this community will not be adversely affected, but they are not the ones that are required to live with the precedent and the pressures. Mayor, during your campaign, you said you would work for the youth of this community. It is time to deliver on your promise.

Sincerely,

s/ Lacey Keller  
Lacey Keller

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Ms. Keller stated, further, that if the Mayor and City Council support this Ordinance Amendment, she would not be going back to the Zoo.

Chad Campos, 330 Napa Drive, appeared to state that he is the father of three young daughters. He stated that he was the President of the Tautphaus Park Zoological Society. This Society has been in existence for 12 years. In the past 12 years, the Zoo has seen many improvements and accomplishments, such as the Asia Adventure, Primate House, Otter Exhibit and the Cat Den. He explained that these types of events are held at zoos around the country. Mr. Campos requested the Mayor and City Council to support the Ordinance Amendment.

Councilmember Groberg requested to know why it was necessary to serve beer and wine at these functions.

Mr. Campos explained that generally people are more generous when they have had a glass of wine or beer.

Halli Stone, 305 Eastview Drive, appeared to state that no one is against raising money for the Zoo. She stated that a full Council should be present to vote on this Ordinance Amendment. She requested that the Mayor and City Council pass this on the first reading only so that more public input could be taken.

Councilmember Lyon agreed with Mrs. Stone.

The City Attorney explained that it would take a super majority to pass this Ordinance Amendment. Following a general discussion among the Mayor and City Council, it was determined that this Ordinance should be passed on the first reading only to allow for more public input at the next City Council Meeting.

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

**ORDINANCE NO. \_\_\_\_\_**

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.

The foregoing Ordinance was presented by title only. Councilmember Cornwell moved, and Councilmember Hardcastle seconded, that the Ordinance be passed on the first reading only. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Lyon

Nay: Councilmember Groberg

Motion Carried.

The Planning and Building Director submitted the following memo:



**MAY 25, 2006**

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City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: AMENDMENT TO DEVELOPMENT AGREEMENT – EDUCATION  
RESEARCH CENTER, DIVISION NO. 1

Attached is an Amendment to the Development Agreement for the Education Research Center, Division No. 1. This Amendment addresses the over sizing of water lines in University Boulevard and reimbursement of water main charges. The Planning Department respectfully requests approval of this Amendment and authorization for signatures.

s/ Renée R. Magee

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Amendment to the Development Agreement for Education Research Center Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls  
May 23, 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 amending Section 4-2-10, of the City Code of Idaho Falls, Idaho relating to qualifications for a liquor license, deleting the one (1) year residency requirement. This update will bring the City Code in conformance with the State Code.

Thank you for your consideration.

s/ J. K. Livsey

**MAY 25, 2006**

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

**ORDINANCE NO. 2646**

AN ORDINANCE AMENDING SECTION 4-2-10, CITY CODE RELATING TO QUALIFICATIONS FOR A LIQUOR LICENSE; DELETING ONE (1) YEAR RESIDENCY REQUIREMENT AND CONFORMING THE ORDINANCE TO STATE LAW; PROVIDING FOR SEVERABILITY; ESTABLISHING METHODOLOGY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE.

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 Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls  
May 15, 2006

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EMERGENCY REPAIRS – WELL NO. 10

On May 8, 2006, Well No. 10 experienced electrical motor problems. Given the critical nature of this well to the City's water supply, the Water Department was instructed, by the Public Works Director, to pull the motor and correct the problem. It was later determined that the well motor required replacement at an anticipated cost of approximately \$45,000.00.

Public Works requests City Council ratification of the Public Works Director's action by declaring the situation an emergency and authorizing the repairs without adhering to formal bidding procedures.

s/ Chad Stanger

**MAY 25, 2006**

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It was moved by Councilmember Hally, seconded by Councilmember Groberg, to ratify the Public Works Director's action by declaring the emergency repairs at Well No. 10 as an emergency and, further, give authorization for the repairs without adhering to formal bidding procedures. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg, to conduct a public hearing for consideration of the Comprehensive Annual Performance and Evaluation Report (CAPER) for the City of Idaho Falls Community Development Block Grant (CDBG) Program. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNUAL REPORT – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Attached is the second annual performance report for the Community Development Block Grant Program. This report is the subject of the public hearing scheduled before the Council for Thursday, May 25. Comments will be accepted through Friday, June 9, 2006, and an amended report will be submitted to Council on Thursday, June 22, for approval by resolution.

s/ Renée R. Magee

Jan Blickenstaff appeared to state that this public hearing is a requirement of the Department of Housing and Urban Development.

There being no further comment either in favor of or in opposition to this performance report, Mayor Fuhriman closed the public hearing.

It was not necessary for this to have City Council action at this time.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for Southpoint Addition, Division No. 6. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

**MAY 25, 2006**

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City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT -  
SOUTHPOINT ADDITION, DIVISION NO. 6

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Southpoint Addition, Division No. 6. This parcel is located south of Township Road, north of York Road, west of Holmes Avenue, and east of Park-Taylor Road. The plat is comprised of 30 single-family home lots, one storm water retention lot, and one canal and access lot. The requested initial zoning is R-1 (Single-Family Residential). This annexation request was considered by the Planning Commission at its April 4, 2006 Meeting and the Commission recommended approval to the Mayor and Council. This matter 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:

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

Jeff Freiberg, Harper-Leavitt Engineering, 985 North Capital Avenue, appeared to state that he was present to answer any questions. The Mayor and City Council had not questions for Mr. Freiberg.

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 Southpoint Addition, Division No. 6 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 Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

**MAY 25, 2006**

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

**ORDINANCE NO. 2647**

**SOUTHPOINT ADDITION, DIVISION NO. 6**

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 Hardcastle  
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 Southpoint Addition, Division No. 6 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 Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

Nay: None

Motion Carried.

**MAY 25, 2006**

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It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Southpoint Addition, Division No. 6 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a Zoning Ordinance text amendment to the HC-1 (Limited Retail Business) Zone Provisions and Other Amendments. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ZONING TEXT AMENDMENT, HC-1 PROVISIONS AND OTHER AMENDMENTS

Attached is an Ordinance providing for landscaping in the HC-1 (Limited Retail Business Zone), clarifying parking requirements, providing for rezoning fees to be set by resolution, and increasing the number of fuel dispensing pumps at commercial centers. At its February 21, 2006 Meeting, the Commission considered these text amendments and recommended approval. The City Attorney has reviewed this Ordinance, and the Planning Department respectfully requests approval.

s/ Renée R. Magee

The Planning and Building Director further explained this request. Following is a list of exhibits used in connection with this Zoning Ordinance Amendment:

Exhibit 1 Planning Commission Minutes dated February 21, 2006  
Exhibit 2 Draft of Ordinance

Stephanie Foster, 155 East 20<sup>th</sup> Street, appeared to question how much money was spent on flowers for the flower beds around the City.

Councilmember Hardcastle stated that Maxine Elliott provided grant money for flower beds around the City of Idaho Falls. There are many volunteers who plant those flower beds. There is very little cost that goes into planting.

**MAY 25, 2006**

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There being no further discussion either in favor of or in opposition to this Zoning Ordinance Amendment 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. 2648**

AN ORDINANCE OF THE CITY OF IDAHO FALLS AMENDING SECTIONS 2-1-68 AND 2-1-69, SECTIONS DEFINING SERVICE STATION AND SUPER SERVICE STATION; AMENDING SECTION 3.2, PROVIDING FEES FOR ZONING AMENDMENTS TO BE SET BY RESOLUTION; AMENDING SECTION 4-18, PROVIDING EXCEPTIONS TO FRONT AND SIDE YARD SETBACKS; AMENDING SECTIONS 4-23.G., 4-23.J., 4-23.L. AND 4-23.R., ALL OF WHICH RELATE TO PARKING REQUIREMENTS; AMENDING SECTION 7-11-2, USE REQUIREMENTS FOR THE HC-1 ZONE; AMENDING SECTION 7-11-5, SPECIAL PROVISIONS OF THE HC-1 ZONE OF ORDINANCE NO. 1941 OF THE CITY OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING KNOWN AS THE ZONING ORDINANCE OF THE CITY; DECLARING ORDINANCE METHODOLOGY; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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 Lyon  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a Zoning Ordinance text amendment to the M-1

(Manufacturing) Zone Provisions. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

**MAY 25, 2006**

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City of Idaho Falls  
May 22, 2006

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ZONING TEXT AMENDMENT – M-1 ZONE PROVISIONS

Attached is an Ordinance providing amending the M-1 Zone to allow additional uses and add performance standards and buffering from residential zones. At its March 7, 2006 Meeting, the Commission considered these text amendments and recommended approval. The City Attorney has reviewed this Ordinance, and the Planning Department respectfully requests approval.

s/ Renée R. Magee

The Planning and Building Director further explained this request. Following is a list of exhibits used in connection with this request:

Exhibit 1 Planning Commission Minutes dated March 7, 2006  
Exhibit 2 Draft of Ordinance

The Planning and Building Director explained, further, that the City has recently zoned a portion of land by the EROB Building off of 5<sup>th</sup> East as M-1 to be used for research laboratories and an education and research facility. She explained, further, that all buildings on any lot shall not occupy more than thirty percent of the total area of any lot. All buildings, parking areas, loading areas, and sidewalks shall not occupy more than eighty (80) percent of any lot. The remaining lot area shall be landscaped.

Eric Guanell, G. L. Voigt Development Company, 1908 Jennie Lee Drive, appeared to state that the required building coverage for this zone is a hardship for developers in that certain businesses require more or less space depending on the type of business.

There being no further discussion either in favor of or in opposition to this Zoning Ordinance Amendment 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. 2649**

AN ORDINANCE OF THE CITY OF IDAHO FALLS  
AMENDING SECTION 7-14-1, GENERAL  
OBJECTIVES OF THE M-1 ZONE; AMENDING  
SECTION 7-14-2, USE REQUIREMENTS FOR THE  
M-1 ZONE; AMENDING SECTION 7-14-5,  
LOCATION REQUIREMENTS OF THE M-1 ZONE;  
AMENDING SECTION 7-14-6, HEIGHT  
REQUIREMENTS; AMENDING SECTION 7-14-8,  
SPECIAL PROVISIONS FOR THE M-1 ZONE OF  
ORDINANCE NO. 1941 OF THE CITY OF IDAHO

FALLS, IDAHO, SAID ORDINANCE BEING KNOWN  
AS THE ZONING ORDINANCE OF THE CITY;

**MAY 25, 2006**

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DECLARING ORDINANCE METHODOLOGY;  
PROVIDING FOR THE SEVERABILITY OF THE  
SECTIONS AND SUBSECTIONS OF THE  
ORDINANCE; PROVIDING FOR THE EFFECTIVE  
DATE OF THIS ORDINANCE.

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, give authorization for the Mayor and City Clerk to sign the necessary documents and, with the exception that the coverage requirement would remain the same as the existing ordinance. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Groberg, that the meeting adjourn at 10:20 p.m.

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CITY CLERK

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MAYOR

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