

**OCTOBER 13, 2005**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 13, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam  
Councilmember Michael Lehto  
Councilmember Larry Lyon  
Councilmember Ida Hardcastle  
Councilmember Joe Groberg  
Councilmember Thomas Hally  
Councilmember Bill Shurtleff

Also present:

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

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the September 8, 2005 Regular Council Meeting and the September 22, 2005 Regular Council Meeting.

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 September 1, 2005 through September 30, 2005, after having been audited by the Fiscal Committee and paid by the Controller:

<b><u>FUND</u></b>	<b><u>TOTAL EXPENDITURE</u></b>
General Fund	\$ 894,790.76
Street Fund	348,569.16
Recreation Fund	16,092.03
Library Fund	116,631.96
Municipal Equipment Replacement Fund	205,604.99
Electric Light Public Purpose Fund	32,599.80
Street Capital Improvement Fund	779,167.16
Water Capital Improvement Fund	27,893.08
Surface Drainage Fund	11,754.40
Traffic Light Capital Improvement Fund	3,605.00
Airport Fund	502,251.55
Water and Sewer Fund	368,687.27
Sanitation Fund	2,946.77
Ambulance Fund	8,980.09
Electric Light Fund	5,242,889.98
Payroll Liability Fund	2,494,779.49
<b>TOTALS</b>	<b>\$11,057,243.49</b>

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The City Clerk presented several license applications, including a BEER LICENSE to Whitewater Grill, LLC., 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 October 13, 2005.

The Municipal Services Director submitted the following memo:

City of Idaho Falls  
October 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ADVERTISEMENT FOR BIDS

Municipal Services respectfully requests authorization to advertise to receive bids for the following items approved in the 2005-2006 Budget:

1. Equipment;
2. Equipment and Materials for Electrical Generation, Transmission, Distribution, Fiber Optics, Metering, and Signalization;
3. Water Pipe Fittings and Other Water Line Equipment and Materials;
4. Sewer Department Materials and Supplies;
5. Road Salt and Sand (Street Department);
6. Aggregate (Crushed Gravel) (Street Department);
7. Asphalt Plant Mix/Modified Crack Sealant (Street Department);
8. Traffic Striping Paint and Solvent; and,
9. Motor Fuels, Lubricants and Services; and the Fuel obtained through a computerized fuel dispensing system.

s/ S. Craig Lords

Councilmember Lehto presented the following change to the September 8, 2005 Regular Council Meeting Minutes, as requested by Councilmember Lyon:

Galen Williams, 3754 East 97 North, appeared to state that he was not present to oppose this annexation. Looking directly south across 33<sup>rd</sup> North is a cattle operation. In the winter months, they house 400 to 500 head of cattle in this area. Mr. Williams explained his operation in this location and also at the location along the Snake River. He stated that he does not own the property, but was present to represent JoAnne Martin, who has owned that property for years. He stated that they wanted to be good neighbors. He requested to know, from Mr. Bradshaw, whether there was a church located next to a cattle feeding operation anywhere else in this State. Mr. Williams complimented Dispatchers, Animal Control Officers, City Police and County Police. They have been helpful in this cattle feeding operation. He sited examples of accidents that have occurred at this location. Mr. Williams commented that he would like to stay in business. For a matter of information, he stated that his cattle consume the byproducts from the LDS Cannery, Del Monte Seed Company, and Anheuser-Busch. They also consume lawn clippings for landscaping companies. Two years ago, they were

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the depository for several hundred Christmas trees. Feed lot cattle have an incessant appetite for fresh commodities. They have found that as a team with the City and urban sprawl, the cattle are consuming the product that is going into the landfill. ~~Mr. Williams petitioned the City Council to not let his operation end up as the Skaar Feed Lot did several years ago.~~ Mr. Williams said he had seen the vengeance that the council had shown in going after one of his neighbors; and that neighbor was four miles away from the city limits. That was the Skar feed lot. The city council went after him with a vengeance that didn't end. To date, they have not had one complaint on their operation. They try to use the best management practices, which mean clean corrals. To keep clean corrals, the manure needs to be hauled up 33<sup>rd</sup> North. That means dust, dirt, straw, flies, etc. Mr. Williams promised that he would adhere to the best management practices. They will do all that they can to be a good neighbor.

Following is a verbatim transcription of Mr. Galen Williams' comments from the digital recording of September 7, 2005:

I guess what I am petitioning the City Council is ... I've seen somewhat of the vengeance that the Council did a few years ago against one of my neighbors and he was like four miles away from the City Limits. Alright. And that was the Skaar Feed Lot. Now, I think Linda Milam, the Mayor, remembers those days. And he stunk. And I think the Attorney represents those days. At that time that cattle feeding operation was four miles from the City Limits. And the City Council went after him with a vengeance that didn't end.

Councilmember Lehto requested to know whether Councilmember Lyon wanted verbatim minutes. Councilmember Lyon stated that he wanted to have the transcribed minutes reflect the meeting as recorded. Councilmember Lehto requested, again, whether Councilmember Lyon's intent was to have verbatim minutes. Councilmember Lehto stated that he went to the City Clerk's Office to listen to the recording of that portion of the September 8, 2005 Regular Council Meeting, in the presence of the City Clerk as witness, and found that the recording is remarkably different from the interpretation of Councilmember Lyon as presented above.

Following a discussion held among City Council, Councilmember Lyon requested to have the above information placed in the minutes. He also stated that he would like to have the recordings placed on file in the Library for anyone to reference.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Minutes from the September 8, 2005 Regular Council Meeting as written by the City Clerk. Roll call as follows:

Aye:            Councilmember Hally  
                  Councilmember Groberg  
                  Councilmember Lehto  
                  Councilmember Shurtleff  
                  Councilmember Hardcastle

Nay:            Councilmember Lyon

Motion Carried.

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from HC-1 (Highway Commercial) to GC-1 (General Commercial), located generally north of East Anderson Street, northwest of North Yellowstone Highway, and west of Hemmert Avenue, legally described as Stanger Farms Commercial Addition. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 3, 2005

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM HC-1 TO GC-1 A PORTION OF LOT 1, BLOCK 1, STANGER FARMS COMMERCIAL ADDITION

Attached is the application to rezone 13.27 acres of Lot 1, Block 1, Stanger Farms Commercial Addition from HC-1 (Highway Commercial) to GC-1 (General Commercial). This parcel is the northwestern portion of the former Fred Meyers shopping center and is located north of East Anderson Street and North Yellowstone Highway. At its September 13, 2005 Meeting, the Planning Commission recommended approval of this rezoning request. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning  
Slide 2 Aerial Photo  
Slide 3 Comprehensive Plan  
Slide 4 Site Photo of Vacant Site

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Slide 5	Site Photo of Loading Area behind the former Albertson's building
Slide 6	Site Photo of vacant area north of existing building
Slide 7	Site Photo showing doors at the back of the building
Exhibit 1	Planning Commission Minutes dated September 13, 2005
Exhibit 2	Staff Report dated September 13, 2005
Exhibit 3	Aerial Photo with color designation
Exhibit 4	Vicinity Map with zoning

The Planning and Building Director stated that staff essentially found this to be in compliance with the Comprehensive Plan as to the Planning Commission when they recommended the rezoning to the City Council.

Councilmember Hardcastle stated that at the Planning and Building Council Committee Meeting, she discussed the issue of not zoning the drive area in front of the building as GC-1 (General Commercial) which would allow for stacking of boxes. She requested to know whether the Planning and Building Director discussed with the developer whether it would harm him by not zoning that drive area in front of the store as GC-1.

The Planning and Building Director stated that she talked with the developer about that issue. In the development further to the north, the GC-1 Zone was held back to encompass the buildings and the access aisle immediately in front of the buildings. To do the same thing with this parcel would be consistent with what the City Council did at the previous rezoning on the northern portion of this site.

Councilmember Groberg requested to know whether the Planning and Building Director was endorsing the application as it was submitted.

The Planning and Building Director stated that the Planning Commission endorsed the application as it was submitted. That is what is being recommended to City Council. In terms of staff recommendations, she was not certain that the small portion of the parking area would be used for a lot of open storage. Pulling back the zoning would be consistent with what was done to the immediate east of this parcel and will insure that any open storage that was conducted in the HC-1 Zone would have to be screened from the roadway.

Councilmember Groberg requested to know whether the Planning and Building Director would rather have the zoning trimmed back.

The Planning and Building Director stated that she would prefer that. She explained that the zoning would be trimmed back approximately 30 to 40 feet closer to the northwest. It would include the access aisle in front of the buildings.

Councilmember Hardcastle stated that the Planning and Building Director does not know whether there would be stacking at this location, but if the zone were to be changed, there could be stacking.

Councilmember Groberg stated that the Comprehensive Plan was changed in the year 2000 to modify to reflect this employment center area. He requested to know whether there was any further change made when the City Council changed the zone to the north to GC-1.

The Planning and Building Director stated that the Comprehensive Plan was not changed with the earlier rezoning in this area.

The Planning and Building Director stated that by implementing the GC-1 Zone, the City Council implemented some of the policies of the Comprehensive Plan. The theater has now become a small manufacturing facility. That was one of the directions that the City wanted to go with the employment center. Since retail did not seem to be working well in this area, lighter industrial, distribution, and warehousing in this area might work better.

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Councilmember Lyon requested to know whether there has been any interest expressed by potential users of this property that would be a match for this use.

The Planning and Building Director stated that there has been an interest expressed for warehousing and distribution.

Jamie Fielding, NAI Commerce One, 465 West 49<sup>th</sup> South, appeared to state that he was substituting this evening. He stated that NAI Commerce One is a commercial real estate developer and they represent General Growth Properties, who owns the property under consideration. The proposal before the City Council is similar to the zone change that was made to the old theater in this area. This property has been vacant for a number of years and has been attempted to be developed in various ways. This new development has been successful. Out of approximately 118,000 square feet, there is now approximately 10,000 square feet left of rentable space in this development. The old theater is now occupied by Aquatronics, a firm that has come from out of state. Another tenant in this facility is Idaho Pacific who uses this for warehousing of some of their finished product. Wasatch West Siding is another tenant in this facility. West One Logistics is a warehousing firm and also transfers product around the country. Atlas Van Lines is another tenant in this facility and has provided a lot of growth for their company. Mr. Fielding stated that at this point in time, nor at any point in time, has there been any reasoning or purpose to having anything stacked out front. The front part of this building is only an access point for these businesses. They wish to develop the remainder of the buildings as they have been developed to date. Mr. Fielding stated that Mr. Steve Kime from his office has been the main person to spearhead this project. His is out of state on business and was unable to attend the City Council Meeting. Again, Mr. Fielding stated that there were no plans to stack anything in front of the buildings. He believed that in the future, there will probably be some type of retail pad sites developed.

Councilmember Groberg stated that he did not believe that the question was whether the developer or businesses were going to stack anything in front of the buildings. The question is whether the GC-1 Zone for the 30 feet of parking area is necessary for what the developer has in mind in requesting this zoning change.

Mr. Fielding stated that this is a question that was difficult for him to answer because this is not a project that he has been actively working on.

Councilmember Hardcastle stated that if the City Council does zone this 30 feet of parking lot with the GC-1 Zone, the business could stack in this location. If the zone is not changed, then stacking cannot occur. Since Mr. Fielding has stated that they do not plan on stacking anything at this location, Councilmember Hardcastle requested to know what the reason would be to carry the GC-1 zone that far into the parking area.

Mr. Fielding stated that when he first saw the layout of this project, he believed that this was related to an access issue. He stated, further, that perhaps that is not a problem. He stated that he would entertain not using the 30 feet of parking area if this is a problem for the City.

Councilmember Groberg stated that he understood Mr. Fielding to say that what he needs for this building is the same that he has for the theater building. There are no additional parking lot zone changes.

Mr. Fielding stated that he wishes to continue the same development that has been started and continue to see a lot of the potential and good things take place on the property that has seen better days.

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

Councilmember Groberg requested the Planning and Building Director to clarify concerns. He stated that his understanding from the comments made by the applicant is that they wanted the same configuration for zoning with respect to buildings

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and parking lot for this parcel as they have requested several months ago on the old theater building.

The Planning and Building Director stated that the engineer drew the area a little larger than the configuration that was approved for the former Fred Meyers' building and the old theater, which includes only the access aisle immediately in front of the buildings as GC-1 zoning. The Planning and Building Director shared a statement from the Planning Commission Minutes:

Mr. Dixon asked Mr. Steve Frei who works for General Growth Properties, again representing NAI Commerce One, "Does it make any difference with the use Mr. Frei envisions and the lease conditions if the zone is narrowed in front of the building?" Mr. Frei replied "No".

Councilmember Groberg requested to know why this issue is coming before the City Council with the additional 30 to 40 feet of parking area.

The Planning and Building Director stated that some of the Planning Commission members felt that there was a 300 foot buffer between North Yellowstone Highway and Anderson Street, and the GC-1 and the 300 foot buffer should be sufficient without adding the extra 30 to 40 feet.

Councilmember Groberg stated that the Planning and Building Director's interpretation was that the application included the extra footage in the parking lot, but that the engineer just arbitrarily drew a line that was not essential to the development.

The Planning and Building Director stated that she believed that the engineer drew a line to be sure that there were parking spaces in front of the building for the employees engaged in the business within the building. She stated, further, that she believed that vehicles could be parked in the parking lot without using the GC-1 zoning. There is plenty of room in the back of the building and along the side of the building for the trucks associated with its use.

Councilmember Hardcastle stated that if the GC-1 zoning is cut back in front of the building as she would like to have it, the developer could come back to the City Council for a rezone of that portion of the parking lot should it become necessary in the future.

Councilmember Groberg stated that the impression that he had from the hearing and from the work done before that, was that this was an arbitrary line that the engineer wanted to make sure that they had enough land included in this zone change to conduct the business that they intended to conduct. Since there has been a concern expressed that once the zoning in the parking lot is changed, the parking area could be used for outdoor storage of containers and things of that nature. His sense is to be conservative and restrict the zoning change to the same amount of land in front of the buildings as was done in front of the old theater building. Even though the application came to the City Council with another legal description, the City Council can reduce it without the need to send it back to the Planning Commission for further consideration.

Councilmember Lyon requested to know whether the applicant would have to go before the Planning Commission if this needed further consideration in the future.

Mayor Milam stated that this issue would have to go before the Planning Commission to request a rezone of property.

Councilmember Groberg stated that he could not imagine what the developers would need that land for. It is already zoned HC-1 (Highway Commercial). The only reason for the change would be if the business wanted to use that area specifically for outdoor container storage. At this point, it is somewhat of a concern until the City sees how that entire corner is going to play out.

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Mayor Milam re-opened the public hearing.

Mr. Fielding re-appeared to state that the main focus is the building and the property behind that building. He suggested that whatever was done on the other two buildings in the earlier rezoning request, the same should be incorporated on the property under consideration.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the zone change from HC-1 (Highway Commercial) to GC-1 (General Commercial), on a portion of Lot 1, Block 1, Stanger Farms Commercial Addition, such portion encompassing the building and the access road immediate in front of the commercial buildings along the same configuration as the zoning change that was done for the adjoining theaters and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Groberg  
Councilmember Hally  
Councilmember Lyon  
Councilmember Shurtleff  
Councilmember Hardcastle

Nay: Councilmember Lehto

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for Taylor Crossing on the River, Division No. 9. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 3, 2005

MEMORANDUM

TO: Mayor and Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING, AND FINAL PLAT – TAYLOR CROSSING ON THE RIVER, DIVISION NO. 9

Attached are the Annexation Agreement Prior to Platting, the Development Agreement for Division No. 9, and the Final Plat entitled Taylor Crossing on the River, Division No. 9. The Final Plat, which is 5.7 acres in size, encompasses two acres originally proposed for annexation prior to platting, a replat of portions of Taylor Crossing on the River, Division No. 3, and a replat of a portion of Bitterroot Addition. The portions of this final plat within the City are presently zoned I & M-1 (Industrial and Manufacturing) and are the subject of a request to rezone to CC-1. The Planning Commission recommended approval of the annexation prior to platting and initial zoning of CC-1 with a PUD Overlay in February, 2005, when it was believed the two acres would have no access to a public street. At their regular meeting on September 20, 2005, the Commission recommended approval of the final plat.

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The final plat, Division No. 9, provides access from a public street to the two acres, and therefore, staff recommends CC-1 zoning. 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   | Vicinity Map showing two acres prior to platting                  |
| Slide 3   | Aerial Photo  |
| Slide 4   | Aerial Photo – Close up   |
| Slide 5   | Final Plat under consideration                                    |
| Slide 6   | Preliminary Plat for Taylor Crossing on the River, Division No. 9 |
| Slide 7   | Site Photo of site looking north of site                          |
| Slide 8   | Site Photo looking north toward the roundabout                    |
| Slide 9   | Site Photo looking north across site                              |
| Slide 10  | Site Photo looking at curb cut to canal access road to the north  |
| Slide 11  | Site Photo looking at curb cut to canal access road to the south  |
| Slide 12  | Preliminary Plat of Taylor Crossing on an Aerial Photo            |
| Exhibit 1 | Planning Commission Minutes dated September 20, 2005              |
| Exhibit 2 | Staff Report dated September 20, 2005                             |
| Exhibit 3 | Planning Commission Minutes dated February 1, 2005                |
| Exhibit 4 | Copy of Final Plat  |
| Exhibit 5 | Copy of Annexation Map  |

Lorin Walker, 1165 South Utah Avenue, appeared to state that this is a busy network of engineering, but it does bring together all of the pieces and parts that have taken some time to compile. Most of the time has been spent in purchasing the property necessary to complete this. Mr. Walker stated that the staff recommendation is appropriate in every way that he can understand this kind of a thing.

Louis Thiel, New Sweden Irrigation District representative, 2350 West 17<sup>th</sup> South, appeared to state that the Taylor Crossing development impacts Porter Canal. He requested that New Sweden Irrigation District receive a final plat so that the canal company can sign off on it. The City has been very good to do that with them for the last several years. When Taylor Crossing began development, this stopped. He stated that he did not understand why. Mr. Thiel requested that the City send New Sweden Irrigation District a final plat that requires the canal company's signature so that they are aware of what is being developed along their canal and canal rights-of-way. Hopefully, construction will be done as the final plat indicates.

The Planning and Building Director appeared to state that the irrigation districts have been added to the mailing list for the final plats. She stated that she believed that the reason New Sweden Irrigation District was not asked to sign off on this final plat was due to a statement placed on that particular final plat which states, "Irrigation Water Rights: Water rights and assessment obligations are not appurtenant to lands included with this plat. Lots within this subdivision will not receive a water right." The Planning and Building Director stated that this may have something to do with the irrigation district not receiving a final plat on Taylor Crossing, in comparing that to other subdivision plats and the language on the subdivision plats in which the irrigation district does sign off.

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Councilmember Groberg addressed Mr. Thiel by stating that part of what the irrigation district is requesting is notice to see the final plat, and also the irrigation district feels that their right-of-way is of legal interest and this should allow them to sign the final plat.

Mr. Thiel stated that most of the time, before the final plats are brought to the City, the developer has been petitioning the ground out of the district. The irrigation district has still received a final plat and has been able to sign off on it. Mr. Thiel stated that the irrigation district would still like to have that privilege.

Lorin Walker re-appeared to state that the process that Mr. Thiel has suggested is not a process that they are accustomed to. There is a large policing of final plat through the processes that are currently in place. It is difficult enough for developers to get through all of those processes as it is. To add another level of approval is not a good precedent. Their development company has not gone through this level of approval in other cities and counties that they develop in. Mr. Walker stated that he appreciated the irrigation district's concern and suggested that the City send them a final plat as they would others that have an interest for their review and discussion with developers and City officials. The irrigation district should not have an authorization as to whether a final plat would be approved or not.

Councilmember Groberg stated that the City Council has received the information. No policy changes are implemented at this time. This issue will be discussed with staff to determine what change, if any, needs to be made.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement Prior to Platting for Taylor Crossing on the River and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Shurtleff  
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 approve the Development Agreement for Taylor Crossing on the River, Division No. 9 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

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Motion Carried.

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

**ORDINANCE NO. 2620**

**TAYLOR CROSSING ON THE RIVER, DIVISION NO. 9**

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 Lyon  
Councilmember Shurtleff  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

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 Taylor Crossing on the River, Division No. 9 as CC-1 (Central 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 Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Lyon

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Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Taylor Crossing on the River, Division No. 9 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from I & M-1 (Industrial and Manufacturing) to CC-1 (Central Commercial), on property located generally north of Pancheri Drive and the substation, east of Utah Avenue and the canal, and west of the Snake River, legally described as Taylor Crossing on the River, Division No. 9. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 3, 2005

MEMORANDUM

TO: Mayor and Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: REQUEST TO REZONE FROM I & M-1 TO CC-1, TAYLOR CROSSING ON THE RIVER, DIVISION NO. 9

Attached is the request to rezone portions of Taylor Crossing on the River, Division No. 9, from I & M-1 (Industrial and Manufacturing) to CC-1 (Central Commercial). This parcel is located east of Utah Avenue, north of Pancheri Drive, and west of the Snake River. The Planning Commission recommended the northern half of Lot 7 and the Lots 4 and 5, Division No. 9, be rezoned from I & M-1 to CC-1 and Lot 8 be rezoned to CC-1 with a PUD Overlay. The PUD Overlay was recommended since Lot 8 has no frontage on a public street. This rezoning request is now being submitted to the Mayor and Council.

s/ Renée R. Magee

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

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Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Comprehensive Plan
Slide 4	Final Plat
Exhibit 1	Planning Commission Minutes dated September 20, 2005
Exhibit 2	Staff Report dated September 20, 2005
Exhibit 3	Aerial Photo with lots designated

Lorin Walker, 1165 South Utah Avenue, appeared to state that the recommendations from the staff are consistent with the needs of the development.

Louis Thiel, New Sweden Irrigation District, 2350 West 17<sup>th</sup> South, appeared to state that there were some problems a couple of years ago in the area around Milligan Road. The developer dug a trench down the middle of the canal bank and buried 24 4-inch conduits while there was water in the canal. When the irrigation district inspected early that morning, the trench was almost completed up to Milligan Road. There was water coming into the trench while they were laying the conduits in several places. Most of that was level ground. This is a big concern for the irrigation district. The irrigation district discussed those concerns with the developer, and they told the irrigation district that they would stop trenching at Milligan Road and not do any more until they could discuss the issue. The representatives from the irrigation district left the area with that in agreement. Within an hour of that time, the developer had proceeded to trench across Milligan Road and up behind Division No. 7, which is a levy part of the canal. The developer stopped at this location. The irrigation district spoke again to the developer. At that time, the agreement was that when the developer purchased the property and began to develop the land, the levy would be reinforced through this area. Mr. Thiel questioned whether the developer intended to carry through with that agreement.

Lorin Walker re-appeared to state that he appreciated Mr. Thiel's comments and understood the need for fill and reinforcement. This will be self-driven because the developer will build buildings in this location and will be careful for their own sake as well as for the sake of the irrigation district.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezoning from I & M-1 (Industrial and Manufacturing) to CC-1 (Central Commercial), on the northern half of Lot 7 and the Lots 4 and 5, Taylor Crossing on the River, Division No. 9 and Lot 8 be rezoned to CC-1 with a PUD Overlay on property located generally north of Pancheri Drive and the substation, east of Utah Avenue and the canal, and west of the Snake River and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

**OCTOBER 13, 2005**

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Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for Woodland Furniture Addition, Division No. 1. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 3, 2005

MEMORANDUM

TO: Mayor and Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING, AND FINAL PLAT – WOODLAND FURNITURE ADDITION, DIVISION NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Woodland Furniture, Division No. 1. This 15 acre parcel is located east of South Yellowstone Highway and Jameston Road and north of York Road. The requested initial zoning is I & M-1 (Industrial and Manufacturing). At its September 15, 2005 Meeting, the Planning Commission recommended approval of the annexation, initial zoning, and final plat. City utilities are located in Jameston Road. Grupo Modelo and Anheuser-Busch to the south are within the City and zoned I & M-1. This annexation 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:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Vicinity Map showing close up version
Slide 3	Aerial Photo
Slide 4	Aerial Photo – Close Up
Slide 5	Final Plat under consideration
Slide 6	Site Photo of Woodland Furniture taken from Jameston Road
Slide 7	Site Photo of property to the south of Jameston Road
Slide 8	Site Photo of Grupo Modelo
Slide 9	Site Photo from gravel road looking east across the site
Exhibit 1	Planning Commission Minutes dated September 13, 2005
Exhibit 2	Staff Report dated September 13, 2005
Exhibit 3	Copy of Final Plat

The Planning and Building Director explained that City utilities are present in Jameston Road. Police Services and Fire Protection Services are being provided to the immediate west, south and east of this property. This annexation request is being fueled by the need for a fire suppression system for this manufacturing facility. The final plat is in compliance with the Subdivision Ordinance. The land use is in compliance with the Comprehensive Plan.

Travis Walker, 1054 Bannock Avenue, appeared to state that he was in favor of this annexation. This land is being brought into the City to allow for a fire suppression

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system. He stated that his company employs 135 people. They have a good strong base here in Idaho Falls.

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

Councilmember Groberg explained that there is a slight difference between what is being platted and what is being annexed. The 30 feet for the roadway is being annexed and zoned, but is not being platted at this time.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Woodland Furniture Addition, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2621**

**WOODLAND FURNITURE ADDITION, DIVISION NO. 1**

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 Lyon  
Councilmember Shurtleff  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

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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 Woodland Furniture Addition, Division No. 1 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 Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Lyon

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Woodland Furniture Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

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

Chris Bidstrup, 2391 Eastview Drive, appeared to state that he understood that there were two initiatives on the November General Municipal Election ballot, one for run-off elections for council seats and one for whether the voting public would like to repeal the City Code Section allowing for mayoral run-off elections. Mr. Bidstrup stated that he would be in favor of removing the initiative for repeal of the ordinance requiring run-off elections in the Mayor's race at this time, until the voting public has had the opportunity to go through one election cycle to see how the ordinance works before they are asked to make a decision on whether to continue run-off elections for the Mayor or not. He encouraged the City Council to leave the initiative regarding run-off elections for the City Council on the November General Municipal Election ballot. He stated that he wanted to make those two requests at this time.

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The Airport Director submitted the following memos:

City of Idaho Falls  
October 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: M. R. Humberd, Director of Aviation  
SUBJECT: CHANGE ORDER NO. 2 TO HK CONTRACTORS, INC. FOR  
AGREEMENT FOR THE COMMERCIAL AVIATION RAMP

Attached for City Council approval is Change Order No. 2 to the HK Contractors Agreement to decrease the contract amount by \$7,660.00.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Hally, to approve Change Order No. 2 to HK Contractors, Inc. for the Agreement for the Commercial Aviation Ramp and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: M. R. Humberd, Director of Aviation  
SUBJECT: CONSENT TO ASSIGNMENT BETWEEN MARC R. WEICHEL AND  
THOMAS C. PIPER

Attached for City Council approval is the Consent between Marc R. Weichel, the duly appointed, qualified, and acting Personal Representative of the Estate of Willis Wayne Weichel, Decedent and Thomas C. Piper for the sale of a hangar.

All terms and conditions of the hangar lease remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Hally, to approve the Consent to Assignment of Hangar Lease Agreement between Marc R. Weichel, the duly appointed, qualified, and acting Personal Representative of the Estate of Willis Wayne Weichel, Decedent, 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 Lehto  
Councilmember Lyon  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Hally  
Councilmember Shurtleff

Nay: None

Motion Carried.

City of Idaho Falls  
October 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: M. R. Humberd, Director of Aviation  
SUBJECT: CONSENT TO ASSIGNMENT BETWEEN RONALD J. BROWN  
AND DAVID E. SHELDON

Attached for City Council approval is the Consent between Ronald J. Brown and David E. Sheldon for the sale of a hangar.

All terms and conditions of the hangar lease remain the same.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Hally, to approve the Consent to Assignment of Hangar Lease Agreement between Ronald J. Brown and David E. Sheldon 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 Shurtleff

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Councilmember Hardcastle  
Councilmember Lyon

Nay: None

Motion Carried.

Idaho Falls Power submitted the following memos:

City of Idaho Falls  
October 4, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Elg Fikstad, Power Manager  
SUBJECT: UAMPS JOINT ACTION AGREEMENT

Attached for your consideration is the First Amendment to the Amended and Restated Agreement for Joint and Cooperative Action with UAMPS. The City Attorney has reviewed the agreement.

Idaho Falls Power requests approval of this agreement and authorization for the Mayor to sign.

s/ Jo Elg Fikstad

Councilmember Lehto explained that this is an Action Agreement to provide for limited voting rights for Non-Equity Members pertaining to projects that they have an invested interest in. There are classes of definitions in the UAMPS Cooperative Agreement where there are Equity Members and Non-Equity Members. This provides for Board positions for Non-Equity Members; whereas, before they could not be on the Board and have limited voting rights for projects that they were participating in.

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve the First Amendment to the Amended and Restated Agreement Joint and Cooperative Action with UAMPS and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

**OCTOBER 13, 2005**

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City of Idaho Falls  
October 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PURCHASE MUNICIPAL STREET FLUSHER MOUNTED ON CAB  
AND CHASSIS

Municipal Services respectfully requests authorization to purchase a second Municipal Street Flusher from City of Idaho Falls Bid IF-05-22. The bid was awarded on August 11, 2005 to Schow's, Inc. to furnish One (1) New 2005 Omco Flusher Body mounted on New 2006 Sterling Condor Cab and Chassis for an amount of \$152,174.33 which includes \$850.00 deduction for frame length reduction.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to authorize the purchase of a second Municipal Street Flusher from City of Idaho Falls Bid IF-05-22 which was awarded on August 11, 2005 to Schow's, Inc. to furnish One (1) New 2005 Omco Flusher Body mounted on New 2006 Sterling Condor Cab and Chassis for an amount of \$152,174.33 which includes \$850.00 deduction for frame length reduction. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: PURCHASE A NEW 2005 BACKHOE LOADER

It is the recommendation of Municipal Services to accept the bid of Scott Machinery Company to furnish the subject equipment per Power County Bid of August 15, 2005. They would furnish a new 2005 John Deere 4 X 4 with extendable hoe for an amount of \$84,724.00; minor deletions and additions will be made with no change in price. Total purchase price with trade-in Unit No. 130 is \$64,724.00.

s/ S. Craig Lords

**OCTOBER 13, 2005**

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It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the bid of Scott Machinery Company to furnish a new John Deere 4 X 4 with extendable hoe for an amount of \$84,724.00 per Power County Bid of August 15, 2005, with minor deletions and additions being made with no change in price. The total purchase price with trade-in Unit No. 130 is \$64,724.00. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: EDGE WIRELESS LEASE EXTENSION AGREEMENT

Attached for your consideration is the Lease Extension Agreement for Edge Wireless for an initial term of five (5) years with a right to renew such term for four (4) additional five (5) year terms.

The City Attorney has reviewed and approved this cellular tower master lease and separate site lease Extension Agreement.

It is respectfully requested that City Council approve the Extension Agreement and authorize the Mayor to execute the documents.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Lease Extension Agreement with Edge Wireless and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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The memo from the Municipal Services Director regarding the Harris Publishing License Renewal Agreement has been withdrawn by the Division Director.

City of Idaho Falls  
October 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: RESOLUTION TO RESCIND RESOLUTION 2005-3

Attached for your consideration is a proposed Resolution to rescind Resolution No. 2005-3, providing for an Initiative Election pertaining to Run-Off Elections for the Office of Mayor.

It is respectfully requested that Council approve and authorize the Mayor to sign the Resolution.

s/ S. Craig Lords

**RESOLUTION NO. 2005-10A**

WHEREAS, on April 14, 2005, the City Council adopted a Resolution No. 2005-3 providing for submission to the electorate at the November general election of an initiative repealing Section 1-5-11 of the City Code, providing for run-off elections for the office of Mayor;

WHEREAS, on March 24, 2005, the City Council also adopted Resolution No. 2005-2 providing for an initiative pertaining to run-off elections for City Council Seats;

WHEREAS, the City Council is concerned that submission of both initiatives simultaneously to the electorate creates a potential for confusion among the voters;

NOW, THEREFORE, be it hereby resolved that Resolution No. 2005-3 be and the same is hereby repealed and the City Clerk is hereby directed to confer with the County Election Clerk and make all necessary arrangements to remove the mayoral run-off election initiative from the November general election ballot.

DATED this 14<sup>th</sup> day of October, 2005.

s/ Linda M. Milam  
Linda M. Milam  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

**OCTOBER 13, 2005 – UNAPPROVED COPY**

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Councilmember Lehto stated that at the September 22, 2005 Regular Council Meeting, Brett Manwaring appeared before the City Council and asked for some clarifications to the Notice of Election published on September 18, 2005. The two resolutions addressing initiatives were in that same Notice of Election. Mr. Manwaring raised an issue before the City Council that it might be confusing that the resolutions were posed such that someone obviously in favor of one side or the other would have to vote yes and then vote no, or vote no and then yes. At that City Council Meeting, the City Council stated that they would look into the matter. Subsequent to that, the City Council has been doing quite a bit of investigation and research on how the City Council got to this point. This culminated in a Municipal Services Council Committee Meeting on Tuesday, October 11, 2005. This discussion prompted the above memorandum and Resolution. This issue goes back to an election cycle two years ago when a referendum or initiative process for a run-off process for elective office was tried to be put in place on the November ballot. That did not make it. After that, most of the City Council during discussions in committee meetings, determined to approach the legislature to see if there could be something done on that front. Nothing happened during the state legislative session of 2004. The Municipal Services Council Committee took up this issue for the first time on October 26, 2004. Subsequent meetings led to an Ordinance for Run-Off Elections for Mayor passed on the first reading on March 10, 2005. On March 24, 2005, the Ordinance was passed on the second and third readings. All votes cast by the City Council for this ordinance were 6-0 votes. Also, on March 24, 2005, a Resolution was adopted for an initiative to be placed on the November ballot to determine whether the voting public wanted to have a Run-Off Election for Council Seats. A Resolution for an initiative for the repeal of the Ordinance providing for Run-Off Elections for Mayor was raised at this same Council Meeting. At the April 14, 2005 Regular Council Meeting, the City Council adopted the Resolution for an initiative to call for a binding vote for the repeal of the Ordinance providing for Run-Off Elections for Mayor to be placed on the November ballot. The first time that the opposing votes was noticed was when the Notice of Election was published on September 18, 2005. If you are strongly in favor of or strongly opposed to Run-Off Elections, a voter would have to vote yes on one initiative and no on the other initiative. Upon research, the City Election Calendar allows the City Council to finalize the election ballot by Tuesday, October 18, 2005. The last date for the Second Notice of Election to be published is Monday, October 24, 2005. That is why the Resolution being considered is to rescind Resolution No. 2005-3, providing for an Initiative Election pertaining to Run-Off Elections for the Office of Mayor is being presented.

Councilmember Hally stated that there is never a perfect time to decide whether there should be a Run-Off Election for Mayor. The City Council has heard comments that a vote needs to be taken when the Mayor's race is not being run. At this late date, to make the proposed change is not a wise move. The City Council started this and it was approved by a 6-0 vote. One initiative is a binding advisory vote on the City Council, and the other initiative is whether to keep the ordinance requiring a Run-Off Election for Mayor. He stated that he did not see much confusion himself.

Councilmember Lehto stated that he appreciated Councilmember Hally's comments and said that he felt the same way when he started the Tuesday morning Municipal Services Council Committee Meeting. Councilmember Lehto stated that he could understand the point that is being made in that this is somehow confusing. There is time to change the Council's direction. To take the initiative regarding the Mayoral Run-Off Elections off the ballot during this cycle is not setting the Council back very far from what was to be accomplished. The City Council will still receive a binding advisory vote for Run-Off Elections for City Council. Councilmember Lehto stated that even though he was prepared to dig in and stay the course on both initiatives, there were compelling arguments

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at the Municipal Services Council Committee Meeting for withdrawal of the initiative regarding Run-Off Elections for Mayor.

Councilmember Groberg commended Councilmember Lehto for conducting all of the research into this issue. He stated that it was clear at that the City Council intended to do, in that both initiatives would be binding votes and that there would be an opportunity for the general public to weigh in on both forms of Run-Off Elections. Councilmember Groberg stated that if the intended motion is to take the initiative regarding Run-Off Elections for Mayor off the ballot, he would be in favor of that. He did not believe that the City Council loses any ground. There are still two more Municipal Elections coming up if it is not clear that the public wants Run-Off Elections. He would support the initiative for Run-Off Elections for Mayor now, with the understanding that after the vote for Run-Off Elections for City Council is taken, whatever Council is sitting would analyze the results of that vote. Councilmember Groberg stated that he believes that the public should weigh in on any changes that the City Council makes to the process of elections.

Councilmember Hardcastle stated that the whole reason that she voted for both initiatives to be on the ballot, was because the public would have the opportunity to weigh in on these issues. She stated, further, that she appreciated what Mr. Bidstrup said because the public will not have a sense of what a Run-Off Election is until after the election is conducted. She stated that she did not think of that aspect.

Councilmember Lyon stated that he agreed with the two points that have been made. He expressed his concern for any potential confusion on the ballot. In allowing the citizens to see how a Run-Off Election works, as a practical matter, with the number of candidates in the running, they may get to see how this works. That will be a positive thing and will give the public a basis to make a better decision than they would have been able to otherwise.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve Resolution No. 2005-10 instructing the City Clerk to confer with the County Election Clerk to make all necessary arrangements to remove the Mayoral Run-Off Election Initiative from the November general election ballot and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lyon  
Councilmember Lehto  
Councilmember Groberg  
Councilmember Shurtleff

Nay: Councilmember Hally

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
October 13, 2005

MEMORANDUM

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

**OCTOBER 13, 2005**

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Attached for your consideration is a Resolution requesting an extension of time in which the Chuckars Baseball Team has been allotted to deliver their portion of the funds required for the McDermott Field Renovation Project. The new Resolution will extend the date from September 30, 2005 to September 30, 2006.

It is respectfully requested that the City Council approve and authorize the Mayor and City Clerk to sign and execute said Resolution.

s/ David J. Christiansen

**RESOLUTION NO. 2005-11**

WHEREAS, on May 27, 2004, the City adopted Resolution No. 2004-7 declaring its intention to contribute the sum of two million dollars (\$2,000,000.00) towards the renovation of the McDermott Field grand stand and bleacher areas, subject to the condition that the Chuckars also raise and contribute the sum of one million three hundred fifty-two thousand dollars (\$1,352,000.00) towards such renovation and subject to the further condition that the Chuckars deliver such amount to the City no later than five o'clock p.m. on September 30, 2005;

WHEREAS, the Chuckars have requested an extension of time within which to deliver such funds to the City;

WHEREAS, the City is willing to grant such extension;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the time period within which to deliver such funds to the City being hereby is extended to September 30, 2006.

PASSED by the Council this 13<sup>th</sup> day of October, 2005, and approved by the Mayor this 14<sup>th</sup> day of October, 2005.

s/ Linda M. Milam  
Linda M. Milam  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

Councilmember Hally explained that this Resolution extends the date that the money is to be delivered to the City of Idaho Falls until next year.

Councilmember Groberg stated that the Chuckars Baseball Team has completed their portion of the fundraising. Prior to doing that, and anticipating that it would not be complete, the Chuckars Baseball Team had submitted this resolution.

**OCTOBER 13, 2005**

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Councilmember Groberg stated that he viewed this as a technical item to protect them from someone later saying that they did not meet their exact deadline.

The City Attorney stated that there is a legitimate reason for this resolution in that the previous resolution required that the funds be delivered over to the City by September 30, 2005.

Mayor Milam stated that on the morning of Friday, September 30, 2005, a representative of the fundraisers came to her office to state that they had secured the agreement from Mr. Vandersloot for the \$600,000.00, which put them over the amount that they had committed. The representative wanted it to be very clear that as of September 30, 2005, they had raised the funds. Mayor Milam stated that they will continue to raise funds as the costs may exceed what they initially thought it would take. Also, there are three cases of significant contributions, which will come in 1/3 at a time over a three-year period. The organization will get a bridge loan and will pay that loan off as the contributions are received.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve Resolution No. 2005-11 requesting an extension of time in which the Chuckars Baseball Team has been allotted to deliver their portion of the funds required for the McDermott Field Renovation Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
October 7, 2005

MEMORANDUM

TO: Mayor and City Council  
FROM: Jan Blickenstaff, Grant Administrator  
SUBJECT: RESOLUTION ADOPTING THE FY04 COMPREHENSIVE ANNUAL EVALUATION REPORT

Attached is the draft Resolution for adopting the Annual Report for the FY04 Community Development Block Grant Program. This is the required report to HUD on the use and benefits resulting from the funds. The public hearing on the report was held at the September 22<sup>nd</sup> Council Meeting. No comments have been received to date.

s/ Jan Blickenstaff

**OCTOBER 13, 2005**

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**RESOLUTION NO. 2005-12**

**RESOLUTION OF THE CITY OF IDAHO FALLS  
ADOPTING THE FY04 ANNUAL REPORT  
FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT**

WHEREAS, the City of Idaho Falls became an Entitlement City under the criteria of Title I of the Housing and Community Development Act of 1974, as amended;

WHEREAS, the City of Idaho Falls receives annual grant funding as an Entitlement City;

WHEREAS, the Act requires an Annual Report describing how the grant funds were used and the resulting benefits;

WHEREAS, the required public notice was given and the public hearing on the FY04 Annual Report held before City Council on September 22, 2005 to receive public comment and the public comment period of fifteen days was opened;

WHEREAS, the comment period was closed and any comments considered and incorporated into the plan;

WHEREAS, all requirements for adopting the report have been met;

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Idaho Falls to adopt the FY04 Annual Report and submit it to the U. S. Department of Housing and Urban Development.

DATED this 13<sup>th</sup> day of October, 2005.

s/ Linda M. Milam  
Linda M. Milam  
Mayor

(SEAL)

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve Resolution No. 2005-12 adopting the Fiscal Year 2004 Annual Report for the Community Development Block Grant and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

**OCTOBER 13, 2005**

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The memo from the Planning and Building Director regarding the Annexation Ordinance for Willow Creek Meadows Estates Addition, Division No. 1 was withdrawn by the Division Director.

City of Idaho Falls  
October 3, 2005

MEMORANDUM

TO: Mayor and Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: THE MERRILL ADDITION, DIVISION NO. 1

Attached is the Final Plat entitled The Merrill Addition, Division No. 1. This two-lot plat consists of 1.09 acres zoned RP-A and is located on Vissing Street north of Vissing Circle, south of U. S. 20, and west of Fremont Avenue. The Planning Commission recommended approval of this final plat at its October 4, 2005 Meeting. Staff has found this plat complies with the Subdivision Ordinance, although Vissing Street is longer than 600 feet. The cul-de-sac reduces the length of an existing permanent dead-end street. This final plat is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director appeared to further explain this request. This is a portion of Highland Park Addition that has been undeveloped. This final plat will develop two lots immediately south of U. S. 20. Ultimately, the alley will be vacated.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for The Merrill Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said final plat. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
October 3, 2005

MEMORANDUM

TO: Mayor and Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: FIRST AMENDED PLAT OF WESTGATE ADDITION, DIVISION NO. 1

**OCTOBER 13, 2005**

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Attached is the final plat entitled First Amended Plat of Westgate Addition, Division No. 1. This two lot plat consists of 0.72 acres zoned HC-1 and is located on the northeast corner of Hansen Avenue and West Broadway. The Planning Commission recommended approval of this final plat at its October 4, 2005 Meeting. Staff has found that this plat complies with the Subdivision Ordinance. This final plat is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for First Amended Plat of Westgate Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said final plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls  
October 12, 2005

MEMORANDUM

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

I respectfully submit the attached 2005-2006 School Resource Officer Agreement between the City of Idaho Falls and Idaho Falls School District No. 91 for your approval at the City Council Meeting of October 13, 2005. This agreement is specific to the number of School Resource Officers, their duties, schedules, and compensation. It has been updated from the 2004-2005 Agreement to reflect the dates of the current school year and has been signed by the Chairman of the Board for School District No. 91.

Thank you for your consideration.

s/ J. K. Livsey

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the 2005-2006 School Resource Officer Agreement between the City of Idaho Falls and Idaho Falls School District No. 91 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

**OCTOBER 13, 2005 – UNAPPROVED COPY**

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 9:20 p.m.

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CITY CLERK

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MAYOR

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