SEPTEMBER 8, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 8, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam requested Boy Scout Michael Nelson to come forward and lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the August 25, 2005 Regular Council Meeting and the August 30, 2005 Special Council Meeting and Executive Session.

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

The City Clerk presented the following Expenditure Summary dated August 1, 2005 through August 31, 2005, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	$ 572,046.80
Street Fund	149,974.04
Recreation Fund	18,329.51
Library Fund	36,493.21
Municipal Equipment Replacement Fund	41,377.14
Electric Light Public Purpose Fund	32,293.05
Sanitary Sewer Capital Improvement Fund	100.00
Municipal Capital Improvement Fund	2,245.00
Street Capital Improvement Fund	983,175.16
Bridge and Arterial Street Fund	6,856.13
Water Capital Improvement Fund	33,905.88
Surface Drainage Fund	27,296.30
Airport Fund	942,943.42
Water and Sewer Fund	400,650.24

Sanitation Fund	8,922.99
Ambulance Fund	9,738.64

FUND	TOTAL EXPENDITURE
Electric Light Fund	3,037,909.93
Payroll Liability Fund	1,936,657.76
TOTALS	$8,240,915.20

The City Clerk presented several license applications, 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 September 8, 2005.

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam announced that the public hearing for consideration of an appeal from the decision of the Board of Adjustment for a Conditional Use Permit to construct an animated sign on property located generally south of the Broadway and Lindsay Boulevard intersection, legally described as the Northwest Corner of Lot 4, Block 1, Eagle Rock Crossing was withdrawn by the applicant.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for Fairway Estates Addition, Division No. 16. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 1, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING, AND FINAL PLAT – FAIRWAY ESTATES ADDITION, DIVISION NO. 16

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Fairway Estates Addition, Division No. 16. The requested initial zoning is R-1 (Single-Family Residential). This Final Plat contains 46 single-family residential lots and is located east of East River Road and Pevero Drive and

west of Lewisville Highway. The Planning Commission considered this annexation request at its July 19, 2005 Meeting and recommended approval

with the conditions which have been incorporated into the Final Plat. The Commission also recommended a variance on the size of the corner lots on Block 10 and Lot 10, Block 11, due to the size of the lots and the topographical conditions. 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	Aerial Photo
Slide 3	Aerial Photo showing Preliminary Plat
Slide 4	Final Plat under consideration
Slide 5	Preliminary Plat submitted by applicant
Exhibit 1	Planning Commission Minutes dated July 19, 2005
Exhibit 2	Staff Report dated July 19, 2005

The Planning and Building Director explained that this is a mixed-use development with varying densities. Other than the corner lot size, the Final Plat meets the Subdivision Ordinance requirements. The only other issue that has been addressed in the past is the length of Pevero Drive. Under the Fire Code, there is a provision that a long street can serve a new development provided that there are plans to have access points to such roads as Lewisville Highway. Ultimately there will be a loop system in this area.

Kevin Allcott, P. O. Box 3082, Idaho Falls, Idaho, appeared to answer any questions from the Mayor and City Council. There were no questions or comments.

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 for Fairway Estates Addition, Division No. 16 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

SEPTEMBER 8, 2005

ORDINANCE NO. 2616

FAIRWAY ESTATES ADDITION, DIVISION NO. 16

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 Lehto
Councilmember Shurtleff
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 Fairway Estates Addition, Division No. 16 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 Groberg
Councilmember Hally
Councilmember Lehto
Councilmember Lyon
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Fairway Estates Addition, Division No. 16 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for a portion of the City Landfill containing approximately 15 acres of City property east of North 5th West (East River Road) and north of East 33rd North (Iona Road). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 1, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION OF PORTION OF CITY LANDFILL

Attached is the Annexation Ordinance for approximately 15 acres of City property east of North 5th West (East River Road) and north of East 33rd North (Iona Road). This parcel is being used for a portion of a landfill and will provide contiguity to the Willow Creek annexation. This annexation was reviewed by the Planning Commission at its May 3, 2005 Meeting, and the Commission recommended annexation with the initial zoning of R-1 (Single-Family Residential). The request was for I & M-1 (Industrial and Manufacturing). This annexation 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 Aerial Photo
Slide 2 Aerial Photo – Close Up
Slide 3 Comprehensive Plan dated December, 2000

Slide 4	Site Photo of entry gate into the landfill
Exhibit 1	Planning Commission Minutes dated May 3, 2005

Exhibit 2 Staff Report dated May 3, 2005
Exhibit 3 Map of present annexation request (15 acres)

The Planning and Building Director stated that the Planning Commission minutes reflect a larger annexation than the one that is outlined for the City Council. The annexation before the Planning Commission reflected two parcels that are immediately north of the property being considered. There has been some discussion about whether the reclaimed portion of the landfill would be re-opened temporarily. The Planning and Building Director explained that she did not include those portions in the annexation request before the City Council. The portion of the landfill being considered for annexation still includes some active operations, not so much in terms of disturbing dirt, but in terms of the landfill gate and other issues. When the Planning Commission heard this annexation request, they recommended R-1 (Single Family Residential) Zoning. Staff is recommending I & M-1 (Industrial and Manufacturing) Zoning. The strip of land to the east is presently zoned I & M-1. It is unusual for the Staff to not agree with the Planning Commission. The reason that Staff is recommending I & M-1 is that often when there is a grandfathered use, there are discussions of the extent of the grandfathered use or the intensity of the grandfathered use. If the zone is designated as I & M-1, it is clear that this is a sanitary landfill and has been used for that historically. Part of this land may stay that way. This zone provides better notice for the property owners in the area. The Comprehensive Plan shows this area to be open space. When the landfill is closed, the ground will be disturbed. The most likely use for this ground would be open space. This annexation request is being proposed, as there are property owners to the immediate south and east of this property that are interested in annexing to the City of Idaho Falls. Annexation of this portion of the landfill provides contiguity to the City for that annexation.

Councilmember Groberg requested the Planning and Building Director to speak to the Planning Commission's recommendation that this land be zoned R-1.

The Planning and Building Director explained that the annexation request that was before the Planning Commission included two strips of land, one to the north and one to the southeast, both parcels inside the City and zoned I & M-1. The portion immediately south of Fairway Estates, which has been reclaimed, was proposed to the Planning Commission to be zoned R-1. The strip was also proposed to be zoned R-1. Since the northern portion was zoned R-1, the Planning Commission thought it would be good to bring in the southern parcel with an R-1 zoning. The difference is that the northern parcel that was being considered has been reclaimed and does not have active pieces of the landfill on it. The parcel under consideration by the City Council has active landfill operations on it.

Councilmember Groberg clarified that approximately 50 acres was presented to the Planning Commission for annexation. The dominant aspect of that seemed to be R-1 zoning. The request has been reduced to 15 acres. The dominant aspect of the 15 acres seems to be I & M-1.

Scott Nielson, 990 John Adams Parkway, appeared to state that he is the representative for the annexation that will be conducted later in this meeting. He stated that he is in favor of this annexation as it makes possible what they are trying to accomplish with the annexation.

Dennis Wilkinson, 255 Pevero, appeared to state that he was present at the Planning Commission Meeting when this annexation was discussed. He questioned how the I & M-1 Zone would be consistent with future use. He also questioned what the planned uses for this property were. Mr. Wilkinson stated that the area residents were led to believe that the proposed annexation would be R-1 Zoning. I & M-1 Zoning does not

comply with the R-1 Zoning to the north of this property which is middle to upper scale homes.

The Planning and Building Director re-appeared to state that the annexation before the City Council does not include all of the property that was proposed for annexation at the Planning Commission. The parcels that were before the Planning Commission included approximately 45 acres northwest of the proposed annexation, which property has been capped and leveled. It also included a parcel of approximately 34 acres to the east of the triangle being proposed for annexation this evening, which property has been capped and leveled. At the Planning Commission level, staff requested R-1 zoning on the 45 acre parcel and also on the 35 acre parcel in recognition that those properties have been capped and leveled. As there are still some landfill operations being conducted on the triangle of land being proposed for annexation by the City Council, staff recommended I & M-1 Zoning. This parcel is distanced from Fairway Estates Addition. The Planning and Building Director further explained that this annexation was advertised as I & M-1, which would allow the City Council to approve R-1 if they deemed it necessary to comply with the Planning Commission recommendation. If it had been advertised as R-1, the City Council would not have the option of setting the zoning at I & M-1. In the future, agricultural uses are proposed when the landfill is totally capped and leveled. That would give the Planning Division time to propose a change to the Zoning Ordinance allowing for agricultural uses in certain limited circumstances within the City Limits. That is not available at this time.

Councilmember Groberg requested to know why the 80 acres that were originally a part of this proposal were withdrawn from this request.

The Planning and Building Director stated that Bonneville County has had some subsequent discussions with the City regarding re-opening portions of those two parcels for landfill operations. The City is also not prepared, in terms of an Ordinance, to do a Conditional Use Permit for agricultural uses.

Councilmember Groberg requested to know, when the 80 acres was presented to the Planning Commission, whether multiple zones were requested.

The Planning and Building Director stated that R-1 and I & M-1 Zones were requested, with the I & M-1 Zone being requested for the triangle of land that is being presented to the City Council at this time.

Councilmember Shurtleff requested to know what the annexed parcel directly to the east of this property was zoned.

The Planning and Building Director stated that this land was zoned I & M-1. The property to the north of this parcel is also zoned I & M-1.

Councilmember Shurtleff requested to know what landfill activity was being conducted on the parcel being requested for annexation.

The Planning and Building Director stated that the activity being conducted is the guard station for the landfill. There has also been some dumping. The Planning and Building Director explained that the City of Idaho Falls owns the 15 acres being requested for annexation. The City controls the 15 acres and can control its use. She stated, further, that she agreed with the residents in that as the area develops, the landfill is no longer compatible. The City Council has control of this land and can control the land use with zoning and with proprietary ownership of the land.

Councilmember Shurtleff requested to know whether the City could sell any of the landfill property.

The City Attorney stated that the City could sell the landfill property. The City has control of this.

Councilmember Lyon requested to know whether staff was requesting the I & M-1 zone to isolate the property.

The Planning and Building Director stated that she is suggesting that this parcel of land be zoned I & M-1 as a reflection of the current land use. The moment that it is capped and leveled, it should be rezoned to R-1.

Councilmember Shurtleff requested to know, under the R-1 Zone, whether an agricultural use such as cattle grazing was allowed.

The Planning and Building Director stated that this would not be allowed. There are other parcels around the City where this issue would need to be addressed, where the best use of disturbed soil would be to allow some limited agricultural use rather than to grow weeds.

Councilmember Shurtleff stated that he hoped that once the landfill is capped and all landfill activity is taken off this property, that it could be used for some sort of agricultural zoning.

The Planning and Building Director stated that this would be another option.

Councilmember Shurtleff stated that this type of a zone would lock in that particular use and people would have an understanding of what would be allowed under that zone. He stated that he would be nervous to zone this parcel as R-1, when the City should be reflecting that the landfill will never be anything else, other than to grow grass on it and maybe graze a few cattle.

The City Attorney elaborated that currently the City does not have the ability to zone anything with an agricultural use. This would create a place holder, with the possibility in the future, that an agricultural zone would be established to address this type of land.

Councilmember Shurtleff stated that he understood the concerns expressed by the people of Fairway Estates. He stated, again, that he is nervous to zone this parcel as R-1, but would not have a problem with taking this land in an agricultural direction. He stated, further, that there would be no construction of anything permanent on these sites.

Councilmember Lehto requested to know what zone would address a community park at this location.

The Planning and Building Director stated that this land would have to be zoned in one of the residential zones.

Councilmember Shurtleff stated that it could be zoned with the agricultural zone that would be developed.

Councilmember Lehto requested to know whether a Conditional Use Permit would be needed in the I & M-1 Zone for a landfill operation.

The Planning and Building Director stated that when the landfill operation began, a Conditional Use Permit would have been granted or whether the landfill is so old that a Conditional Use Permit was not required.

Dennis Wilkinson, re-appeared to state that he did not believe that his question was answered. He requested to know whether additional landfill activities would take place if the zone on this parcel were changed to an I & M-1 Zone. He is one of the original residents on Pevero Drive and has had numerous conversations with Councilmember Shurtleff. He also has an agreement with Mayor Milam regarding a berm that he constructed and maintains on City property. Over the past seven years, he stated that he has had a contentious relationship with the County and City regarding this landfill. The landfill opened 30 days after they received their Certificate of Occupancy on their home. He stated that he has been told by the Road and Bridge Department and the Parks Department that a park would be constructed in this area. He has had to put up with dust and dirt from daily operations, six days a week from the landfill. Mr. Wilkinson stated that he would like to see the landfill operation come to an end. He stated that he does not have a problem with an agricultural environment or a park being constructed at this location. Mr. Wilkinson requested to know from the City Attorney whether he could request discovery on the future use of the landfill property before proceeding with the zoning on this land.

The City Attorney stated that there is no provision in the Local Planning Act for "discovery". He stated that he did not believe that anyone could say for certain what would be done in the future with this land. The I & M-1 Zoning would be a confirmation

of essentially what has occurred in the past and would avoid the problem of a "grandfathered" use and getting into contentious arguments about what is permitted within that "grandfathered" use. The landfill is a permitted conditional use within the I & M-1 Zone. This would allow for continued operations for that parcel as a landfill. Eventually, Mr. Wilkinson would see a potential agricultural use on the landfill property. That could take time. There could be some continued usage consistent with what is now happening there.

Mr. Wilkinson stated, again, that he would like to see closure of the landfill operation.

The City Attorney stated that, from what he has heard around the Council Table that the City is heading in that direction.

Councilmember Lyon requested to know whether he heard that there would be no permanent structures built on the landfill property.

Mayor Milam stated that Freeman Park was a landfill. The band shell could be considered a permanent structure. There are also restrooms on the easterly side of the park, but that was not an area that was part of the landfill. The only other structures in this park are shelters. No foundations could be placed on this ground.

The City Attorney stated that the Parks and Recreation Director has many stories about how the land in Freeman Park rises and falls.

Mayor Milam stated that periodically the roads have to be beefed up as swales will develop. She stated that there are limited uses to an old landfill.

Councilmember Lyon stated that in reading the Planning Commission Minutes, some of the potential uses in an I & M-1 Zone are bus terminals, correctional institutions and sexually oriented businesses.

Mayor Milam stated that this property is City-owned.

Councilmember Lyon wanted the residents to be assured that none of those uses will be allowed on this land.

Mr. Wilkinson stated that he was concerned that any uses allowed in the I & M-1 Zone would not be allowed on the landfill property. The residents are concerned that the I & M-1 Zone would lead to something other than back to nature.

Mayor Milam stated that if this was privately owned property and zoned I & M-1, then the private owners would be able to put anything on this property that is allowed in the I & M-1 Zone. This is not privately owned property; it is a piece of City property. That should give some comfort to the residents.

The City Attorney stated that many of the permitted uses are not going to take place as a practical matter.

Councilmember Hally stated that as the City grows to the south in this area, there may be a need for a park.

Mr. Wilkinson re-stated that he was told by the Parks Department and the Road and Bridge Department that a park was being considered for this location.

Mayor Milam stated that she did not know that the Parks and Recreation Division would have made such a statement.

Mr. Wilkinson stated that a park would seem consistent with the land uses for a landfill.

Councilmember Groberg stated that there is no end to the interesting questions that are addressed in a zoning hearing. There is no way of knowing what the Planning Commission would have done had they been presented with only this 15 acre parcel as opposed to the 80 acres originally submitted to them. He stated that he understood the Public Works Division and the Planning and Building Division for

requesting the I & M-1 Zoning, as the current use is an I & M-1 use. There are two alternatives, one of which is to grandfather it in, which would not be the normal way, but it

would provide some protection. When the current use expired, then another I & M-1 use could not be placed on this property. The fact is that it is being used for a landfill use at this time and that is an I & M-1 use. Hopefully, as time goes on, it could be converted to use as a park or something. He did not believe that the City Council could commit future City Councils on what will be placed on this property.

Councilmember Lehto stated that he disagreed with some of what Councilmember Groberg said with regard to the Planning Commission Minutes. At the Planning Commission Meeting, the Planning Commission arrived at a decision for the triangular piece that it be zoned R-1 and the current use be grandfathered. If Councilmember Groberg's motion would be to zone the property I & M-1, then Councilmember Lehto stated that he would stick with the Planning Commission recommendation which passed unanimously. The only consideration in this record from the Staff is that this be annexed so that it be contiguous to another property that would be annexed at a later date. Councilmember Lehto stated that the Planning Commission Minutes are compelling in that their recommendation was R-1 with a grandfathered use.

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

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

ORDINANCE NO. 2617

PORTION OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 38, EAST OF THE BOISE MERIDIAN – CITY LANDFILL PARCEL

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 Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of a portion of the Southwest Quarter of Section 6, Township 2 North, Range 38, East of the Boise Meridian (City Landfill Parcel) 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 Groberg
Councilmember Hardcastle
Councilmember Shurtleff

Nay: Councilmember Lehto
Councilmember Hally
Councilmember Lyon

Mayor Milam voted "Yes", thereby breaking the tied City Council vote.

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for Willow Creek Meadows Estates. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 1, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING, INITIAL ZONING OF R-1, AND FINAL PLAT – WILLOW CREEK MEADOWS ESTATES, DIVISION NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Willow Creek Meadows Estates. This parcel is northeast of the intersection of North 5th West (East River Road) and 33rd North (Iona Road) and contains 34.7 acres. A portion of this annexation request, the final plat for Willow Creek Meadows Estates, Division No. 1, a one-lot plat, encompasses 7.4 acres. On July 5, 2005, the Planning Commission recommended annexation, initial zoning of R-1 (Single-Family Residential), and approval of the final plat. The Commission also approved a Conditional Use Permit for a Church on Willow Creek Meadows Estates, Division No. 1 subject to Council approval of the annexation, initial zoning, and final plat. 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	Aerial Photo
Slide 3	Final Plat under consideration
Slide 4	Aerial Photo with Final Plat superimposed
Slide 5	Site Photo showing west portion of site on the corner of 5th West and 33rd North
Slide 6	Site Photo looking north of 5th West
Slide 7	Site Photo looking across the site towards the east
Exhibit 1	Planning Commission Minutes dated July 5, 2005
Exhibit 2	Staff Report dated July 5, 2005

The Planning and Building Director explained, further, that Willow Creek Meadows Estates Addition, Division No. 1 is being proposed for a church. The Planning Commission approved a Conditional Use Permit for that church.

The City Attorney requested clarification that the intent for the majority of this property was to be annexed unplatted. The Planning and Building Director stated that this was correct and explained that there was a Preliminary Plat that was submitted. There were some issues with the Preliminary Plat, so the Planning Commission recommended annexation and initial zoning, but did not take action on the Preliminary Plat.

Daryl Kofoed, Mountain River Engineering, appeared to state that this area is family owned, but will ultimately be church-owned. He stated that members of the church were present to answer any questions from the Mayor and City Council, and stated, further, that he would be happy to address any questions also. There were none.

David Kuhn, 205 Pevero, appeared to state that he was the owner of the property that touches the triangular piece of land. He stated that he was in support of this annexation.

Galen Williams, 3754 East 97 North, appeared to state that he was not present to oppose this annexation. Looking directly south across 33rd 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 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. 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 33rd

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. His

immediate plan is to build a straw stack on the north border of the corral, 3 bales high. They are hoping to contain any of the dust and dirt in the corral.

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

Councilmember Hardcastle expressed her concern that members of the church would come before the City Council to complain about the cattle feeding operation.

The City Attorney stated that Mr. Williams has touched on the answer to the feed lot operation, in that it is "best management practices". In the case of Skaar Feed Lot case, it was compelling that the "best management practices" were not being followed. In fact, the good share of witnesses against that particular feed lot were ranchers and farmers that ran feed lots. As long as Mr. Williams operates his operation in a prudent fashion, there should not be any complaints.

Councilmember Hardcastle stated that the exception to that would be the people moving from the inner city to be out in the country might not be prepared for the smell.

Mayor Milam indicated that in the testimony at the Planning Commission Meeting, representatives from the Church acknowledged that they fully understood and hoped to be a good neighbor also.

Councilmember Groberg stated that it is not possible for the City to expand into the agricultural areas, which it needs to do in a natural centrifugal way without confronting some of these conflicts and making the best of it.

Mayor Milam re-opened the public hearing.

David Kuhn, 205 Pevero, re-appeared to state that he lives fairly close to this cattle feeding operation and has not smelled anything coming from that operation in the past years.

Terry Bradshaw, Real Estate Representative from the Church of Jesus Christ of Latter-day Saints for the State of Idaho, appeared to state that the use of this is not the issue. The approval of the annexation and final plat are the issues to be considered. As Mr. Williams has indicated, there have been several discussions regarding the cattle feeding operation. The church is not going into this without knowing that this is a cattle feeding operation. The church building has been sited on this property to minimize any effect from the cattle feeding operation on the church.

Galen Williams re-appeared to state that he has met with Bonneville County. They have indicated that they must stay a minimum of 75 feet back from the corner of the property with their bales. Mayor Milam indicated that the roadway that does not have a stop sign on it travels at 50 MPH. The County may require that much "clear site" distance for safety purposes.

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 Willow Creek Meadows Estates Addition and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Councilmember Hardcastle

Nay: None

Motion Carried.

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

ORDINANCE NO. 2618

WILLOW CREEK MEADOWS ESTATES ADDITION

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 Hally
Councilmember Hardcastle
Councilmember Lyon
Councilmember Lehto
Councilmember Groberg
Councilmember Shurtleff

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 Willow Creek Meadows Estates Addition 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 Shurtleff
Councilmember Lyon
Councilmember Groberg

Councilmember Hardcastle
Councilmember Lehto

Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Willow Creek Meadows Estates 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 Lyon
Councilmember Shurtleff
Councilmember Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a Conditional Use Permit/Planned Unit Development to provide additional land for a day care center on property located generally on the south side of Potomac Way, west of Washington Parkway, and east of Delaware Avenue, legally described as a portion of land in the North Quarter Corner of Section 33, Township 2 North, Range 38 East of the Boise Meridian (also known as Lots 10, 11, 12, and 13, Block 12, First Amended Plat of St. Clair Estates Addition, Division No. 7). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 1, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT FOR DAY CARE CENTER – LOTS 10, 11, 12, AND 13, BLOCK 12, FIRST AMENDED PLAT OF ST. CLAIR ESTATES ADDITION, DIVISION NO. 7

Attached is the application and site plan for a day care center on Lots 10 through 13, Block 12, First Amended Plat of St. Clair Estates Addition, Division No. 7. The Planning Commission considered this day care facility on Potomac Way at its July 12, 2005 Meeting and recommended approval with the following conditions: The dumpster be located to the rear of the property and a landscape berm four to five feet in height be provided along the non-street sides of the property with a security fence as necessary for operation of day care. A landscape plan has been submitted with a berm four to five feet in

height. However, in order to assure necessary code required slope from the building, the berm will be reduced to three to four feet in height. This

application for a Conditional Use Permit 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 Conditional Use Permit request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Site Plan
Slide 4	Landscape Plan
Slide 5	Elevations of Buildings
Slide 6	Elevations of Buildings
Exhibit 1	Planning Commission Minutes dated July 12, 2005
Exhibit 2	Staff Report dated July 12, 2005

The Planning and Building Director stated that the Landscape Plan has been reviewed and approved by the City Forrester. The height of the landscape berm needs to be reduced on the south side of the building only. The height of the landscape berm along the northeast will be maintained at the level recommended by the Planning Commission. This will assist in buffering the elderly housing complex. This height will also be retained on the southeast corner of the property, where there will be single-family residential housing. This request is for a Conditional Use Permit as well as a Planned Unit Development. The developer wanted to take advantage of the setbacks that are reduced in a Planned Unit Development. The developer requested this as he wanted to develop a drop-off lane and parking needed to be developed in the front setback due to the large play area to the east side of the property.

Paul Wareing, 2264 Enell Street, appeared to state that the majority of the property is zoned for a day care. He stated that he wanted to provide a larger day care with a larger play area.

Mike Poffenroth, 393 Napa Drive, appeared as a representative for the seniors that live at Elk Creek Apartments which is across the street from the play area on the north. He explained further that there is an assisted living area due north of proposed area. He submitted the following petition with signatures:

Elk Creek Senior Living
1960 Martha Avenue
Idaho Falls, Idaho 83404
Phone: 208-529-3595
Fax: 208-529-9440

September 7, 2005

We the people of Elk Creek Senior Living wish to express our concerns of your proposal of a day care center on the property located generally on the south side of Potomac Way, west of Washington Parkway, and east of Delaware

Avenue legally described as metes and bounds property, St. Clair Estates, Division No. 7.

This site is adjacent to the end of Elk Creek's property and across the street from Mount Vernon Assisted Living, both facilities for Senior Citizens. We feel that the noise generated by the children at a day care center would be most disturbing, to we the Seniors, here in these facilities.

We have moved into this area, for our retirement years, for the peace and quiet that was offered to us here. We desire that you would relocate proposed day care to a bit farther away. We feel it in the best interest of the City and surrounding residents that this would be beneficial.

1) Jean House
2) Bob House
3) Enda Hill
4) Zola Forsgren
5) Marla Hymas
6) Elna Marlow
7) Bea Papke
8) Roy Papke
9) Carolyn Taylor
10) Bertha Hansen
11) Connie Thompson
12) Mildred Ferguson
13) Helen Diamond
14) Amelia Lawson
15) Merle E. Billman
16) Bonnie Petersen
17) Carrie E. Peay
18) Nina Jensen
19) Di Grand
20) Dee Stroud
21) Margaret E. Doyle
22) Pearl Linn
23) Almira Palmer
24) Carl Palmer
25) LuAnn Carey
26) Rita Manginelli
27) Glen English
28) Dene K. English
29) Dorothy Runz
30) Kay C. Whitaker
31) Eugene L. Krogh, Sr.
32) D. Shindurling
33) Nina J. Jensen
34) Eugene Wilson
35) Mary Jean Holzapfel
36) Claire Faller
37) Norma Kurth
38) Charles Grand

Mr. Poffenroth stated, further, that the seniors wanted to let the City Council know that this is not a discrimination issue, it is a noise issue.

Councilmember Groberg requested the Planning and Building Director to review for the City Council the considerations given for the existing uses. He also requested to know whether the previous information was presented to the Planning Commission.

The Planning and Building Director stated that this information was not presented to the Planning Commission. The applicant was the only person that spoke to the Planning Commission. The Planning Commission knew that there was an elderly housing complex north of the proposed day care center property. That was the reason that the Planning Commission recommended the landscape berms.

Councilmember Groberg requested the Planning and Building Director to locate the elderly housing complex in relation to the proposed day care center. The Planning and Building Director located the subject areas for the City Council.

Councilmember Groberg stated that the day care center is a permitted use. The reason for the requested Conditional Use Permit is that the furthest west portion of the property is zoned R-1 and requires the Conditional Use Permit to go forward with the Day Care Center. The applicant could build this day care center, but would have to build it on a smaller lot. The Planning and Building Director agreed and stated, further, that the landscaping was proposed by the Planning Commission as it was a better barrier, both for site and noise.

Councilmember Hardcastle requested to know whether the assisted living facilities were one story or two stories.

The Planning and Building Director stated that the Assisted Living Center is one story and the Elk Creek Apartments are two stories.

Paul Wareing re-appeared to state that they were familiar with the retirement center. He stated that he owns the lot that is right across the street, which is also zoned R-2. He explained that he wanted to make the proposed day care center property larger so that it was not tight and congested. They could still construct the day care on the lots that are zoned R-2, but they wanted to make a less congested facility that would provide less noise and be more pleasant for everyone in the area.

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

Councilmember Groberg stated that even though the petition from the residents from the Elk Creek Apartments and Assisted Living Facility has been presented this evening, there has been an ongoing concern for their peace and quiet. This is an unusual case, in that the use that is being proposed under the Conditional Use Permit is actually a permitted use, except for one end of the property. It appears that the facility that is designed is more desirable as proposed. If the City Council did not grant the Conditional Use Permit/Planned Unit Development for this property, then the applicant would have to redesign this facility on a smaller parcel of land. He did not believe that this would be in the best interest of the neighbors.

Councilmember Lyon stated that the concern for the level of noise is a legitimate concern. It also seems to him that reasonable provisions have been put in place to address and mitigate this concern.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Conditional Use Permit/Planned Unit Development to provide additional land for a day care center on property located generally on the south side of Potomac Way, west of Washington Parkway, and east of Delaware Avenue, legally described as a portion of land in the North Quarter Corner of Section 33, Township 2 North, Range 38 East of the Boise Meridian (also known as Lots 10, 11, 12, and 13, Block 12, First Amended Plat of St. Clair Estates Addition, Division No. 7), along with the conditions noted. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a Planned Unit Development to construct 10 four-plexes on property located generally north of Energy Drive, east of Fremont Avenue, west of U. S. Highway 20, legally described as Lot 1, Block 1, Daggett Heights Addition. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 1, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: PLANNED UNIT DEVELOPMENT – LOT 1, BLOCK 1, DAGGETT HEIGHTS ADDITION

Attached is the application and site plan for ten four-plexes proposed to be constructed east of Fremont Avenue and north of Energy Drive. The Planning Commission considered this Planned Unit Development at the August 2, 2005 Meeting and recommended approval with the following conditions: Landscaping be developed at the entrance to the parking area, a five-foot opaque fence be installed on the west and north property line, lighting not extend to adjacent properties, and maintenance of utilities be included in the recorded covenants. The applicant has complied with the conditions and this application 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 Planned Unit Development request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Landscape Plan
Slide 4	Elevations of Buildings
Exhibit 1	Planning Commission Minutes dated August 2, 2005
Exhibit 2	Staff Report dated August 2, 2005

The Planning and Building Director explained that the property that is being developed to the east of this property is being developed as multi-family housing. The proposed development will be sold and become condominium-ized and their only access will be through a privately maintained parking lot. The buffering is being required to protect the business uses, so that tenants will not park in the business parking lot and children will be protected from those business parking lots. Generally the City of Idaho Falls does not enforce covenants. However, under a Planned Unit Development, the homeowners' association agreement is to be filed with the City. Under a Planned Unit Development, maintenance is to be provided for the common areas, private utilities be clarified and private roadways be clarified that they are not the responsibility of the City of Idaho Falls. This development complies with the Planned Unit Development requirements under the Zoning Ordinance.

Randy Hill, 6579 East 113 North, appeared to state that the Planning and Building Director explained the development and stated that he was present to answer any questions from the Mayor and City Council. There were no questions or comments.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Planned Unit Development to construct 10 four-plexes on property located generally north of Energy Drive, east of Fremont Avenue, west of U. S. Highway 20, legally described as Lot 1, Block 1, Daggett Heights Addition, with the conditions noted. Roll call as follows:

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

Nay: None

Motion Carried.

The Airport Director submitted the following memos:

City of Idaho Falls
September 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Director of Aviation
SUBJECT: SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM

Attached for City Council acceptance is the Small Community Air Service Development Program.

Idaho Falls Regional Airport has received a $500,000.00 grant from the U. S. Department of Transportation to be used for marketing and start-up costs for United Airlines Service from Idaho Falls to Denver. The Airport will contribute 10% matching fund to this grant.

The Airport Division recommends accepting this grant 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 Small Community Air Service Development Program and accept the $500,000.00 grant from the United States Department of Transportation to be used for marketing and start-up costs for United Airlines Service from Idaho Falls to Denver 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 Hally

Councilmember Groberg
Councilmember Hardcastle

Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Director of Aviation
SUBJECT: WORK ASSIGNMENT NO. 14 TO THE DELTA AIRPORT CONSULTANTS ENGINEERING AGREEMENT

Attached for City Council approval is Work Assignment No. 14 for the design, bidding and construction management phase of the FY2006 FAA Funded Expansion of the Southwest General Aviation Ramp. The Work Assignment is for $679,152.00.

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 Work Assignment No. 14 to Delta Airport Consultants Engineering Agreement in the amount of $679,152.00 for the design, bidding and construction management phase of the Fiscal Year 2006 FAA Funded Expansion of the Southwest General Aviation Ramp and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Division submitted the following memo:

City of Idaho Falls
September 1, 2005

MEMORANDUM

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

SUBJECT: BONNEVILLE POWER ADMINISTRATION SLICE AND BLOCK AGREEMENT, EXHIBIT C

Attached for your consideration is Revision No. 4, Exhibit C, to the Bonneville Power Administration Slice and Block Power Sales Contract. 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

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve Revision No. 4 to Exhibit C of the Bonneville Power Administration Slice and Block Agreement and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
September 2, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SALARY AND BENEFIT INCREASE

Attached for your consideration are wage and benefit increases for City employees.

It is respectfully requested that the Mayor and Council approve said wage and benefit increases.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the wage and benefits increases for City Employees as presented. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hally
Councilmember Lehto

Councilmember Lyon
Councilmember Shurtleff

Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
September 2, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-O5-23 – ELECTRONIC GOVERNOR CONTROL SYSTEM FOR IDAHO FALLS POWER UPPER BULB POWER PLANT

Attached for your consideration is the tabulation for Bid IF-05-23.

It is the recommendation of Municipal Services to accept the low evaluated bid of GE International, Inc./GE Energy Services for a Lump Sum Total amount of $139,950.00.

s/ S. Craig Lords

Councilmember Lehto explained that a protest letter has been filed with regard to this bid tabulation, as follows:

Siemens/Westinghouse

Ms. Willa Swim
Purchasing Manager
City of Idaho Falls
375 "D" Street
Idaho Falls, Idaho 83402

Re: Formal Protest of Award

Dear Willa,

We received your letter today regarding the decision of the City to proceed with the highest priced bid received and we are protesting this based on price.

We have met or exceeded all technical specifications of the City to replace the governor controls on the Upper Bulb Plant and feel that having a lower price than the perceived winner of the bid is not in the City of Idaho Falls best interest.

We wish this protest to be presented at the Council Meeting on Thursday, September 8th, 2005.

Please let me know the outcome of the decision of the Council after they consider this protest.

If you have any questions, please do not hesitate to contact me.

Sincerely,

s/ Richard Guliuzza
Richard Guliuzza
Northwestern Sales Manager
(206) 459-1700

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to table consideration of the bid tabulation for the Electronic Governor Control System for Idaho Falls Power Upper Bulb Power Plant. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
September 8, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: CEMETERY FEES ORDINANCE

The Division of Parks and Recreation respectfully requests approval of the attached amended Ordinance providing for changes to cemetery fees. Said fees were approved by Council on August 25, 2005. It is therefore submitted for your approval.

s/ David J. Christiansen

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

ORDINANCE NO. 2519

AN ORDINANCE AMENDING SECTION 8-11-13 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR CHANGES TO THE CEMETERY FEES; PROVIDING FOR

SEVERABILITY; PRESERVING PRIOR ORDINANCE;
AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
September 1, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FINAL PLAT – BROADWAY BANK ADDITION, DIVISION NO. 1

Attached is the Final Plat entitled Broadway Bank Addition, Division No. 1. This one-lot plat of 3.3 acres is zoned HC-1 and R-3A and is located north of the Broadway Avenue and west of Skyline Drive. The Planning Commission recently recommended approval of this plat. This plat is now 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 entitled Broadway Bank 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 Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR

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