MAY 26, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 26, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Ida Hardcastle
Councilmember Mike Lehto
Councilmember Bill Shurtleff
Councilmember Thomas Hally
Councilmember Larry Lyon

Absent was:

Councilmember Joe Groberg

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 May 12, 2005 Regular Council Meeting.

The City Clerk presented several license applications, including a BEER NOT TO BE CONSUMED ON THE PREMISES License to Alexandra's Muscia Latina, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on May 26, 2005.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
May 26, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Parks and Recreation Director
SUBJECT: AUTHORIZATION TO BID NEW CONDENSER FOR ICE RINK

The Division of Parks and Recreation respectfully requests authorization to bid a new evaporator condenser (cooling tower) for the Tautphaus Park Ice Rink. The existing condenser is inoperable.

s/ David J. Christiansen

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

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Hardcastle to conduct a public hearing for consideration of a Conditional Use Permit (CUP) to allow a nurse care facility in a PB (Professional Business) Zone, located generally south of Sunnyside Road, south of Washington Parkway extended and legally described as Lots 10 and 11, Block 4, George Washington Estates Addition, Division No. 4. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: CONDITIONAL USE PERMIT – LOTS 10 AND 11, BLOCK 4, GEORGE WASHINGTON ESTATES, DIVISION NO. 4

Attached is the application for a conditional use permit/ruling of similar use for Comfort Care, a nursing care facility, on Lots 10 and 11, Block 4, George Washington Estates, Division No. 4. This parcel is zoned PB, the objective of which is "to provide for business and professional offices, governmental and cultural facilities, and certain other uses of a semi-commercial nature". The permitted uses in a PB Zone are business and professional offices, medical and dental clinics, and government offices. The objective of the R-3 Zone is to designate appropriate zones for rental dwelling units, multiple-family dwellings, and similar buildings where living accommodations for groups may be located. The Comfort Care facility is licensed as a nursing home and will provide rehabilitation, including physical therapy, for 16 clients for a period of two to three months. Since this use will not be a hospital or surgical care facility with extended stay as originally understood, staff recommends the use not be ruled similar. A nurse care facility is a permitted use in the R-3, R-3A, and MS Zones.

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 showing site under consideration
Slide 3	Site Plan for facility
Slide 4	Building Elevation
Slide 5	Definitions for Hospital, Clinic, and Rest Home
Slide 6	Requirements of the R-3 Residence Zone
Slide 7	Requirements of PB Zone
Exhibit 1	Description of Zones - PB, R-3, R-3A, and PB Zones
Exhibit 2	Map of Location
Exhibit 3	Zoning Map

The Planning and Building Director submitted the following e-mail from Travis Ihler:

"Travis Ihler"
tihler@onewest.net
May 23, 2005
1:54 p.m.

TO WHOM IT MAY CONCERN:

In response to a faxed letter I received from Todd Meyers dated May 20, 2005 regarding a conditional use permit I would like to offer the following response.

Our clients will have an average length of stay of 30 days. They may stay as long as 90 days and anything longer than that will be transferred to another nursing home facility. This facility will not be a maximum stay facility.

The peak capacity will be 16 patients, and 4-5 staff.

The medical services that will be provided are Physical Therapy, Occupational Therapy, Speech Therapy, Skilled Nursing, and CNA Services. Qualifications will be licensed PT, OT, ST, RN, CNA.

Parking stalls are determined by a typical nursing home code which is 1 stall for every 3 beds. A 16-bed facility then would require at least 6 stalls for patients, 5 stalls for staff, and 1 extra. Since the patients will not be having any vehicles of their own, the 6 stalls allotted for them will be used for guests.

Our goal is not to be an intermediate step prior to being admitted to a nursing home but may happen if the patient does not improve with the therapy treatment. Our goal is to be an intermediate step from surgery to their original place of residence.

The Comfort Care facility will be different from the traditional rest homes in the sense that we will not be providing long term care or housing patients with a mental disability. It is mostly accelerated physical rehabilitation for those Medicare clients who have surgery of hip or knee replacements and desire to move back home to their original place of origin. The facility is also smaller than a traditional nursing home providing a more residential and homelike atmosphere.

We have looked and are still looking for other property that is available for sale in the areas zoned R-3, R-3A, and MS but so far nothing seems to be available. Thank you for your consideration regarding this matter and we hope to be able to move forward with a plan that will be of benefit for all involved.

Sincerely,

Travis Ihler
Owner of the new Comfort Care Senior Rehabilitation Home

The Planning and Building Director explained that this facility would be licensed as a nursing home. She stated that the Planning Staff is recommending that this particular facility not be ruled as a similar use in the PB Zone. It is essentially a residential facility for care for 30, 60, or 90 days, depending on the period of recuperation. There are other zones this use would be allowed in. If this were allowed in the PB Zone, this would almost be considered a rezone in this particular rule. Planning Staff has been working with the applicant to find an area of 1.5 acres that is appropriately zoned. One site has been found and the applicant is currently talking with the property owner.

Councilmember Shurtleff questioned whether the parking stall allotment is sufficient. The Planning and Building Director explained that the parking is based upon nursing home standards. As this is more a rehabilitation center rather than a nursing home, parking may not be sufficient.

Councilmember Lehto requested to know whether this issue was submitted to the Planning Commission. The Planning and Building Director explained that "ruling of similar use" is presented to the City Council only.

Travis Ihler, 518 North 4000 East, Rigby, Idaho, appeared to say that he has been looking around for a place to build this facility. When this parcel of land became available, he determined that this was the best location for Comfort Care. During this past week, they have located another property. He stated that he hoped that he would still be able to build in this location. Mr. Ihler explained that the reason this facility is considered a "nursing home" is because of licensure with Medicare. In order to bill Medicare for services provided, they need to be licensed as "nursing home". They do not provide the long-term care typical of a nursing home. This could be called an in-patient rehabilitation center. Mr. Ihler stated that it would be unlikely for the patients to have their own vehicles. The vehicles would belong mostly to guests. He stated that he believed that there would be no more than 5 staff on the premises.

Councilmember Hardcastle stated that she was pleased that the Planning and Building Division has made an effort to assist Mr. Ihler in finding another location for this business. She stated that she did not see this as a similar use.

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

Councilmember Shurtleff requested to know whether the applicant would be able to bring this request before the City Council at a later date should the City Council deny this request.

Councilmember Hardcastle stated that if this were denied, it would be denied as it is not a similar use. Councilmember Shurtleff agreed.

Mayor Milam stated that if the applicant found a property in a zone that would allow for this use, the City Council would not have to consider this. If the applicant were to

request a zone change, it would have to be presented to the Planning Commission as well as the City Council for approval.

Steve Anderson, 8044 North 5th West, appeared as the realtor working with Mr. Ihler. He stated that this facility is not a rest home. Mr. Ihler's company is going to spend a large amount of money to make this facility work at this location. Mr. Ihler has looked at another site, but this site is the best one for what he is going to do. Mr. Anderson stated that the Developer has talked with other people within this development to determine whether there would be a problem with this facility being located here.

Councilmember Lehto stated that normally he would vote with the Staff recommendation, as he believed that the zone should be preserved. He stated that he is struck with the proximity of the property to existing residential. This might be a good fit for that property as a buffer to the residential.

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, that the ruling of similar use be denied since there are appropriate zones for this use (specifically R-3, R-3A and MS); in addition, the applicant may pursue a rezone on suitable property for this use. Roll call as follows:

Aye: Councilmember Hardcastle

Nay: Councilmember Lehto
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Motion Denied.

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to approve the Conditional Use Permit and Ruling of Similar Use for Lots 10 and 11, Block 4, George Washington Estates Addition, Division No. 4. Roll call as follows:

Aye: Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon
Councilmember Lehto

Nay: Councilmember Hardcastle

Motion Carried.

Mayor Milam requested Councilmember Hardcastle to conduct a public hearing for consideration of a rezoning from PB (Professional Business) to R-3A (Apartments and Professional Offices) with a Planned Unit Development (PUD) Overlay, located generally at the southeast corner of the intersection of Grandview and Skyline Drives and legally described as Metes and Bounds Property, .70 Acres in the Northwest Quarter of the Southwest Half of Section 13, Township 2 North, Range 37 East of the Boise Meridian. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE SOUTHEAST CORNER OF SKYLINE DRIVE AND GRANDVIEW DRIVE FROM PB TO R-3A WITH A PUD OVERLAY

Attached is the application of Alban Hatch to rezone the southeast corner of Skyline Drive and Grandview (approximately 0.7 acres) from PB to R-3A with a PUD Overlay. A motion before the Planning Commission to recommend rezoning to R-3A failed by 2-5 on April 19, 2005. At the Commission public hearing, staff recommended rezoning to R-3A provided a PUD Overlay was included with the R-3A request. Staff believes the best use for the property is offices, and although R-3A does allow apartments as well as offices, the PUD Overlay will assure review of the design by the Commission and Council at a public hearing. This rezoning request is 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	Aerial Photo – Close Up
Slide 4	Aerial Photo – Close Up
Slide 5	Comprehensive Plan dated December, 2000
Slide 6	Long Range Transportation Study
Slide 7	Site Photo of Site
Slide 8	Site Photo looking south at site across Grandview Drive
Slide 9	Site Photo of intersection of Grandview Drive and Skyline Drive
Exhibit 1	Planning Commission Minutes dated April 19, 2005
Exhibit 2	Staff Report dated April 19, 2005
Exhibit 3	Trip Generation Information, Staff Report dated May 3, 2005
Exhibit 4	Staff Report Supplement dated May 23, 2005

The Planning and Building Director explained that this property was zoned PB approximately 14 years ago. It was R-1 before that. The Comprehensive Plan for this area shows that it is designated for an employment center. That is to reflect the offices that exist in this area. According to the Comprehensive Plan, this property is on the border of low density residential, multi-family, and employment center. Both Skyline Drive and Grandview Drive are classified as minor arterial streets. Staff recommendation is tied to a Planned Unit Development for this site. This is a difficult site to develop. Accesses to this site are difficult due to the size of the site. It is surrounded by existing homes and will not

expand. Staff has indicated that offices are the highest and best use for this property. A Planned Unit Development will assist in future development of this property as buffering

can be determined from the surrounding neighbors, access points can be addressed, transportation plan is required, and there is the ability to work with some of unique requirements on this site.

Councilmember Hardcastle requested to know whether the City Council would have the prerogative to deny 35 apartments that could be built on this property. The Planning and Building Director stated that the City Council would not have that right. The Planned Unit Development allows for the Planning Commission and City Council to look at the design of the site, not the land uses.

Alban Hatch, 5243 Steel, Iona, appeared as the developer of this property. He explained that this property has been a challenge to develop for several years. From time to time, the property has been offered for sale. For several years, this property has been used as an office, as well as residential. As they have had this property on the market, using it for professional offices has been out of the question as it is an old structure and a great deal of work would have to be done to make it suitable. The use that has generated the greatest amount of interest is for a day care facility. This home, with upgrades, would lend itself to that. This property is the gateway to the City to anyone emerging from the Airport. As it stands now, the property is difficult to make a profit on and to maintain. It would be a positive thing if this property were allowed to rezone to R-3A, so that it could pay the bills and would have a great appearance. Mr. Hatch stated that the R-3A rezoning request was his first choice. He wanted to take his neighbors into consideration as well. The neighbors expressed their concern for the high density of residential that could be put on a piece of property in the R-3A Zone. Mr. Hatch stated that he has no plans for development of 35 apartments. He stated that he was interested in the R-2 Zone as the Planning Commission rejected the R-3A Zone. The R-2 Zone would allow for a day care facility and residential use up to 4-plexes. Traffic counts were also a concern expressed at the Planning Commission Meeting, as a day care facility would have a high peak hour traffic count. The traffic count for a day care facility would be approximately 45 per hour. By comparison, a bank would generate 150 peak hour trips. He did not believe that peak hour trips would be an issue. The intersection of Skyline Drive and Grandview Drive is a bad intersection. As people can not make right hand turns, they must remain in the line, along with those going straight through the intersection. Mr. Hatch stated that he is willing to negotiate some land for a right-hand turning lane at this location to alleviate this. Mr. Hatch stated that he met with several City Departments earlier regarding the possibility of trading land along the City well area for the access rather than having the northern access onto Skyline Drive. Economics says that this would work better as a day care facility rather than professional offices.

Councilmember Shurtleff requested to know what was allowed in the R-2 Zone.

The Planning and Building Director stated that single-family homes, day care centers, and 2, 3, and 4 family dwellings are allowed in the R-2 Zone. Under the R-2 Zone, 12 apartments could be built on this property or three 4-plexes.

Councilmember Lyon questioned whether Mr. Hatch would prefer an R-2 Zone over the R-3A Zone.

Mr. Hatch stated that he preferred the R-3A Zone, even if it had the Planned Unit Development Overlay. He stated that he wanted to continue to be a good neighbor to the surrounding residents and stated that if an R-2 would be preferable to them, the R-2 zone was alright. Originally, he thought that the R-3A Zone would be preferable as he could have a day care facility in part of the building, with offices in the rest of the building.

Gary Nemechek, 880 North Skyline Drive, appeared to state that he lives directly south of the site. He stated that he originally told Mr. Hatch that he would support

the R-2 Zone, but he is definitely opposed to an R-3A Zone. He was under the impression that the R-2 Zone would allow for one 4-plex. He did not like the idea of three 4-plexes

being allowed under the R-2 Zone. Mr. Nemechek stated that he was not opposed to a day care facility being located in this building, provided there was sufficient separation to keep the kids away from aggravating his dogs.

Walter Tisdale, 885 North Skyline Drive, appeared to state that he did not understand was the Planned Unit Development encompasses.

Mayor Milam explained that changes in the development would have to come back to the City Council for consideration.

Mr. Tisdale stated that the Skyline Drive and Grandview Drive intersection is very busy. The right-hand turn lane would help. This intersection is also the emergency vehicle route from the Fire Station located at the Airport. He expressed his concern for the number of children that would be housed in the day care facility and the amount of additional traffic that would be generated from that. Mr. Tisdale stated that he was led to believe that only one 4-plex would be allowed on this property and expressed his concern that three 4-plexes could be built. More apartments require more parking.

Alene Barker, 1635 Whitney Street, appeared to state that the Skyline Drive and Grandview Drive intersection is a congested area of traffic, especially from 8:00 a.m. to 10:00 a.m. and from 4:30 p.m. to 6:00 p.m. The traffic is backed up for three blocks during those times. There is a steady line of traffic all day through this intersection. This property was a home at one time. Highway 20 was then built. Highway 20 ends at Foote Drive and becomes Grandview Drive, but the traffic does not. She expressed her concern for little children in this area should this become a day care facility, due to the traffic in this area.

JoAnne Cissel, 1574 Summit Circle, appeared to state that the home on this property is at least 50 years old. If enough property is provided for a right-turn lane in the front of the home, she did not believe that there would be enough room for parking in the front of the facility. Parking would have to be provided in the rear of the property. If this turns out to be the case, traffic would have to exit onto Grandview (which has at least a 6 foot drop). As Mr. Hatch has been preparing to use this home for a day care facility, his workers are using Mr. Nemechek's easement to exit onto Skyline Drive. Ms. Cissel stated that she thought the property should remain PB or R-1.

Mayor Milam requested the Planning and Building Director to explain the Planned Unit Development process, off-street parking, and how the number of three 4-plexes was reached. The Planning and Building Director explained that .7 of an acre is 29,500 square feet. Under the Zoning Ordinance for the R-2 Zone, 9,000 square feet are needed for a 4-plex. The density would allow this metes and bounds parcel to be split into three separate lots and have three 4-plexes. She explained, further, that there are approximately 50 feet to 60 feet between the property line and the front of the house. It is possible to have a right-hand turn lane and one row of 90 degree parking in the access aisle. The property would have to be measured to determine whether there was room for that parking. The Planning and Building Director explained that the Planned Unit Development is a process geared towards allowing multiple uses on a piece of property. At the Planning Commission Meeting, Mr. Hatch discussed using this property for a day care facility and professional offices, or multi-family and a day care facility. The process for a Planned Unit Development is that a site plan must be drawn up, preliminary or conceptual elevations need to be prepared, and a traffic circulation scheme on the property is to be provided at a public hearing before the Planning Commission. The Planning Commission makes a recommendation. Then the Planned Unit Development is presented at a public hearing before the City Council.

Councilmember Lyon requested to know if Mr. Hatch were to provide the land for a right-turn lane, whether that would reduce the number of 4-plexes allowed on this property.

The Planning and Building Director stated that this would not reduce the square footage enough to provide for fewer 4-plexes on the property.

Chris Bidstrup, 2391 Eastview Drive, appeared to state that he experiences a great amount of frustration waiting at the Skyline Drive and Grandview Drive intersection. He questioned whether it would be wise for the City to take a closer look at developing a better intersection at this location. Mr. Bidstrup stated that he spoke to the person in charge of traffic recently to discuss with him the roundabout concept and whether more were planned in the City. He stated that the roundabouts work better than a traffic light system with much less cost. He cited several examples of intersections that were not planned properly. Mr. Bidstrup stated that he consistently felt like the City is not paying attention to future growth patterns for traffic and not putting in right-turn lanes wherever possible. He requested that the City pay closer attention to future growth and traffic patterns. Mr. Bidstrup stated that he drove down 17th Street to get to the meeting this evening, and only made it through one green light from Hitt Road to the Council Chambers. He requested to know whether the traffic lights could be synchronized better.

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 Hardcastle, seconded by Councilmember Lehto, to deny the rezoning request from PB (Professional Business) to R-3A (Apartments and Professional Offices) with a Planned Unit Development Overlay on Metes and Bounds Property, .70 Acres in the Northwest Quarter of the Southwest Half of Section 13, Township 2 North, Range 37 East of the Boise Meridian and that the City Planner and City Attorney be instructed to prepare Findings of Fact and Conclusions of Law in accordance with this motion. Roll call as follows:

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

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 re-address the issue of traffic signal synchronization on 17th Street. Mayor Milam stated that the traffic lights are normally synchronized on 17th Street. Due to the detours from Sunnyside Road construction, those traffic lights have been based on volumes of traffic passing through the intersections on 17th Street. Mr. Bidstrup stated that he disagreed with this approach to moving traffic on 17th Street. He stated that 17th Street should remain flowing as smoothly as possible with the side streets flowing into 17th Street on their cycle. Mr. Bidstrup stated that he attended a Library Board Meeting earlier in the day. He felt like it was a good meeting and many issues were brought forward. He wanted to have his name put on the list to get a copy of the new memo from the Library Director.

Angela Swacina, 129 Melbourne Drive, appeared to state that she received the information from Councilmember Hardcastle, the Library Board Chairman, and the Library

Director in response to issues brought up at the April 14, 2005 City Council Meeting. Ms. Swacina presented the following information in response to the above:

This does not address the fact that the Board knowingly accepted donations and rental book receipts before the Foundation was established and after it was dissolved. This despite the fact the City Attorney gave his written opinion not to run the rental collection with City dollars. It does not address the fact that rental books and other items for the rental collection were initially paid for with City taxpayer money. When I asked to view the books I was not allowed access. I simply wanted to verify that the Foundation at the very least had reimbursed the Library for items purchased with tax dollars.

When I "brought it to their attention" that the Foundation was no longer in existence, did they immediately quit collecting money? No, they continued with the rental collection until Mr. J. W. Everitt called Mr. Wright about it and he then pulled the rental books.

The fact that the "lawyer" the Mayor appointed to the Library Board knew about the concerns (I) had with the operation of the Foundation and did nothing about it again demonstrates a lack of responsiveness and accountability.

THE SAGA OF THE RENTAL COLLECTION

The renting of books started in the summer of 2002. It was touted as not using taxpayer dollars. An anonymous donor was to have given a donation for the initial purchase of the rental books as "seed" money. This did not occur until several months after the rental collection was up and running. During these months the rental books were purchased by the Library using taxpayer money. The money generated by the renting of books was to have gone into a Foundation account. The Foundation that was to channel the money was not even formed until December 5, 2002. The members of the Foundation as listed in the paperwork are the Library Board Members. What a coincidence! Bev Kemp was aware of this situation the entire time.

Please note how the rental collection keeps changing until the patrons are left with a rental book being the only book the Library owns.

Copies

Author: Sparks, Nicholas.
Title: The Wedding/Nicholas Sparks.

Collection/Call No./ Status	Due Date	Barcode	Location	Copy
Rental Book Sparks, Nic Shelving Cart		31212004994053	Idaho Falls Public Library	

Friday 10-03

Only copy is a rental.

MAY 26, 2005

Idaho Falls Public Library
September 16, 2002

MEMORANDUM:

TO: Dale Storer, City Attorney

FROM: Nancy Sims Donahoo, Library Director

RE: Proposed rental collection

You are probably already aware that as a public library there is a tremendous demand for best sellers. Even before the item has been received and processed, the Library's circulation system will reflect a number of reserves or holds for patrons. Often it will take as much as 5-6 months for all the reserve requests on a particular title to be filled. This means that the general browsing public will not even begin to see the title on the shelves until all the reserve requests have been satisfied. In an attempt to address this need for better access to best sellers, the Library Board at their July 2002 Meeting agreed to the implementation of a rental collection.

The standard procedure of reserving best sellers and other items **will not change**. Approximately 2-4 copies of anticipated best sellers are purchased for the Library at the time the book is first published. Many people put them on reserve before we even receive the actual book. On a weekly basis, staff pulls a report off the circulation system called a 'purchase alert' that lets us know there are more than 3 reserves on any particular copy of a book. We then go in to see how many reserves there are and order additional copies to try to satisfy the demand. Generally speaking, we never to beyond 12-15 copies of a single title. This means that if we have 15 copies of a book to circulate to 100 reserve requests, it will take approximately 5 months before it hits the 'browsing' shelves…or longer if we get more reserve requests.

Rentals go into the system in a slightly different manner than regular collection items. Processing sets the system so that you cannot place a hold on the reserve item. It is 'first come---first serve'…pick it up and rent it if it's there or look next time if it's not. Right now we are looking at no more than 2-4 copies of any single title in the rental collection. This sets a ratio of 3-1 of regular best sellers versus rental collection. However, we do expect to stay on top of what is going out and may discuss a revision of this process of adding more rental copies if the concept catches on. The patron simply pays $3 for a 10-day check out period. The overdue fine or extended use fee is 50 cents per day.

In the past, the Idaho Falls Public Library has made a distinction between 'basic' services and 'extended' services. Often the library has had to recoup costs involved for 'extended' services. For example, having a photocopier in the building for people to make copies or a printer so that copies can be made off the Internet are 'extended' services. The patron has a choice of sitting in front of a desk or computer, hand copying with pencil and paper any

information they want to preserve. Or they can choose to pay 10 cents per copy to make a photocopy of the page to take home with them to save time.

The same principle applies to the rental collection. Patrons have a choice of following the procedure that has been in place for many years of putting a reserve on the item and waiting for their return. Or, they can choose to pay $3 to check the item out right away for a ten-day period that saves them time. Whether referring to the photocopier or the rental collection, the library is simply attempting to recoup costs. The issue comes down to a matter of choice.

The question that arises then is:

> Can the Idaho Falls Public Library offer this fee rental collection without violating any pertinent Idaho laws concerning provision of free basic library services?

Your assistance with this matter is greatly appreciated and I look forward to hearing from you. Please do not hesitate to contact me should questions arise or further information be required.

Office of the City Attorney
September 18, 2002

TO: Nancy S. Donahoo, Library

FROM: Dale W. Storer, City Attorney

RE: Proposed Rental Collection

The following will respond to your memo dated September 16, 2002, requesting my opinion regarding a proposed rental procedure for books or titles for which there is excess demand exceeding the available titles in your existing collection.

In my opinion the proposed rental procedure would *not* comply with Idaho Code § 33-2601. That section provides in pertinent part as follows:

> **§ 33-2601. Policy** – It is hereby declared to be the policy of the State of Idaho, as part of the provisions for public education, *to promote the establishment and development of free library service* for all people in Idaho. It is the purpose of this act to assure an informed electorate *by enabling the provision of free local library service,* in the present and in the future, to children in their formative years and to adults for their continuing education.
>
> * * * *
>
> Every library established in this chapter *shall be forever free* for the use of the residents of the city, always subject to such reasonable rules and regulations as the library board my find necessary to adopt.

This statute was originally adopted in 1901 and has continued since that date in various forms. Obviously at the time the statute was originally adopted, the library service consisted primarily of the lending of books; computers, photocopiers, fax machines and various forms of electronic media were not available at that time. In the past this office has issued an opinion that a distinction may be made between the latter forms of such services and basic library services consisting of the lending of books. Although the statute is not entirely clear, I believe a defensible argument can be made that the mandate to provide "free library services" applies only to basic book lending services and does not apply to extended services providing access to technological and multimedia services.

Unfortunately, I do not believe a similar distinction can be made with respect to your proposal to charge a rental fee for additional books provided to meet excess demand therefore. There is simply no way to make a distinction as to the number of books which satisfy "basic library services" and books provided as "extended" library services. Accordingly, in my opinion, the proposal to charge such rental fees would violate the foregoing statute.

I recommend you raise this issue with the Idaho Falls Library Foundation which I understand operates as a separate 501(c)(3) "charitable" corporation. I believe an arrangement with them might be structured to have them make a similar service available, provided they buy the books and the revenues therefrom are returned directly to them. Short of that type of arrangement, I do not believe rental fees could otherwise be directly charged by the Idaho Falls Public Library.

Should you have any questions concerning this opinion, please do not hesitate to call.

STAFF UPDATE MEMORANDUM
From the Library Director
Idaho Falls Public Library
12 September 2002

There appears to be some confusion for some staff members as to how the new Rental Collection will work. There also have been a number of questions from patrons. Here is how the rental collection works:

First, everyone needs to know that the standard procedure of reserving best sellers and other items **will not change**. Approximately 2-4 copies of anticipated best sellers are purchased for the Library at the time the book is first published. Many people put them on reserve before we even receive the actual book…**this stays the same**.

On a weekly basis, staff pulls a report off the circulation system called a 'purchase alert' that lets us know there are more than 3 reserves on any particular copy of a book. We then go in to see how many reserves there are and order additional copies to try to satisfy the demand. Generally speaking, we never go beyond 12-15 copies of a single title. This means that if we have 15 copies of a book to circulate to 100 reserve requests, it will take

approximately 5 months before it hits the 'browsing' shelves…no longer if we get more reserve requests.

So, nothing will change…except, the demand for copies may lower if more people are renting best sellers. Regardless, we will go by our purchase alert report.

Rentals go into the system in a slightly different manner than regular collection items. Processing sets the system so that you cannot place a hold on the reserve item. It is 'first come—first serve'…pick it up and rent it if it's there or look next time if it's not. Right now we are looking at no more than 2-4 copies of any single title in the rental collection. This sets a ratio of 3-1 of regular best sellers versus rental collection. However, we do not expect to stay on top of what is going out and may discuss a revision of this process of adding more rental copies if the concept catches on. The patron simply pays $3 for a 10-day check out period. The overdue fine or extended use fee is 50 cents per day.

Other questions that have risen…

What happens when there is a conflict between a formal request to reserve a book and a patron who offers $3 to rent it immediately?

> **There is no problem and the issue will not come up…they are two separate collections. Reserves will be placed on the regular copy and the rental is there item out right away for a ten-day period that saves them time. Whether referring to the photocopier or the rental collection, the Library is simply attempting to recoup costs…the point is not to charge so much that you are 'scalping' in order to meet a profit margin.**
>
> The issue comes down to a matter of choice.

Can the Idaho Falls Public Library legally offer a rental collection and does it violate any provisions having to do with the original Carnegie grant that built one of the 'Carnegie Free Public Libraries'?

> **Given that the rental collection is an extended service where the Library's costs will be recouped versus changing the basic service, there is no difference between offering a choice that effects the amount of time waiting to read the book and offering a choice to save time by photocopying versus handwriting. The Library merely offers the rental collection as an alternative choice.**
>
> **Andrew Carnegie attached two conditions to his offers of money for a public library building – the local community had to provide a suitable site and formally agree to continuously support the library through local tax funds. The latter solidified acceptance of the concept of tax support for libraries. The reference to 'free public libraries' refers to the difference between subscription libraries in New York, Boston and in Europe during that time period rather than**

everything in the Library having to be 'free". It had a sociological annotation rather than an economic one.

We have been in touch with the City Attorney and the Carnegie Corporation concerning these questions to assure compliance with any applicable statutes or regulations. However, to make sure there are no problems, the City Attorney has been asked to offer an opinion on the matter. Circulation of the rental collection will be postponed until the written legal opinion is received.

Should you have any questions or concerns about this matter that have not been addressed in this memo, please feel free to discuss the matter with your supervisor and/or me. The more the staff knows and understands the better prepared you are to answer public questions.

The following titles are ones I know for sure that were only available as rentals – no regular circulating copies – on October 24, 2003. The reference department can look up and tell you when each rental book was put out as well as when our "regular" copy was put in the collection.

Hello Darkness
Blow Fly
Capital Crimes

Angela

FROM THE POST REGISTER:

Checking the Facts

I would l like to respond to the Post Register article of December 5 titled "Library now renting books".

I quote from the article by staff reporter Paul Menser: "Donahoo said the library's policy is to have four copies of a book in its regular collection for every rental copy".

This statement was and is not true. This statement was never challenged or checked by Menser, and maybe understandably so. One expects honest facts from the library director.

What concerns me is that in mid-December, research and documentation proving this statement to be false was brought in and turned over to Menser. When a reporter is given information of this nature and still does nothing to correct the inaccuracy of a story, it concerns me. What happened to investigative reporting?

Angela Swacina
Idaho Falls

This is some of the information I spoke with Bill Manwill about right after County Library Agreement was signed. His response was it wasn't in his power to do anything.

5) sent computers over to City Auction without drives being cleared. Our I. T. person made her aware that they should not go over and she did it anyway – big privacy violation.

FACT

6) look into Foundation – rental books were available long before paperwork was ever done – budget reports still showing rental copies coming from "Pop" library budget.

FACT

7) turnover of good people – (all full-time; Carol, Lucy, Margaret, Diane, Sybil) can't even list people that have gone and come in the last 15 months.

8) Church money mishandled.
?cleaning ladies?

FACT

9) ran credit reports on self - √ & loans calling

FACT

10) F. O. L. went to Mayor

Dear Board Members Mary Klingler, Susan Mills, Donna Rolfe;

Nancy Donahoo needs to be removed as library director. I will attempt to give you some of the reasons why. I am not sending this information to Bev Kemp as she knows all of it and has been covering for Nancy since day 1 – even before day 1 actually! Nancy mishandled funds at the First United Methodist Church in Pocatello as the administrative assistant. This was the position she held prior to coming here as director, in large part due to Bev's efforts. Please call Jane McGee (232-1353) the current administrative assistant and identify yourselves as Library Board Members and she will tell you for yourself what happened there. I have personally spoken with the new pastor who came in July, and heard from him how she got credit cards in the church's name and misused them. This shows a pattern of behavior as that is what she did at the library until the city got wind of it.

The Junior Department has not got in an order of new books since July! We have patrons waiting since August for a best seller The De Vinci Code. We own 4 regular copies and 3 rental copies. The rental collection is not functioning properly. We are never supposed to have a copy in the rental collection that is not in the regular collection. With 4 different titles that I know of, and probably more that I don't, this has not been the case. Three employees did not get their expected and earned paychecks on time because Nancy did not get the paperwork to the city on time. This is inexcusable!

I could go on and on…Please review the enclosed information. Please do the right thing, I do not want to cause the library any embarrassment, but will "go

public" if I am forced to. Thank you for taking the time to be on the Library Board, I know it is an unpaid position with a lot of responsibility.

Sincerely,
A Concerned Individual

cc: Bob Barnes, City Council Liaison to the Library

This was sent by me, Angela Swacina, to Board Members, while Bob Barnes was still on Council

---

Friends of the Library
457 West Broadway
Idaho Falls, Idaho 83402

September – October, 2003

From the Director's Desk…

From time to time, we receive comment cards on a variety of topics relating to library services. Often the person making the observation provides contact information so that we can respond directly to them about the concern or comment. However, we also receive feedback that has no name associated with it. The information below is provided as an attempt to address some of the issues raised more frequently:

Why are there so few new adult books and best sellers now?

The loss of funds from the City-County library contract this fiscal year impacted all spending areas of the library. One area of spending most visibly impacted was the purchase of library materials. In t0he past, library staff automatically purchased additional copies of high demand items based on the number of 'holds' or reserves on that title. For really popular items, the library often ended up purchasing as many as 12-14 copies of the title. Funding realities made the procedure difficult this 11 days with no renewal. This step was taken to improve 'turn-over' time and improve access to new materials. However, with a long waiting list, the time it takes for you to get access to a copy let alone see the titles available generally in the Popular Collection is still prolonged. With the proposed contract now being discussed and approved between the City and County Library Boards, the number and variety of titles will be greatly expanded.

Two steps were taken to try to alleviate the problem for patrons of having to wait long periods to access a 'high demand' title. First, whenever possible, the library seeks donations of materials to meet specific needs. For example, as the time drew near for the latest Harry Potter novel to be released on June 21st this year, the list of those two steps were taken to try to alleviate the problem for patrons of having to wait long periods to access a 'high demand' title.

First, whenever possible, the library seeks donations of materials to meet specific needs. For example, as the time drew near for the Harry Potter novel

to be released on June of this year, the list of those wanting to read the book grew rapidly. Through the generosity of the Idaho Falls Post Register, 35 copies of the newest Harry Potter book were donated for circulation. The second step taken was establishment of a Rental Collection, paid for with privately donated funding. An option was offered to the public to pay a nominal charge for immediately accessing a high-demand item. Basically, the nominal charge is to allow the book 'to pay for itself'…not to garner profits. The service is there for those who want it…it is not an attempt to force anyone to use it. There is never any book title in the Rental Collection that cannot be found in greater numbers in the regular collection.

Why the new computer system when funds have been lower this year?

The Library Board and staff have known for many years that the warranty on the computer server operating the older text based computer automation software would expire this year. The tremendous cost for the new computer hardware as well as the need to upgrade the computer software was somewhat overwhelming. Assistant Director, Rena Ferguson and I began last July investigating all the options available for implementing the computer migration. The decision to move ahead with the project in early May 2003 was based on the following factors:

- Twenty-three libraries would be going in together to cover the cost of the equipment and software, rather than just the Idaho Falls Public Library.
- The offer made to the 23-library consortium represented substantial savings for engineering and implementation costs, as well as deep discounts on equipment and software. For example, Dynix gave the new consortium a $96,650 credit to cover costs for all training, data conversion, implementation, and network engineering services they provided during the migration. Dell workstations were sold to the libraries for $3.00 less than the wholesale cost paid by Dynix.
- The Idaho Falls Public Library Board developed a 'reserve fund' for well over 16 years set aside for major capital projects, whether this involved roof replacement, the jointly owned and used computer system was considered a capital expense and a step that was necessary given the impending loss of warranty on the equipment purchased in 1997. These reserve funds are only available for capital projects, not day-to-day operating expenses, and so could not be used to purchase books, hire staff, cover utilities, etc. The Library Board voted to pay the Idaho Falls Public Library portion of the jointly owned computer system from these reserve funds, if grants sought for this purpose were not forthcoming.

There are probably any number of other issues that have risen but these two seemed to show up regularly. Please know that if you have a topic you wish to discuss, please give me a call at 529-1451…I'll be happy to sit down with you! By the way, we do get many favorable comments as well as the questions.

Nancy Donahoo, Library Director

NOTES FROM THE LIBRARY STAFF
...from the Junior Department

Lap-sit story time for two-year olds and their parents will begin on September 8 at 10:30 a.m. and will last about 2 hours.

Story time for 3, 4, and 5 year olds will begin on September 4th and be held for about two hours at 10:30 a.m. and 1:30 p.m.

Special chemistry program. The American Chemical Society will present a "Hands-On Chemistry" program on October 18th. Starting time will be announced later. Please check at the reference desk in the Junior Department for the time of the Chemistry program.

The Junior Department of the Idaho Falls Public Library would like to thank the Friends of the Library for their support of our Summer Reading Program. You do such a great job in helping the Junior Department with our programming. Thank you for all of your hard work!

October 11, 2003

Dear Mr. Rigby,

I spoke with you on the phone this week when you called to place a memorial book request. I am aware you are a long time library supporter. I am sending you some documentation. Please note the constant changing of "how the rental collection works". The end result is what I spoke to you about in having "only" a rental copy of a best seller available for the patrons. I would appreciate you keeping my name confidential, but I am prepared to defend my position if need be. I would appreciate your looking into the matter of the foundation and the rental collection in particular.

Sincerely,
Angela Swacina

This is Mr. Bill Rigby who gave the "seed" money for the Rental Collection, but not until it had been running for several months.

2003

Library Board Member

Dear Mary Klingler,

I have been employed by the I. F. P. L. for eleven years. I have worked in every department in the building. Each day I looked forward to going to work. I loved my job! I considered myself very lucky to have a job I enjoyed, and was proud of the Idaho Falls Public Library. That is no longer true. I now have to drag myself to work every day, and I am ashamed to say I work there. I am having medical problems that are stress related. I have difficulty sleeping,

headaches, cold sores, and rashes caused from nerves. I am not a stodgy person. I deal well with change, and I looked forward to working with the new

director. I applaud many of Nancy's ideas. I do, however, have difficulty dealing with the constant chaos Nancy produces. There is little thought given to the repercussions that might be caused from an idea, or how best to implement the idea. Please let me share just a small sampling of what is going on.

Nancy calls and says she will be in by noon. Noon comes and she calls and says she will be in later. Nancy calls again later and says she won't make it in at all. It is very unprofessional. We need to know when and if our boss is coming in. She has appointments! People ask for her – we don't know what to tell them. I wish I had kept a diary for documentation, but I don't believe she has put in a full week's work more than a couple of times the entire year.

Are you aware of the dissatisfaction the Friends of the Library are experiencing with Nancy? Board members have even gone to the Mayor to complain about Nancy. The Mayor told them it wasn't her problem and that they should go to Bev Kemp. They are afraid to.

Why were we as employees warned in a mandatory attendance meeting not to "bother" the board members with any of our concerns? This action in itself should signal a problem.

Why in this tight budget year did the library spend $800 on two new desks for people not even on the City payroll? We need books!

Most employees occasionally buy or make treats for the break room. Why does Nancy spend $34 of library funds to buy donuts? We need books!

Why is the foundation "hot pick" money still intermingled with library funds, and not "yet" straightened out as promised. Why was the rental idea put into place months before the foundation was even established? Nancy consistently places the cart before the horse.

It is two months now since the software change, and the library is still operating with only two computers capable of doing e-mail. Patrons are not happy! It is not the fault of the information technology staff. When you try and implement something that normally takes six months and try to throw it together in three weeks there are going to be problems.

I was in the popular/teen department until recently. Nancy promised repeatedly that the teen room would be staffed with an adult at all times. There is often no adult supervision in that room for days on end. Quite frankly our VISTA volunteer for the teen room Lucinda Scott quit because she could not work for Nancy. Lucy was a great asset to the library, please feel free to verify my opinion of Lucy with anyone in the library. Carol Forker took retirement before she intended. Diane Antonson also retired rather than endure the working conditions.

Patron Service in all departments is suffering because we have so many untrained people. The rules change every day and it is impossible to keep up with it all.

Why if everything is supposed to go through pre-approved purchase orders did Nancy get a Sam's charge card for the library?

Why is she allowed to bounce multiple personal checks written to the library? It is an embarrassment to us!

The teen cards are a joke! I am really surprised no one has challenged them as age discrimination. If you live in Ammon and have a ten-year-old, your family has no access – have a thirteen year old, and it's a different story! Every family in the county with a twelve to eighteen year old checks out everything from Dr. Seuss to Regency romances using the teen to get them. When I brought this potential problem up when the cards were being considered I was told this wouldn't happen. How can circulation question or police peoples' reading selections?! Please do not believe the joint BYDC grant reason for the county access. The joint grant of $15,000 purchased computers only, not one book!

Why doesn't Nancy have to pay for any of the personal "staff" orders she buys and the rest of us do?

Nancy stated publicly that she used a library survey of morning and evening patron use to decide to change the hours the library is open. At no time was there ever a morning survey run. The evening survey consisted of counting patrons on the top floor of the building only. If you want some real numbers the day after the newspaper announcement 46 people were in the junior department between 8 and 9 as Bonnie Cromwell will verify if asked. We are encouraged to do programming for the community, something I applaud, but it is difficult to schedule speakers etc. earlier than 7 p.m. and get an adult audience. This means employees staying late after the library is closed. The hour change was supposed to save money, but if you do the math it will not.

Computers with patron records and other data still on them were brought to the city auction on Nancy's orders. What about privacy?!

Please talk to some employees at the library. We are afraid to speak, basically being under a "gag" order not to. When people in authority start abridging the right to speak freely it scares me. Please keep my name confidential as I can be fired too for writing to you. I

Comments on the State of the Idaho Falls Public Library
February 26, 2004

Russell A. Brown

Significant changes have occurred in the management and operation of the IFPL during the last 19 months. Some of those changes degraded both the quantity and quality of book acquisitions.

Attachment 1 shows total (fiction, non-fiction, reference, and juvenile) book expenditures as a percentage of total annual library expenses for the period from 1993-2004 (YTD for FY 2004). During the first ten years, books represented 11.1% of the total. In 2003, book expenses declined to 3.7%.

During the first quarter of FY 2004 (October-December 2003), book costs were 4.9%, less than half the long-term average.

Attachment 2 is a stacked bar chart showing the funds allocated to fiction (red), non-fiction (yellow), and juvenile books (blue). The cost of reference books is assumed to be in the non-fiction segments. Both FY 2003 and the first quarter of FY 2004 show that the effects on non-fiction were even more significant than on fiction. During the last 15 months, non-fiction expenditures were reduced by a factor of 8 to about 0.41% of total expenditures.

In FY 2003, fiction purchases were reduced by a factor of ~2.5 from historical levels. This change was exacerbated by a major change in the fiction selection process (an unannounced policy shift by the Director?).

Attachment 3 is based on a sample of 681 books purchased during the October-December 2003 period. The majority of purchased fiction (52%) was paperback form; 88% of the paperbacks were "mass market paperbacks". 71% of the paperbacks were "romance" and "romance series" types. Although some of this sub-type of fiction may be published after a hard cover run, the majority of them appear to be below the quality standards of reputable book publishers.

n.b., Six of the seven books ordered for the Library by the former Director (10/30/2003) fell into this subclass:

- "His Lordship's Holiday Surprise"
- "Man in Control"
- "The Official Nora Roberts Companion"
- "One True Love"
- "Staying Single"
- "A Viscount for Christmas"

Although possibly atypical, author Nora Roberts is unusually well represented in the IFPL, having 170 different titles and 258 copies of the IFPL collection. The Library Journal stated that the above-listed Companion included "a comprehensive listing of Robert's publications to date, complete with color photos of jacket covers, and the family trees for her series, as well as a variety of trivia, comments, and biographical information". It has the appearance of a marketing catalog, not a particularly useful addition to any Library.

While a balanced collection (the ideal of any well-run library) would include fiction from a wide range of genres, making such literature a dominant form appears to be a departure from normal standards of quality.

Additional observations:

1. The book rental program should be terminated immediately. It is a violation of the fundamental principles of free and open access to Library resources, and establishes a financial priority for the use of such resources. Contrary to announced Library policy statements, the ratio of open-to-rental resources has not been maintained at 4 to 1 (ref: Director's Report, 4 December 2003). For at least one book, that ratio is at 5 to 4. Although it

may have existed during the existence of the rental program, no visible reporting for income and expenditures is provided in Library or City budget

reports; the only available information is anecdotal. The lack of formal financial reports makes an objective analysis of its performance impossible; it also represents a potential risk of leakage from or commingling with other Library resources.

2. The current City budget and expenditure reports are not consistent with the Library system. The terminology is ambiguous and account 7650 currently includes expenditures on books, audiovisual, and other materials and services. This practice represents a confounding of valuable information. This problem should be resolved as quickly as possible. A practical modification would provide explicit listings for:

- Fiction
- Non-Fiction
- Reference
- Juvenile

3. Current fiction purchasing policy includes standing orders for books by particular authors. This allows the acquisition of low-quality books. Such practices have been classified as unacceptable by Library scholars. Appendices C to H in "Building Library Collections", Fourth Edition, by Carter, Bonk, and Magrill, provide an array of sample policies and procedures from major libraries. In the past, IFPL policies did generally conform to many of the broad principles listed for major libraries. Changes implemented in 2002, 2003, and early 2004 mark a significant departure from standard practice. The IFPL's Interim Director has started to correct defective acquisition policies. This effort should involve experienced Staff members, and should be documented for the Library Board.

4. The Teen Room represents an island of tranquility in the IFPL. The young woman having primary responsibility for the area appears to be a conscientious and capable member of the Library staff. While the motivation for the investment in space and resources was commendable, the Teen Room is little used. Frequent observation over the last two months suggests that average utilization is on the order of 1-2 persons, and is often unused even in the late afternoon or weekends. The concept of setting aside substantial resources for a seven-year age segment must be evaluated in terms of both what appropriate resources are available for this narrow age range and the actual utilization of such resources. The utility of the large-screen television should be explored. The selection of teen magazines should be reviewed with consideration of their attributes for education or diversion as opposed to being vehicles for advertisement and marketing. Although in the long-distant past, my use of an excellent public library during that age was for a transition for juvenile to adult literature. A critical review of the quality of "teen" literature by the IFPL by Library staff would provide an assessment of its value. Review of library literature might also provide useful insights. The Teen Room may be a well-intentioned experiment. By their very nature, experiments can fail while providing useful information.

MAY 26, 2005

March 24, 2004

Russ,

Hi! Just wanted to send you the clipping on the city budget meeting. I am also sending a copy of the sticker that goes on the rental book covers. Bill Rigby did give the original $1,000 seed money for the rental start up long after the library had been "renting" books. The cost of these stickers from Eastern Idaho Printing for 1,000 stickers at a cost of $157.08 should have been one of the first items "reimbursed" to the library. The cost of book covers on all the rentals also should have come out of the seed money along with the books purchased by the library before the seed money arrived. I do not believe this to be the case. I don't think the co-mingled funds ever got straightened out. I would love to get a look at the Foundation books! We were renting books for 6 months before the Foundation was even in place. If you look at the copy of the Foundation papers it appears less than kosher that the library board members are the same people on the Foundation board. Have you heard who they chose for the vacant library board position?

Thanks!

Angela

Hot Picks

A rental collection offered by

Idaho Falls Public Library
457 Broadway, Idaho Falls, ID 83402
208/529-1460

$3.00 fee per 10 day check out period
50 cents per day extended use

MINUTES OF STAFF MEETING OCTOBER 20, 2004

Robert welcomed everyone and explained that we will be having staff meeting once a month. The meetings are not mandatory but if you don't come you will not get any input into the decisions being made at the meeting. Either take the ½ hour off at the end of the day or take a longer lunch, check with your supervisor concerning how to handle the ½ hour of time. Robert asked the staff when this meeting should be, before or after the board meeting. No decision was made at this time. There will be a staff question and answer board in the staff lounge. You can sign your name or not. Staff evaluations will be done once a year or more if needed.

Robert talked about 2 personnel issues, he read from the employee code of conduct. If a staff member does not have a manual Isoke will get you one. He then explained the procedure for imitating or filing a complaint. First you must talk to Robert, then you must go a board meeting and then file a formal

grievance with the City. Going to City Council with an issue is a violation of the code of conduct and may result in disciplinary action. If you have an

issue you must follow the correct procedure. If you say something bad about the library it may be considered a violation of the code of conduct.

If you use sick leave you must call in. Your supervisor may require you to see the City physician. If you are taking sick leave you must remain at home.

How do we handle vacations? First to ask, first to receive, with supervisor's discretion. You cannot carry over more than 184 hours of vacation time into the next calendar year.

Traditionally we have been open the day after Thanksgiving and the Saturday after Thanksgiving. The question has come up to close the library on the Friday and Saturday after Thanksgiving. Staff could use vacation or leave without pay. Robert will look at the numbers and tell us if we are closed or not for those days. We then discussed Christmas. We are split about even concerning taking the Thursday or the Monday during Christmas off. The following week we will be closed on Friday and Saturday.

Robert reminded staff that P. O.'s are being pre-approved and there is only one board meeting in November/December. We are switching internet providers to get more speed on our internet connection. We will be getting new phone numbers next week. Roger will be giving more training on the phone system. Due to rumors spread by staff the library board felt that we needed to wait at least until spring before changing opening time to 9:00 a.m. Roger is locking down the intranet today. Chronos 4.1 is coming out today. Guest cards are a flat 20 minutes a day. Anybody can walk in and use the internet using a guest card. There is no extra time given on guest cards. The circulation department will no longer be issuing business cards or deposit cards. There will be a fee per month to use the library. Chronos 5.0 will tell the patron how many pages the computer will be printing. To be consistent we will be charging patrons for all pages printed.

Beverly M. Kemp
406 North Ridge Avenue
Idaho Falls, ID 83402

Angela Swacina
129 Melbourne
Idaho Falls, ID 83401

April 8, 2005

Dear Ms. Swacina:

This letter is in response to the questions you asked at the library trustee board meeting on March 24, 2005. I have written out a brief summation of the questions followed by an answer.

What reward was given to Rena Ferguson as mentioned in the June 24, 2004 board minutes? Ms Ferguson was given administrative leave for

Working as the Acting Director from the time Ms. Donahoo left until the new director was hired.

Why did Nancy Donahoo receive four weeks pay after she resigned? Ms. Donahoo was paid accrued vacation according to city policy as are all employees who resign or are involuntarily terminated.

Since the IFPL Foundation was administratively dissolved in August, how is the money for the rental books being handled? This question should be addressed to the IFPL foundation board as it is a private foundation. Please submit questions concerning the foundation to: The IFPL Foundation, 457 West Broadway, Idaho Falls, ID 83402

Is there a master plan? I am unclear as to exactly what you are asking but will answer to the best of my ability. The day to day management of the library is set and implemented by the director not the board. The board however does, in conjunction with the director, develop what is called the long range plan which attempts to visualize our community in future years and plan for the library's place in it. We are in the process of revising the long range plan and it will be available to the public when it is completed.

Idaho Secretary of State
Viewing Business Entity

[New Search] [Back to Summary]

IDAHO FALLS PUBLIC LIBRARY FOUNDATION, INC.
457 WEST BROADWAY
IDAHO FALLS, ID 83402

Type of Business:	CORPORATION, GENERAL NON PROFIT
Status:	ADMIN DISSOLVED, ADMIN DISSLV 06 Aug 2004
State of Origin:	IDAHO
Date of:	21 May 2003
Initial Registered Agent:	BEVERLY KEMP 457 W BROADWAY IDAHO FALLS, ID 83402
Organizational ID/Filing Number:	C149312
Number of Authorized Stock Shares:	
Date of Last Annual Report:	
Amendments:	

Amendments filed 21 May 2003 INCORPORATION

Dear Mr. Olsen:

As an employee of the Idaho Falls Public Library I want to welcome you to the library board. I appreciate the time and effort this voluntary position takes,

and am glad you have decided to accept the nomination. I am also very pleased that you are an attorney.

MAY 26, 2005

Quite frankly I believe the other members of the library board need to resign for the good of the library because of their stonewalling in dismissing Nancy and also because I feel they are not operating within the law. Not being a lawyer I would ask you to investigate this matter. I will call it "The Saga of the Rental Collection". I tried to go through proper channels on this matter, but have been ignored. Please review the enclosed documents.

The basics

1. Nancy starts the rental book collection in July using library funds
2. Nancy pulls the rental collection on advice of city attorney
3. Nancy restarts the rental collection in anticipation of donated "seed" money and the "intent" of running it through a foundation
4. Rental collection continues with a commingling of city/taxpayer funds until the Foundation is finally established in December and the $1,000 seed money comes
5. Please note how the rental collection has changed continuously
6. Foundation board consist of the same members as the library board, this may not be illegal, but does raise doubts of impropriety
7. ?Have they followed their bylaws? Where are the books and financial records for the foundation? When and where are their meetings? Was the library/city reimbursed for all the rental books, covers, signage, etc. from July on?

Thank you for looking into this matter. I cannot sign my name as my job is in jeopardy from previous encounters with the Board.

sent to Mark Olsen April 2004 by me,
Angela Swacina

Beverly M. Kemp
406 N. Ridge Avenue
Idaho Falls, ID 83402

Angela Swacina
129 Melbourne
Idaho Falls, ID 83401

April 8, 2005

Dear Ms. Swacina:

This is in response to your written request which I received April 5, 2005 regarding inspection and review of the records of the Idaho Falls Public Library Foundation. Your request appears similar if not identical to your request of March 29, 2005 which you left at the library.

I replied to your original request on April 1, 2005 and placed it in the library on the director's door as you provided no address or phone number. It

remained there until I asked that it be removed today. You may consider this letter a replacement for my former response also.

MAY 26, 2005

The Idaho Falls Public Library Foundation is a private foundation. No Idaho Falls city tax dollars have been deposited with the foundation. The foundation records do not constitute a public record. Therefore your request is denied.

Sincerely,

s/ Beverly M. Kemp
Beverly M. Kemp

Beverly M. Kemp
406 N. Ridge Avenue
Idaho Falls, ID 83402

Angela Swacina
129 Melbourne
Idaho Falls, ID 83401

April 8, 2005

Dear Ms. Swacina:

This is in response to a question you asked at the Idaho Falls Public Library Board of Trustees meeting on March 24, 2005.

In my response to you from the Board of Trustees I requested you submit questions pertaining to the Idaho Falls Public Library Foundation separately. Although that has not been done yet, I would like to answer your question in as timely a manner as possible.

Your question regarded how the money for rental books was being handled as the foundation was administratively dissolved in August? The answer is that as we were unaware of the dissolution until you brought it to our attention the money has been handled the same way for the entire existence of the foundation. Money collected for rental fees have been deposited in the foundation account and books for the rental collection have been purchased from the account.

Sincerely,

s/ Beverly M. Kemp
Beverly M. Kemp

Angela Swacina
129 Melbourne
Idaho Falls, ID 83401
208 523-2216

Beverly Kemp. Chair
Board of Directors of the Idaho Falls Public Library Foundation
405 N. Ridge

Idaho Falls, ID 83402

MAY 26, 2005

03/31/05

Re: Nonprofit Corporation

This is a request to examine the minutes and annual reports of the Idaho Falls Public Library Foundation. According to your by-laws Section 6 Books and Records. "There shall be kept at the office of the Corporation correct books and records of account of the activities and transactions of the Corporation, including a minute book, which shall contain a copy of the Articles of Incorporation, a copy of these By-laws, and all minutes of meetings of the Board of Directors".

I went to the office of the Corporation as listed in your Articles of Corporation as 457 Broadway Idaho Falls which is the location of the Idaho Falls Public Library. I was told by the director of the library and also his administrative assistant that there were no records for the Foundation kept at this location. I was then told by Robert Wright that since I have requested the records that the Foundation board was going to "put together" some reports. This leads me to believe that anything I receive will be "after the fact" material. I am still interested in receiving this information.

Please advise me of when this information will be available for my inspection at the Library.

Sincerely,

Angela Swacina

THIS TOTALLY INADEQUATE INVESTIGATION WAS FINALLY INITIATED BY THE MAYOR AND THE BOARD 5 MONTHS AFTER I FIRST CONTACTED COUNCILMAN MIKE LEHTO AND TOLD HIM SOME OF WHAT WAS GOING ON AT THE LIBRARY. THIS IS BUT A FEW OF THE "IRREGULARITIES" THAT TOOK PLACE. THE CONCERNED PERSONNEL DURING THIS TIME WERE TOLD IN A MANDATORY MEETING TO KEEP QUIET AND NOT BOTHER ANY BOARD MEMBER WITH THEIR CONCERNS. NINE GOOD PEOPLE WERE ESSENTIALLY FORCED OUT DURING THIS TIME. MANY OTHER IRREGULARITIES EXISTED SUCH AS NANCY HAVING THE LIBRARY PAY HER OWN CLEANING WOMEN TO CLEAN THE LIBRARY WITHOUT ANY TAX INFO. ETC. BEING DONE. LOTS OF OTHER STUFF, BUT NO ONE CARED!

ITEM #1: WHAT BUSINESS KEEPS SOMEONE ON THAT BOUNCES 6 CHECKS AT THEIR PLACE OF EMPLOYMENT!! SHE MADE $60,000 + A YEAR YET THE TAXPAYERS HAD TO "EAT" ANY AMOUNT THE COLLECTION AGENCY CHARGED.

ITEM 2: THIS REALLY UPSET MANY LIBRARY EMPLOYEES, AS IT MADE US ALL LOOK DISHONEST. NO ONE EXCEPT NANCY EVER ABUSED THE PRIVILEGE OF ORDERING PERSONAL BOOKS. NANCY WAS THE ONLY ONE WHO DID NOT PAY WHEN PRESENTED WITH A BILL BY THE ADMINISTRATIVE ASSISTANT.

THE STATEMENT THAT LIBRARY EMPLOYEES HAVE A PRACTICE OF TAKING NEW BOOKS HOME BEFORE THEY WERE INVENTORIED IS TOTALLY UNTRUE. WE WERE NOT EVEN SUPPOSED TO MOVE THE PLACEMENT OF THE BOOKS ON THE CARTS PRIOR TO BEING ENTERED INTO THE SYSTEM, MUCH LESS TAKE THEM HOME. AGAIN, THIS LIE WENT UNCHALLENGED.

ITEM 3: WHY WAS THE LIBRARY EVEN CONTRACTING WITH EXPERIAN? DID ANYONE ASK? THE LIBRARY NEVER HAD A CONTRACT BEFORE OR AFTER NANCY BEING DIRECTOR.

ITEM 4: WHY WAS THIS NOT INVESTIGATED FURTHER? WHY PAID WITH MONEY ORDER? WAS THERE REALLY 2 LEGITIMATE INVOICES, AND IF SO WHAT FOR? DID ANYONE ASK?

ITEM 5: I PERSONALLY QUESTIONED THE ASSISTANT DIRECTOR ABOUT THIS AS I FELT IT TO BE TIME CARD FRAUD. I WAS TOLD THE BOARD OKAYED IT AND TO JUST DO IT. DO OUR TAXPAYERS KNOW THE LIBRARY BOARD HAS THE AUTHORITY TO ARRANGE SOMETHING LIKE THIS DESPITE WORKING UNDER A CITY CONTRACT OF NEGOTIATED VACATIONS AND HOLIDAYS. I THINK SOMETHING WOULD HAVE BEEN DONE IF THE DIRECTOR OF THE SANITATION DEPARTMENT TOLD ALL HIS WORKERS THEY HAVE WORKED HARD DON'T BOTHER TO COLLECT TRASH ONE DAY.

ITEM 6: IF THIS ISN'T MISAPPROPRIATION OF FUNDS I DON'T KNOW WHAT IS!! SHE ONLY PAID IT BACK WHEN CAUGHT! VISTA NORMALLY PAYS 100% OF THE HOTEL BILL UNLESS THE PERSON REQUESTS SPECIAL ACCOMMODATIONS. WHY DID THE TAXPAYER HAVE TO FOOT THIS EXTRA EXPENSE. DID ANYONE ASK?

ITEM 7: VERY COMPLICATED SCAM. NANCY NEVER HAD ANY REASON TO BELIEVE THE FRIENDS OF THE LIBRARY WOULD REIMBURSE HER FOR THIS! DID ANYONE BOTHER TO ASK THE FRIENDS?

IN THE CONCLUSION THE DISGRUNTLED EMPLOYEES GET THE BLAME BY THE LIBRARY BOARD!!
REMEMBER TOO, THAT I HAVE BEEN FIRED, BUT IT HAS NO CONNECTION TO ANY OF THIS – RIGHT!!!

ANGELA SWACINA

December 17, 2003

MEMORANDUM

TO: IDAHO FALLS LIBRARY BOARD

FROM: DALE STORER AND
S. CRAIG LORDS

SUBJECT: **FINANCIAL IRREGULARITIES AT THE LIBRARY**

MAY 26, 2005

We were asked by the Mayor and the Library Board Chair to review allegations of financial irregularities regarding Nancy Donahoo at the Library. Our findings and observations are listed below:

Item I – Nancy Donahoo wrote six insufficient funds checks to the City of Idaho Falls totaling $105.00 over a six month period.

Finding: Nancy Donahoo did write six insufficient funds checks in the amount of $105.00. After some delay Nancy covered the five checks and paid $75.00 in returned check fees. A sixth check was turned over to a collection agency and the City has received payment from the collection agency.

Item II – Nancy Donahoo did not pay for books she ordered for herself (staff orders) totaling $70.34.

Finding: Nancy denies that she owed the Library for personal book purchases. We found that the Library has a long history of allowing employees to purchase books through the Library purchasing system and then allowing them to later reimburse the Library. In addition, Library employees have a practice of taking new books home before they are inventoried into the Library system. Once the Library employees have read the desired books they are inventoried and placed into general circulation. We determined that there was no specific time that a book must be inventoried and placed into circulation. Because of this practice we were unable to document that Nancy had failed to properly reimburse the Library for personal books. Nancy indicates that the library has implemented a policy change that requires all books in question be placed into inventory before being taken out by staff employees. This policy change was implemented after discussion of the matter with and pursuant to the recommendation of the undersigned.

Item III – Nancy Donahoo used the City's contract with Experian to run credit checks regarding herself, the total expense of which was $4.95.

Finding: Nancy Donahoo acknowledged she had run a credit check on herself under three separate names, in order to test the effectiveness of the credit service. Nancy indicated that this was done with permission of the Chair of the Library Board. The Chair of the Library Board confirms this.

Item IV – Nancy Donahoo double paid Teresa Clark for services related to the Library's 25th Anniversary party.

Finding: Nancy paid Teresa Clark twice but the services were for different time frames and services. Two checks were issued, one for $390.00 and another for $382.50. Teresa Clark had submitted two separate invoices. These invoices were for services rendered from August 17, 2002 through August 29, 2002 and August 29, 2002 through September 10, 2002. One invoice was paid through the City's accounts payable system. The other invoice was paid with a money order.

Item V – Nancy Donahoo required employees to falsify time sheets when she gave the staff an extra day off with pay as a reward for working extra hard.

Finding: The Library Board authorized Nancy to give employees an extra day off with pay. Nancy instructed Library employees to fill out their time sheets showing the day off as a day worked, rather than an excused absence. Nancy should have had the employees list their time as an "excused absence" on their time sheets.

Item VI – Nancy Donahoo was paid twice for a Vista trip to Provo, Utah.

Finding: Nancy received a $225.00 travel advance for the Library on August 7, 2003. Nancy was also reimbursed $199.80 from Vista on August 26, 2003. The $199.80 check from Vista included $172.80 for mileage from Chubbuck, Idaho to Provo, Utah, $23.00 in meals, and $4.00 for miscellaneous expenses. In addition, Vista paid Marriott Hotel for half of Nancy's room. Nancy paid Marriott $104.79 for the other half of the room which is supported by a receipt from Marriott. When you subtract the $104.79 from $225.00 travel advance.; Nancy owed the City $120.21. Nancy claims she wrote a check in that amount on August 29, 2003, and she provided us with a copy of the face side of that check. Nancy indicates this check was placed in her out basket in August and she claims she received a receipt for it. The Library employee who should have receipted this money denies receiving the reimbursement or giving the receipt. When Nancy could not supply the receipt we asked for a copy of her cancelled check. She then admitted she could not produce a cancelled check and intimated that her staff may be trying to sabotage her by failing to negotiate her check. Since Nancy could not supply a receipt supporting this check or a copy of the cancelled check, she then wrote a new check for $120.21 on November 14, 2003 which has been deposited into the City's account.

Item VII – Nancy misappropriated funds contributed to the City by the Friends of the Library.

Finding: In June of 2003, the Friends of the Library agreed to fund an intern for the Idaho Falls Library and the agreed amount to be funded was $1,400.00. The Friends of the Library made one check to the Library in that amount. Since the check was made out to the Library, Nancy instructed Rena Ferguson to cash the check and purchase five money orders on June 16, 2003. The cost of the money orders was $30.00. These money orders were in sequential order 346-350. When we asked Nancy to respond to this allegation she provided us with copies of five money orders, to wit: Check number 346 in the amount of $400.00 which, according to Nancy was for the June stipend; check number 347 for $400.00 for July, check number 350 for $292.50 for August, and check number 358 for $102.50 for August. The intern was also given a Library Contingency Fund check number 6661 for $175.00 for May's payment. Money order number 349 was made payable to the City of Idaho Falls Library account to reimburse check number 6661 and it appears it was deposited back into the contingency account in June of 2003. Nancy initially offered no explanation for the out-of-sequence money order (i.e. #358). Through outside sources we obtained a copy of check number 348 in the amount of $102.50 which was made payable to Nancy Donahoo. When confronted with check #358, Nancy indicated she made the check payable to

herself to reimburse wages that she had paid to _____ who was a 13 year old Library "volunteer". Nancy also indicated that she later discovered that the

Friends of the Library would not reimburse her for _____ wages in the amount of $102.50 she took money order number 348 for $102.50, cashed it and purchased money order number 358 in the amount of $102.50 which was the amount the Library owed to the intern. This was done June 18, 2003. When we initially asked for copies of all money orders, Nancy produced money orders 346, 347, 350, and 358. Specifically, she excluded the money order payable to herself (i.e. #348) and she gave no explanation for the out of sequence money order (i.e. #358). When we later asked for *all* money orders, she denied there were any others. When we confronted her with the missing money order, her response was basically, "I didn't think you meant that one." She then offered the explanation noted above.

Conclusion:

We are unable to definitively document any embezzlement or misappropriation of public funds. However, we note several areas of concern. First, a number of City policies appear to have been violated, as well as Federal and State withholding law. Nancy admittedly paid the intern's wages or stipend with money orders, rather than depositing the Friend's contribution with the City Treasurer – thereby avoiding proper public accounting or auditing review as required by State law. Such procedures also circumvented proper State and Federal withholding or reporting requirements. Other inappropriate use of money orders was documented. Nancy admitted to hiring a 13 year old and paying him with her personal check because she knew he was underage and could not be legally hired under current child labor laws and City policies. She justified this action because she felt sorry for the child and felt he needed a break. Nancy has co-mingled her personal funds with City funds and her explanations are suspect because of the less than candid way in which they were proffered. Her explanations are further clouded by her apparent personal financial difficulties. On the whole we were left with a general feeling that she was less than forthright with us.

To her credit Nancy has recommended and with Board approval, has implemented a number of changes which have tightened the fiscal control and accountability at the Library, some of which changes were specifically driven by the concerns noted above. Further, we recognize that such changes have not always been popular with the Library staff and Nancy undoubtedly is the target of much of this employee dissatisfaction. However, as an upper level management employee, Nancy should have recognized the potential for employee disgruntlement and the need to keep her own conduct clearly above reproach. Nancy is quick to offer explanations of the above noted irregularities, once confronted, however, of all the concerns noted above, we are most troubled by her failure to forthrightly put all matters on the table.

If you should have any questions, please feel free to contact us.

Respectfully,

DALE STORER

CITY ATTORNEY

S. CRAIG LORDS
MUNICIPAL SERVICES DIRECTOR

SCL/hv

cc: Mayor Milam
Ida Hardcastle
Mike Lehto
Bob Barnes

Ms. Swacina stated that in the conclusion of the investigation of the financial irregularities, the disgruntled employees get the blame by the Library Board. She stated that it was true that she was fired and was told that it had nothing to do with any of this information. She did not believe that to be true. Ms. Swacina stated that the new Library Director and the Library Board have had the opportunity to respond and requested that her allegations be looked into.

Councilmember Hardcastle stated that following are the initial responses from the Library Director and the Library Board Chairman. Following the initial response, two Councilmembers had additional questions. In addition to the initial responses, the other information was provided as follows and would be mailed to those who expressed their concerns at the April 14 and April 28, 2005 Regular Council Meetings:

May 16, 2005

TO: Mayor and City Council
FROM: Ida Hardcastle
SUBJECT: CITY COUNCIL MEETING ON APRIL 14, 2005 ALLEGATIONS RESPONSES

Please find attached the responses to the allegations made at the April 14th Council Meeting from the Library Director, Robert Wright, and the Library Board Chair, Bev Kemp. If you have any further questions, please contact me.

TO: Ida Hardcastle
City Council Library Liaison

FROM: Bev Kemp
Idaho Falls Public Library Board Trustees

DATE: April 25, 2005

RE: City Council Meeting on April 14, 2005

The very existence of library boards represents a centuries long attempt by government to protect the public library system from political influence and censorship. I find the current allegations of fraud, embezzlement, corruption, and malfeasance being made by an elected official both personally insulting and damaging to the library as a whole. Volunteer board members, the director and library staff have on numerous occasions been subjected to name calling, intimidation, foul language and threats of retaliation. Countless hours of volunteer, and more disturbingly, paid city employee time have been spent dealing with these attacks rather than tending to library business. It's time to

allow the library to accomplish it's goal – getting books and materials into the hands of patrons. To that end I present the following:

Idaho Falls Public Library Foundation:

During the fiscal year 2002-2003 the library was facing the very real possibility that Bonneville County would not renew it's contract with the library. The board was seeking ways to provide the same continuing level of service to city patrons in the absence of these funds. Rental collections are common across the country and have been in place for twenty years. Our sole purpose was to get more high demand books into the hands of patrons quickly. An opinion was sought from the city attorney and his response led to a discussion of establishing a foundation to operate the rental collection. We then explored its establishment and in the course of the research into existing library foundations, we discovered that their existence is also wide spread across the country and that they routinely serve as fund raising arms of the libraries they serve. Because of the state of transition the library was in, having recently hired a new director, we also saw this as a vehicle for long range goal setting. The research was done and a private foundation was established. Contributions were made to the foundation and no city tax dollars were ever deposited with it. All rental fees given to me were deposited in the foundation account. All expenditures of the foundation fell into categories; purchase of rental books or contributions to library programming. Although we were initially excited about the possibilities presented, the potential of the foundation was never realized as the board was soon consumed by a barrage of employee issues requiring countless hours of attention. The allegations of embezzlement, fraud, etc. made seeking significant contributions unrealistic. During this time the annual report to the state was overlooked and I take full responsibility for that error. It is in the process of being reinstated. Hopefully there will come a time when the constant attacks on the library will cease and the foundation can once again move forward.

Employee Issues:

Personnel issues are by law confidential and I will not discuss them except in the broadest sense to point out the contradiction in claiming inaction and unresponsiveness to employee concerns on the part of the board while simultaneously claiming that employees were driven from their jobs by retaliation on the part of the person chastised and counseled. I find particularly offensive the characterization of present library employees who have continued to do their jobs and maintain a high level of service to patrons as less gifted and dedicated than those who chose to leave. This is simply not true. The current library staff is a group of superbly qualified and dedicated people performing their everyday tasks under incredibly difficult conditions. It is for their sake, particularly, that an end must be brought to this two year long situation.

Patron Issues:

Lost Book Policy: It was brought to the board's attention about two years ago that due to the lack of a check out limit whole areas of the collection were being checked out en masse. To rectify that, a 50 book limit was imposed on

each library card thus limiting, for example, a family of 5 to 250 books checked out at one time. The number 50 was arrived at after we received

citizen input opposing our original proposed number of 25. We then found that in order to avoid overdue fines books were being placed on the "lost" list so we stipulated that having books on the lost list could disqualify the patron from checking out more books or accessing the internet through the library system. We were then told by the same patron that if you have over 200 books checked out, you cannot be expected to keep track of all of them and previous library staff had simply waived the overdue fees. I stand by our decision to limit each patron to 50 books at a time and feel strongly that all patrons must be held to the same standards.

Memorandum

To: Ida Hardcastle, Council Liaison
From: Robert Wright
Date: 21 April 2005

RE: Citizens concerns voiced at City Council Meeting on April 14, 2005

Councilmember Hardcastle:

This memo will attempt to address library issues raised at the April 14, 2005 City Council Meeting.

Allegations of fraud, negligence, whistleblower retaliation; tax dollars being spent on rental books; and violation of the bid statute cannot be supported by the records maintained by the library, the City, nor by testimony of the current staff who are long term library employees. The library board is a dedicated group of volunteers trying to make the best decisions with the information available to them. I applaud them for their continued dedication to the library despite the unrelenting public attack on their character by a member of the City Council. Under similar circumstances most volunteers would simply walk away and find something more rewarding to do with their time.

Allegations of change in quality and quantity of service, books decreasing by factor of three, patrons and staff disappearing, and the library bearing the bulk of the consortium cost are addressed in the following paragraphs.

While both quality and quantity of library purchases may be declined during FY2002 and FY2003, the issues causing a possible decline have been resolved. I believe both the quality and quantity of materials purchased have improved significantly in the last year as reflected in increased circulation.

During the four months of November through February the library had a monthly attendance of approximately 29,400 patrons. During the month of March the attendance was over 39,000. As county residents begin to again use the library these numbers will continue to rise.

As you are aware, the library did have a reduction in staff. Two library positions, other than those vacated during the reduction in force, are currently

unfilled. They will be filled **if needed** according to City policy. The library currently has thirty-four employees (18 full-time, 4 part-time, 14 seasonal), which is significantly lower than the forty-five employees of July 2004 (22 full-time, 6 part-time, 17 seasonal). So it may appear to patrons that staff is disappearing. However, necessary library services are still being provided to the community.

The library does bear the majority of the cost of operating the Library Consortium of Eastern Idaho. The dues and fee structure of the consortium is currently being reviewed and revised. Should the revised dues and fee structure not be favorable, the Idaho Falls Public Library Board will consider all options and choose the one that provides the most benefit to the residents of Bonneville County.

Current library employees are dedicated professionals who have continued to do their jobs over the past three years despite personal attacks on their character, and being threatened with retaliation and loss of their job by a member of the City Council.

If you or other members of the Council have questions, please do not hesitate to call me at 612-8451.

Date: May 26th, 2005
To: Idaho Falls Mayor and City Council
From: Ida Hardcastle
Subject: Additional Requested Information on Library Allegations at the April 14th Council Meeting

I was asked by Joe Groberg to have Robert Wright put his responses to the allegations in a different format. Mr. Wright has done that and I am enclosing the document. Mr. Shurtleff wanted a time-line on the foundation which Bev Kemp, Library Board Chair, has provided and it is included. In addition I was asked for the library pornography policy and I am enclosing the Internet Use Policy. I am told by Dale Storer that we need to be very careful on this issue because of the Free Speech granted by the constitution. If you want further clarification I would suggest you talk with Mr. Storer. I have also included a paper on the purchase of the Dynix Computer System. Please contact me if you have additional questions.

cc: Idaho Falls Library Board
Dale Storer

May 25, 2005

To: Ida Hardcastle

From: Robert Wright

Dear Ms. Hardcastle:

MAY 26, 2005

This memo is to clarify a few points that might have been overlooked in a previous memo to you concerning citizens concerns at the April 14, 2005 meeting. I have listened to the tape of the meeting and tried to itemize each concern expressed during the meeting and will list each concern followed by a response to that concern. If you or other council members need more information please contact me at 612-8451.

Allegations by Angie Swacina

Unresponsive Board

The library board tries to be responsive to public input. Each regular meeting of the board has a time when citizens can express their concerns to the board. The board, if necessary, then responds to those concerns in writing.

Unaccountable to the public

The library board is accountable to the citizens of the community through the City Council. Council can remove one or all trustees by a unanimous vote of the Council. (See Idaho Code Section 33-2605)

Relationship between the library board, the library and foundation

The relationship that exists between the library board, the library and the foundation is that the foundation was expressly created to be the fund raising organization for the library. The long-term goal would be to raise enough money to lessen the burden on the taxpayers of Bonneville County while still providing quality library services.

Foundation operating illegally

According to Idaho Code Section 30-3-19, it appears to not be illegal to operate as a foundation prior to the incorporation papers being filed with the Secretary of State's office.

Fraud, willful and wanton misconduct, gross negligence

Without more details it is impossible to respond to this allegation. I am unaware of any board action or inaction that would fall into the above classification.

Foundation operating prior to registration
Foundation papers not filed until May 2003

It appears that according to Idaho Code 30-3-19 that it is not illegal to operate a foundation prior to filing of incorporation papers. The papers were filed with the state in March and were approved in May 2003.

Operating after being administratively dissolved
Foundation administratively dissolved in August 2004

It appears that according to Idaho Code 30-3-19 it is not illegal to operate after being administratively dissolved. The foundation was administratively dissolved due to a clerical oversight by the foundation board. The foundation board has applied for reinstatement of the corporate charter. Idaho Code 30-3-115C-3 states, "When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business as if the administrative dissolution had never occurred".

Co-mingling of funds from foundation and library

To the best of my knowledge funds from the library and the foundation have never been co-mingled. Neither the foundation nor the library board would have been able to co-mingle funds as neither directly handles funds received at the library.

Fired on 3-9-05 because of whistle-blowing activities

Ms. Swacina was not fired for whistle-blowing activities. As part of the library reorganization Angela Swacina was reassigned to duties clearly defined in her job description. This reassignment was at the request of the department head and was to help cover the circulation desk during a time when two employees were scheduled for vacation and one employee was scheduled to have surgery with an indeterminate recovery time. From February 24, 2005, until March 9, 2005, Ms. Swacina repeatedly refused, both verbally and in writing, to accept the assignment and as a result her employment was terminated. Her employment was terminated for failure to accept the reassigned duties and for no other reason.

From 8-02 until 12-02 tax dollars spent on rental books

The library board did not authorize expenditure of funds for the rental book collection until January of 2003. (Recorded in the minutes of the board meeting.)

Russ Brown

Changes over last 3 years
Change in quantity and quality of service
Service in period of decline
Dumbing down the library

The library has changed in the last three years, but this change actually was started in 2001 by then library director Paul Holland. In the minutes of the May 24, 2001 library board meeting Paul Holland stated that the library was moving toward a personal interest collection instead of a research collection.

This move toward a personal interest collection is consistent with the mission of a public library.

Academic libraries such as the ISU extension center library and the library at Eastern Idaho Technical College are primarily research collections or in the case of ISU an extension of a research library.

Along with the change in moving from a research collection to a personal interest collection also comes a change in the focus of library staff and service priorities. With two academic libraries and a technical library in Idaho Falls, it is important for the public library to focus on serving the broader needs of the public, and not the specific technical academic needs of higher education, or of the workers at the INL. While service is still available to patrons seeking this type of information, in keeping with the direction set by Paul Holland in May of 2001 it is no longer the driving priority that it was in the past.

Books decreased by a factor of three
Purchase down by factor of three

Statistics gathered by the Idaho State Library for fiscal year 2001 through fiscal year 2004 are shown in the following table:

Library Statistics

	FY2001	FY2002	FY2003	FY2004
Material Expenditures	$231,546.00	$263,148.00	$92,115.00	$228,658.00
Collection Size	228,007	223,769	228,104	228,583
Periodicals	312	212	222	240
Circulation	636,429	648,617	633,676	668,520
Full-Time Equivalent Employees	27.25	26.25	27.06	26.5

Computer system purchased without a bid

The computer system was not purchased by the Idaho Falls Public Library. The Library Consortium of Eastern Idaho purchased the computer software and hardware. The Idaho Falls Public Library joined the consortium and paid the consortium a share of the cost of the upgrade of the system. From memos and reports written at the time, the system was upgraded and therefore an existing sole source determination was used as justification to join the consortium. The library board had no part in purchasing the system. The library board did approve the Idaho Falls Public Library joining the consortium, and the board did authorize the payment of all bills received from the consortium.

City library bearing bulk of consortium costs

Currently the Idaho Falls Public Library does bear the bulk of the consortium costs. This is currently under review and will be decided by the end of May. When the consortium has evaluated their dues and cost structure, the Idaho

Falls Public Library Board of Trustees will make the best selection for the residents of Bonneville County.

People are disappearing by resignation or being purged
Competent capable staff have been leaving

Since May 2002 the following full-time employees have left library employment:

Amondo Alvarez
Hired 11/10/2003; Resigned 7/3/2004 Accepted better paying position in Blackfoot School District

Sybil Beebe
Hired 2/5/1991; Resigned 9/26/2003 Resigned for health reasons

Leah Bloomfield
Hired 8/28/2000 Reduction in Force: 12/31/2004

Nancy Donahoo
Hired 6/15/2002 Resigned 1/30/2004 Resigned for personal reasons

Brian Hilde
Hired 9/24/1996 Layoff 1/5/2004 Position eliminated/ reclassified

Pauline Cook
Hired 2/1/1991 Retired 9/26/2003 Retired

Carol Forker
Hired 3/5/1990 Resigned 2/16/1991 Accepted job at E G & G
Hired 5/4/1992 (Part time, became full-time employee on 11/27/1994)
Hired 11/27/1994 Resigned 7/3/2003 Retired

Madelon Gauer
Hired 3/1/1993 Retired 6/28/2002 Retired

Allison Lingo
Hired 2/18/1996 Resigned 1/26/2005 Moved to Phoenix

Sue Moody
Hired 9/8/1987 Retired 12/31/2003 Retired

Ann Nichols
Hired 10/6/1994 (to work Sunday hours)
Hired 10/1/1995 (Regular part-time)
Hired 3/9/2003 (30 hours a week)
Hired 6/29/2003 (Full-time) Reduction in Force 12/31/2004

Angela Swacina

Hired 6/27/1993 Terminated 3/9/2005

Bad staffing decisions at the highest level

Personnel decisions are made by the Library Director after consultation with the Assistant Library Director, and the two department heads. Combined these four people have over 80 years of experience working in libraries. While not all decisions are popular with patrons and staff, the management team feels they will best benefit the library now and in the future.

Patrons have disappeared

Current usage of the library continues to increase. Patron attendance at the library is holding steady at between 30,000 and 40,000 patrons per month. This is anticipated to increase over the summer months with summer reading programs.

Paul Hall

Pornography in the library

Pornography is an issue that plagues all public libraries. Since November 2004 the library has used a filtered ISP. This means that the filter is provided by the Internet Service Provider. The library does not have the ability to modify this filter and to turn it off if needed. However, with over 50,000 new pornography sites being available each day, it is impossible to filter every website that has pornographic material. The library staff does ask people to close web browsers when pornography is displayed. I have attached a copy of the Internet Use Policy for your review.

Lisa Keller

Responsiveness of library director and board

The library board tries to be responsive to public input. Each regular meeting of the board has a time when citizens can express their concerns to the board. The board then responds to those concerns in writing if appropriate.

Council had opportunity to affect change with board

I cannot respond to this allegation.

What happened to all the staff I knew for the past 15 years

As listed above, staff members have left for various reasons, most prior to my arrival in July 2004. I did not list part-time or seasonal staff, and if Councilmembers would like the information on those employees I can provide it for them.

Larry Lyon

Library renting books illegally for months

According to the minutes of the library board meeting, no approval was given for rental books to be purchased or to be rented until January 2003. Permission was never granted for the library to rent books except when acting as an agent for the foundation. As stated above, it appears to be legal to operate a foundation prior to formal incorporation.

Lacey Keller

Lots of changes
Change for sake of change
Teen room rearranged four times

The teen room concept is still a fairly new concept in our library and as such is still in the experimental mode. As staff members try to determine what it is that the teenagers like and desire in the library, change will continue to happen.

Lost book policy – no fine, now must pay fine or lose privileges

The library does charge patrons for lost books. The proposed policy is to allow the patron to renew the item, unless someone is waiting for it, while they look for the item. Should the patron want to declare the item lost, then the item will need to be paid for at that time, or the patron will lose checkout and computer privileges. This policy derives from the retail concept that the longer you let accounts payable age, the less chance you have of actually collecting on the accounts.

Should the patron be unable to renew the item because someone else is waiting for it, then the patron does accrue a fine for each day the book remains overdue.

Teen library council and lost records

The teen library council has continued to meet monthly for the past year. As the teen library council continues to work to improve the teen room, new teens join the group and ideas of what to do continue to evolve with old ideas being replaced.

Librarians where are they?
Already lost important people
No librarians with experience

The library has done a reduction in staff and reduced the full-time positions by four and the part-time positions by two. As you can see from the list below, most current staff have been with the library for at least three years, and in some cases as long as 20 years.

Current departments and staff members include the following:

Children's library staff include:

Bonnie Cromwell – 16 years experience in libraries, 8 years as a library director;
Adele Boison (part-time) – 6 years library experience, BA from Mount Holyoke College;
Cherlyn Landon (part-time) – 15 years library experience, BA from University of Idaho;
Jan Boyce (part-time) – 23 years library experience, BA, WSU-Minor in Library Science.

Technical services staff include:

Rena Ferguson – 25 years library experience, MLS, University of Oregon;
Betty Shipps – 21 years library experience;
Susan Livesay – 2 years library experience, 3 years of college;
Sharen Peterson (seasonal) – 2 years experience, BA, ISU-library science endorsement;
Sherry Wise – 4 years library experience.

Public services staff include:

Alta Buxton – 25 years library experience;
Laura Hobbs – 20 years library experience;
Virginia Gale – 11 years library experience, college emphasis in Children's Literature;
Tracie Chadwick – 8 years library experience, Masters in Library Science from Simmons College, prior experience working at BYU and Harvard Business School Library;
Gary Mills – 3 years library experience, 6 years retail bookstore experience, Masters Degree in Adult Basic Education from ISU;
JoAnn Austin – 18 months library experience, graduated Link's School of Business;
Joanne Deason (part-time) – 3 years library experience, BA from U of Colorado;
Wendy Merrill (seasonal) – 1 year library experience;
Ruby Messerrli (seasonal) – Ability to communicate in Spanish;
Marlene Grimmett (seasonal) – 19 years library experience, BA from BYU-Provo;
John Gale (seasonal) – 2 years library experience, PhD from Oregon State University.

Teen room staff include:

Sarah Jackson – BA, BYU-Idaho in English Literature, 2 years library experience;
Jennifer Hentzen (seasonal) – BA from Concordia University in English, 2 years retail bookstore experience.

Administrative staff include:

Robert Wright – 18 years library experience, Masters, Library Science from BYU;
Roger Evans – BS from University of Idaho, 9 years of IT experience;
Isoke Fuller – 2 years library experience;
David Tiede – BS, BYU-I in Information Systems, 18 months library experience.

The library also employs seasonal pages that shelve the books. High school students who work for a couple of years and then leave for college fill most of these positions.

Patrons gone, library like a graveyard

As stated above, library attendance seems to be increasing as county residents come back to the library.

Russ Brown

Board is obdurate, rigidity, sense of rejection, hard-edged, stubborn, hard-nosed, seems to be grasping and holding power

The board is charged with making policy and budget decisions for the library in order to benefit the entire community. At times these decisions will be at odds with what individual members of the community feel is best. At times when this happens the board continues to listen politely to the members of the community who disagree, but will still implement the policies and budgets that they think best for the entire community. I have not seen what was described as a grasping and holding of power. The board is very good to set policy and budget and then let the administrative team manage the library.

Darrell Beebe

Sybil asked to do dishonest things, brought to board's attention nothing was done
Librarians forced to quit because they reported things to the board and Nancy responded negatively
Board did not take action when they should have

These two statements are contradictory. Either the board did nothing, or they did reprimand Nancy and then she retaliated. It cannot be both. If the board did reprimand Nancy and she retaliated, then the proper response would have been for the employee to file a grievance. Unless the retaliation was brought to the board's attention, they would have assumed that everything had been resolved. To the best of my knowledge a grievance was never filed by Sybil Beebe.

No bids for computer system
System here then board approved purchase

The computer system was purchased by the consortium, not by the library. The library regularly buys items and has the board approve them after the fact, as I believe the City Council does.

One lady died

One employee did die during the time that Nancy Donahoo was the director. I do not know the reason she passed away, other than she had serious health issues prior to Nancy working at the library.

Job offered to Sybil then retracted

The library follows the City procedure for filling positions. If a department head did call and offer Sybil a job, it was done outside the regular procedure and the offer would have had to be retracted. As you are aware the regular procedure would be to post the position in the library for at least a week prior to doing interviews, then a selection would be made and a job offer tendered.

Someone hired to fill Ann Nichol position

The position held by Ann Nichols was eliminated through a reduction in force and has not been filled nor will it be filled.

Angie Swacina

Teen room staffing

Staffing in the library is the responsibility of the department heads. They have the experience to schedule staff members where needed. It is true that often during the day from 10:00 a.m. until 3:00 p.m. no one is staffing the teen room on a full-time basis. This is because most teenagers are in school at that time and the room is little used. It is simply a matter of putting people where they are needed most and a wise use of City resources.

Lost all staff that really cared, good people who cared were purged

Current library staff are dedicated professionals who do care about the library and how it operates. They often go out of their way to provide that extra touch that makes the library run as efficiently as it does.

Information desk – young girl replacing Ann Nichols

The library is in the middle of cross-training all employees to work in all areas of public service. This cross-training will continue until all employees are able to work at any public service desk.

Board rented books not foundation

The minutes of the library board meeting are very clear that the board's intention and instruction to the library director was to have the foundation rent the books. It is also very clear that books were not authorized to be rented until January 2003.

Computer system bought in July voted to approve 6 months later

The computer system was purchased by the library consortium. The library board did approve payment of bills (what appear to be dues and joining fees) to the consortium.

I think that should answer all of the concerns at the Council Meeting on April 14, 2005. If I have missed any concerns or if you have further questions, please feel free to call and let me now.

TO: Bill Shurtleff
Idaho Falls City Councilman

FROM: Bev Kemp
Idaho Falls Public Library Foundation
Phone: 524-4321
E-mail: bevkemp@ida.net

DATE: May 19, 2005

RE: Foundation Chronology

Ida requested yesterday that I give you a chronology of the foundation's history. I have put together the following from board minutes and my own notes.

June 27, 2002

During the hiring process to replace Paul Holland as library director, the board questioned each applicant interviewed regarding how they would go about making up for the loss of budget funds resulting from Bonneville County's decision to no longer contract with the Idaho Falls Public Library for library services. At the first board meeting after Nancy Donahoo's hiring she brought the rental book concept to the board as a way to provide more high request books to patrons. Lance Schuster made a motion to establish a rental collection.

July 25, 2002

More discussion was held regarding the rental collection and an opinion was sought from Dale Storer, the city attorney, regarding the legality of the rental collection concept. He felt that it would be a better idea to set up a foundation, solicit donations and buy the books with those dollars, then

deposit the rental fees to separate foundation account. Lance agreed to

handle the setting up of the foundation with the assistance of Shan Perry acting as the city attorney.

December 5, 2002

At our regular board meeting the incorporation papers and bylaws were looked over, signed and given to Lance for submission to the state.

January 23, 2003

Nancy reported to the board that the rental collection is up and running. The foundation will reimburse the library for book purchases. Rental fees will be managed in house until we receive the letters of incorporation back from the state.

February 27, 2003

First rental money given to me by Nancy and Angela Swacina. Checked with Lance – still in process.

March 27, 2003

Board meeting discussion of other fund raising possibilities by the foundation. Community members will be solicited to serve. Still no word on incorporation.

April 23, 2003

Foundation account opened at Bank of Idaho. The return of the letters of incorporation are not required to do business, they simply remove liability from the individual and place it with the corporation. From this point forward rental fees were given to me and I deposited them in this account.

April 24, 2003

Reported at board meeting that paperwork finally mailed to state. It has been in Shan's office.

May 21, 2003

State time/date stamps showing letters of incorporation issued by the state.

September 11, 2003

I wrote a $1,000.00 check to the Idaho Falls Public Library which Nancy assured me would cover books purchased thus far.

From this point forward all monies received for rental book fees were deposited in the foundation account and books for the rental collection were purchased from this account. All purchases are receipted and I would be glad to go over

these with you. Reports were given at the Idaho Falls Public Library Board of Trustees monthly meeting which are reflected in the minutes.

August, 2004

Foundation's incorporation is administratively dissolved by the state for failure to file annual report. I take full responsibility for this oversight. The paperwork was mailed to the library.

May 9, 2005

When the dissolution was brought to our attention, the foundation decided to reinstate the letters of incorporation with intent to pursue fund raising efforts. We also discussed whether the rental collection was accomplishing its purpose and Robert, after reevaluation, secures rental collection as he determines it not be sufficiently profitable to continue.

To date:

The foundation has received	$1,750	in donations
	$2,081	in rental book income
		Total Income $3,831
The foundation has expended	$2,246	purchase of rental books
	$ 800	library children's program
	$ 125	sales tax
	$ 30	reinstatement fee
		Total Expenditures $3,201

Remainder is still in the foundation account $ 630

No city tax dollars have ever been deposited with the foundation. The foundation has, however given money to the library as fund raising for the library is our reason for existence.

Idaho Falls Public Library
Internet Use Policy

The goal of the Idaho Falls Public Library is to ensure our patrons have free and open access to information and ideas that are fundamental to a republic. Information is available in many formats and we are pleased to offer the Internet, a resource that allows our library to enhance its existing collection in size and depth by providing access to global sources. It offers a wealth of material that is personally, professionally, and culturally enriching to individuals of all ages.

USER RESPONSIBILITIES

All users of the Internet are expected to use this library resource in a responsible and courteous manner, consistent with the purposes for which it is provided, and to follow all Internet related rules, regulations, and procedures established for its use.

Responsible, courteous use of the Internet includes:

Recognizing the rights of others.
Refraining from illegal or unethical activity.
Parents and guardians as well as children are responsible for the information selected and/or accessed by children. Parents are encouraged to discuss the use of the Internet in relation to their personal values and boundaries with their children and to monitor their children's use of the Internet.

UNACCEPTABLE USE:

Circumventing or altering in any fashion the timing software installed on library computers.
Damaging library equipment, software or date.
Downloading or viewing material inappropriate for a public library setting.

SANCTIONS

Violation of this library Internet policy and/or Internet procedures will result in loss or suspension of library Internet privileges for a period no less than six months for the first offense and one year or longer for each offense thereafter. Illegal activity will be subject to prosecution by the appropriate authorities.

LIBRARY PROCEDURE FOR USING THE INTERNET:

Each library cardholder is allowed 1 hour of Internet access per day on a first come first served basis.
Non-library cardholders are limited to 30 minutes of Internet access per day.
The director may authorize extensions of these time limits as needed.

Disclaimer

The Internet is a vast, unregulated network that enables access to ideas, information, images, and commentary that may be considered inaccurate, controversial, and inappropriate. Because of this, and the fact that access points can and do change rapidly and unpredictably, the Library cannot protect individuals from information and images that may be offensive or disturbing. Responsibility for, and any restriction of, a child's use of the Internet, outside of this policy's guidelines, is the sole responsibility of the child's legal guardians and/or parents.

Following a brief recess, the Airport Director submitted the following memo:

City of Idaho Falls
May 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Director of Aviation

SUBJECT: CHANGE ORDER NO. 1 TO THE H-K CONTRACT FOR REHABILITATION OF THE COMMERCIAL RAMP

Attached for City Council approval is Change Order No. 1 to the H-K Contract for a credit of $6,208.00. There was a FAA approved change to the contract specification that resulted in this credit.

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. 1 to H-K Contractors, Inc. for the rehabilitation of the commercial ramp 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

Nay: None

Motion Carried.

The Fire Chief submitted the following memos:

City of Idaho Falls
May 20, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dean Ellis, Fire Chief
SUBJECT: MEMORANDUM OF UNDERSTANDING FOR FREQUENCY USAGE

Attached for your consideration is a Memorandum of Understanding with the City of Ammon on use of their radio frequency in the dispatch system so that their fire frequency will be monitored at dispatch. This has been a long negotiated item.

The Fire Department respectfully requests Council approval at the May 26, 2005 City Council Meeting, and authorization for the Mayor and City Council to sign the document.

s/ Dean Ellis

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the Memorandum of Understanding with the City of Ammon for use of their radio frequency

in the dispatch system and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Dean Ellis, Fire Chief
SUBJECT: MEMORANDUM OF UNDERSTANDING WITH DISTRICT 7 EMERGENCY MEDICAL SERVICES

Attached for your consideration is the Memorandum of Understanding with the District 7 Health Department Emergency Medical Services. This Memorandum of Understanding involves 22 agencies. The purpose of this agreement is to provide mutual assistance in providing emergency medical care. Rendering assistance under this agreement is not mandatory as stated in the Memorandum of Understanding. Legal Counsel has reviewed the Memorandum of Understanding and finds it acceptable.

The Fire Department respectfully requests Council approval at the May 26, 2005 City Council Meeting, and authorization for the Mayor and City Clerk to sign the documents.

s/ Dean Ellis

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the Memorandum of Understanding with District 7 Health Department Emergency Medical Services 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 Hally
Councilmember Shurtleff

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: CONFIRMATION AGREEMENT WITH PINNACLE WEST

Attached for your consideration is a Confirmation Agreement to purchase power from Pinnacle West from December 1, 2005 through February 28, 2006. This Agreement is for 10 megawatts on-peak in December, 15 megawatts on-peak in January and February.

Idaho Falls Power respectfully requests ratification of this agreement.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the Confirmation Agreement to purchase power from Pinnacle West from December 1, 2005 through February 28, 2006. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: CONFIRMATION AGREEMENT WITH CITY OF LOGAN

Attached for your consideration is a Confirmation Agreement to purchase power from the City of Logan from September 25, 2005 through March 24, 2006. This Agreement is for 5 megawatts flat.

Idaho Falls Power respectfully requests ratification of this agreement.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to ratify the Confirmation Agreement to purchase power from the City of Logan from September 25, 2005 through March 24, 2005. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: ALLOCATION AGREEMENT WITH PACIFICORP

Attached for your consideration is the Idaho Falls Allocation Agreement with PacifiCorp. The City Attorney has reviewed the Agreement.

Idaho Falls Power requests approval of this Agreement and authorization for the Mayor to execute the documents.

s/ Mark Gendron

Councilmember Lehto thanked the City Attorney for his hard work on this agreement. It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve the Idaho Falls Allocation Agreement with PacifiCorp and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
May 10, 2005

MEMORANDUM

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

SUBJECT: CABLE ONE, INC. – ORDINANCE TO ADOPT THE FRANCHISE AGREEMENT

Attached for your consideration is the Ordinance to adopt the Cable One Franchise Agreement.

s/ S. Craig Lords

Chris Bidstrup, 2391 Eastview Drive, appeared to question what would happen to the equipment on the City electric poles should the contract with Cable One be cancelled.

Councilmember Lehto explained that should that happen, Cable One could take their equipment, but the City would be leaving a large sum of money on the table. Cable One pays the City 5% for hanging their wires and equipment on the City's poles. That is a significant contribution to the City tax coffers.

Mr. Bidstrup stated that in reality, that money comes from the citizens of Idaho Falls.

Mayor Milam explained further that the money comes from the citizens of Idaho Falls who choose to subscribe to Cable One.

Mr. Bidstrup stated that the 5% that Cable One pays to the City is passed on to the citizens of Idaho Falls.

Mayor Milam stated that this is listed on the billing as a separate charge and is not part of the charge for the cable service.

Councilmember Lehto stated that within the negotiation process with Cable One, they indicated that they would be able to hold the line for one or two more years on their fee schedule. He stated further that anyone wanting to use the City's electric poles would have to submit to a franchise fee.

Mayor Milam stated that this contract is not an exclusive contract.

Mr. Bidstrup commented that a new provider would not be able to use Cable One's facilities, but could contract with the City for use of the City electric poles to run their own equipment.

Councilmember Lehto explained that a person could take three things away from this agreement with Cable One. The agreement maintains the franchise fee of 5%, it vastly improves Cable One's requirements on the City's electric poles for safety, and it significantly increases the contribution of the rent that Cable One pays per pole.

Mr. Bidstrup questioned what the moneys collected from Cable One are used for.

Mayor Milam stated that the franchise fee goes into the General Fund, which helps to fund Police, Fire, Parks, etc. That is one of the cash items that goes into the General Fund, it is not just property tax that funds the General Fund.

Councilmember Lehto stated that on Tuesday evening, May 31, 2005 at 7:00 p.m., the City Council will be holding a Budget Open House at the Ice Shelter at Tautphaus Park.

Mayor Milam stated that in addition to copies provided at this meeting, this ordinance can be viewed on the City's website. Copies are also available at the City Clerk's Office and at the Idaho Falls Public Library.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO PROVIDING FOR THE ADOPTION OF A

FRANCHISE AGREEMENT BETWEEN THE CITY AND CABLE ONE, INC.; DIRECTING THE CITY

CLERK TO PUBLISH SAID ORDINANCE PRIOR TO ITS ADOPTION; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Lyon seconded, to pass the ordinance on the second reading only. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 10, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: POLE ATTACHMENT AGREEMENT

Attached for your consideration is the Pole Attachment Agreement.

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

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to table this issue to the June 9, 2005 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

The memo from the Parks and Recreation Director regarding the Art Guild Consent to Lease Agreement was withdrawn by the Division Director.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FIRST AMENDED PLAT OF ST. CLAIR ESTATES ADDITION, DIVISION NO. 7

Attached is the Final Plat entitled First Amended Plat of St. Clair Estates Addition, Division No. 7. This Final Plat is located at the intersection of Delaware Avenue and Potomac Way. The Planning Commission considered this Final Plat at its March 1, 2005 Meeting and recommended approval. The staff concurs with the recommendation for the plat submitted this evening to Council. This Final Plat is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to accept the Final Plat entitled First Amended Plat of St. Clair Estates Addition, Division No. 7 and, further, give authorization for the Mayor, City Engineer, and City Clerk to execute said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
May 26, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: J. K. Livsey, Police Chief
SUBJECT: AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND SCHOOL DISTRICT NO. 91 FOR SCHOOL RESOURCE OFFICERS

I respectfully submit the attached 2004 – 2005 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 May 26, 2005. This agreement is specific to the number of School Resource Officers, their duties,

schedules, and compensation. It has been updated from the 2003 – 2004 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 Agreement between the City of Idaho Falls and School District No. 91 for School Resources Officers and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
May 18, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – PAVING EQUIPMENT RENTAL, 2005

On May 10, 2005, bids were received and opened for the Paving Equipment Rental, 2005 Project. A tabulation of the bid results is attached.

Public Works recommends contract award to the low bidder, TMC Contractors, Inc., in the amount of $43,582.50; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to accept the low bid from TMC Contractors, Inc. to complete the Paving Equipment Rental, 2005 Project and, further, give authorization for the Mayor and City Clerk to sign the necessary contract documents. Roll call as follows:

Aye: Councilmember Hally

Councilmember Lyon
Councilmember Lehto

Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
May 18, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ADJUSTMENT OF MANHOLES, WATER VALVE BOXES AND STREET MONUMENTS

On May 10, 2005, bids were received and opened for the Adjustment of Manholes, Water Valve Boxes and Street Monuments. A tabulation of the bid results is attached.

Public Works recommends contract award to the low bidder, TMC Contractors, Inc., in the amount of $41,110.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to accept the low bid from TMC Contractors, Inc. to complete the Adjustment of Manholes, Water Valve Boxes and Street Monuments Project and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director

SUBJECT: EASEMENT AGREEMENT – SOUTH IDAHO FALLS SEWER TRUNK LINE, HARTWELL PROPERTY

Attached is an Agreement between the City and George and Dorothy Hartwell which allows the City to construct a sanitary sewer trunk line across the Hartwell property. The acquisition cost of the easement is $330.00 and does not include all costs associated with repair and replacement of existing landscape and improvements.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to approve the Easement Agreement with George and Dorothy Hartwell for construction of the South Idaho Falls Sewer Trunk Line and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT AGREEMENT – SOUTH IDAHO FALLS SEWER TRUNK LINE, SUTTON FAMILY TRUST

Attached is an Agreement between the City and the Sutton Family Trust which allows the City to construct a sanitary sewer trunk line across the Sutton property. The demolition and acquisition cost of the easement is $600.00; but does not include all costs associated with repair and replacement of existing landscape and improvements.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to approve the Easement Agreement with the Sutton Family Trust for construction of the South Idaho

Falls Sewer Trunk Line 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 Hally
Councilmember Shurtleff

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 6, BLOCK 3, GEORGE WASHINGTON ESTATES ADDITION, DIVISION NO. 2

As previously approved, the City Attorney has prepared documents needed to vacate the easement located in Lot 6, Block 3, George Washington Estates Addition, Division No. 2.

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

s/ Chad Stanger

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

ORDINANCE NO. 2598

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOTS 22 AND 23, BLOCK 5, ST. CLAIR ESTATES ADDITION, DIVISION NO. 3

As previously authorized, the City Attorney has prepared documents needed to vacate easements located in Lots 22 and 23, Block 5, St. Clair Estates Addition, Division No. 3.

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

s/ Chad Stanger

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

ORDINANCE NO. 2599

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

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

Public Works requests authorization for the City Attorney to prepare documents needed to vacate platted utility easements along the north and west lot lines of Lot 1, Block 1, Old Faithful Beverage Addition, Division No. 1. This vacation is required to accommodate plant expansion at the site.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to give authorization for the City Attorney to prepare the necessary documents to vacate platted utility easements along the north and west lot lines of Lot 1, Block 1, Old Faithful Beverage Addition, Division No. 1. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director

SUBJECT: EASEMENT VACATION – LOT 2, BLOCK 1, KINGWOOD ADDITION, DIVISION NO. 1

Public Works requests authorization for the City Attorney to prepare documents needed to vacate a portion of a storm retention easement located in Lot 2, Block 1, Kingwood Addition, Division No. 1. An alternate easement has been provided in Lot 3 of this development.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to give authorization for the City Attorney to prepare the necessary documents to vacate a portion of a storm retention easement located in Lot 2, Block 1, Kingwood Addition, Division No. 1. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
May 23, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOT 43, BLOCK 16, BLUE RIDGE ESTATES ADDITION, DIVISION NO. 6

Public Works requests authorization for the City Attorney to prepare documents needed to vacate an easement located in Lot 43, Block 16, Blue Ridge Estates Addition, Division No. 6.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to give authorization for the City Attorney to prepare the necessary documents to vacate an easement located in Lot 43, Block 16, Blue Ridge Estates Addition, Division No. 6. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 9:30 p.m.

CITY CLERK

MAYOR

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