

APRIL 14, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 14, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

Mayor Milam and Councilmembers honored Police Officer Vince Harrison for having retired from the Police Department by presenting him with a watch.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the March 10, 2005 Regular Council Meeting, March 24, 2005 Special Council Meeting, March 24, 2005 Regular Council Meeting, and March 29, 2005 Special Council Meeting.

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

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

FUND	TOTAL EXPENDITURE
General Fund	\$ 554,408.95
Street Fund	117,767.82
Recreation Fund	19,571.87
Library Fund	41,594.59
Municipal Equipment Replacement Fund	155,267.58
Electric Light Public Purpose Fund	30,470.47
Business Improvement District	5.20
Street Capital Improvement Fund	19,513.53
Water Capital Improvement Fund	8,967.91
Airport Fund	354,500.94
Water and Sewer Fund	402,996.12
Sanitation Fund	7,521.68
Ambulance Fund	128,014.91
Electric Light Fund	3,750,158.58
Payroll Liability Fund	1,907,740.08
TOTALS	\$7,498,500.13

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The City Clerk presented several license applications, including a BEER LICENSE to Chic's Lounge (Transfer Only), all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on April 14, 2005.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
April 7, 2005

MEMORANDUM

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

Municipal Services respectfully requests authorization to advertise to receive bids for a new Crematorium to be used at the Animal Shelter.

s/ S. Craig Lords

The Public Works Director submitted the following memo:

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION – ASPHALT OVERLAY/SEAL COAT, 2005

Public Works requests authorization to advertise to receive bids for the Asphalt Overlay/Seal Coat, 2005.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to table consideration of the March 10, 2005 Regular Council Meeting Minutes to the April 28, 2005 Regular Council Meeting.

Mayor Milam read the following statement from the Idaho Municipal Guidebook from the Association of Idaho Cities regarding Minutes:

Written minutes of all meetings of the Council must be kept. Neither a full transcript nor a tape recording is required, except in zone change, zoning, or subdivision or other land use permit proceedings, along with beer licenses. All minutes must be made available to the public within a reasonable time after the meeting, and shall include at least the following information:

1. The place and date of the meeting;
2. The names of the Councilmembers in attendance;

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3. A record of each motion, the person making the motion, the person providing the second and the vote on the motion;
4. All motions, resolutions, orders, or ordinances proposed, and their disposition;
5. The results of all votes, and, upon the request of a member, the vote of each member, by name.

Mayor Milam stated that the City goes beyond these requirements. At this time, the minutes are not being provided to the public in a reasonable time. Reasonable people can disagree on what a reasonable time is, but the March 10, 2005 Council Meeting Minutes have been tabled for five weeks.

Councilmember Lyon stated that people can check on the City's website, and to some degree, track his concerns over how the minutes are written. If the minimum requirements are followed, there would be a lot of latitude on the part of the City Council to deceive the public on what takes place at the City Council Meeting. He stated that he appreciated the Mayor for having the Council Meetings tape recorded. He stated that approximately six months into his tenure on the City Council, as he reviewed the minutes, there were statements that he made that were not transcribed to communicate what he said at the time. He stated that he came to the conclusion, as he was at the opposite end of the political spectrum from the Mayor, Councilmember Hardcastle, and other powerful people in the City, that his remarks were being edited for political correctness.

Mayor Milam stated that she understood and that at the last Council Meeting three weeks were given for consideration of the March 10, 2005 Council Meeting Minutes. That is a considerable period of time. She stated that she hoped that the City Council would not delay consideration of these minutes any further.

Roll call as follows:

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

Nay: Councilmember Hally

Motion Carried.

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

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

Nay: None

Motion Carried.

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REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings Prior to Platting for Mountain River Engineering for M. C. and D. M. Investments, LLC for Carriagegate Addition with a Metes and Bounds Legal Description in the Northeast Corner of Section 36, Township 2 North, Range 37, East of the Boise Meridian, located generally south of West Sunnyside Road, and west of 5th West (Park Road). At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF R-1 FOR CARRIAGEGATE ADDITION (66.12 ACRES) AND FINAL PLAT FOR CARRIAGEGATE ADDITION, DIVISION NO. 1

Attached are the Annexation Agreement and Annexation Ordinance for Carriagegate Addition as well as the Final Plat for Carriagegate Addition, Division No. 1. The requested initial zoning was originally R-1 and R-2 for this annexation request of 66.12 acres. At its March 1, 2005 Meeting, the Planning Commission recommended annexation of the 66 acres with R-1 zoning. The Department concurs in this recommendation. The Commission also recommended approval of the final plat for approximately 16 acres. Carriagegate Addition is located west of South 5th West, south of Ridgewood Park, and east of the Butte Arm Canal. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

- Slide 1 Aerial Photo
- Slide 2 Vicinity Map showing surrounding zoning
- Slide 3 Final Plat under consideration
- Slide 4 Original proposed zoning
- Slide 5 Preliminary Plat as advertised
- Slide 6 March 1, 2005 Planning Commission approved zoning
- Slide 7 Preliminary Plat considered by the Planning Commission with Final Plat outlined in red
- Slide 8 Comprehensive Plan dated December, 2000
- Slide 9 Flood Plain Zone – 500 Year Zone
- Slide 10 Street Sections being proposed
- Slide 11 Site Photo looking east across the site from south of existing storm water retention pond
- Slide 12 Site Photo showing proposed entrance way to addition

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Slide 13	Site Photo looking north from west end of entrance
Slide 14	Site Photo looking south from end of entrance way
Slide 15	Site Photo looking west from entrance road area
Slide 16	Site Photo looking southwest at Grupo Modelo
Slide 17	Site Photo looking southwest from existing bridge – Proposed storm pond area
Slide 18	Site Photo looking north along the Butte Arm Canal
Slide 19	Site Photo looking at the west end of entrance
Exhibit 1	Planning Commission Minutes dated March 1, 2005
Exhibit 2	Staff Report dated March 1, 2005
Exhibit 3	Letters from previous owners and neighbors

The Planning and Building Director requested that the following letter be entered as part of the record:

March 1, 2005

To Whom It May Concern:

SUBJECT: Carriagegate Division No. 1 Public Hearing

As a matter of public record, we would like it known that we do not oppose the idea of a new subdivision. However, we do oppose the new subdivision as it is currently designed. As planned there is only one new entrance, Carriagegate Lane, for 130 new homes and 8 duplexes. This will force a considerable amount of traffic through our subdivision via Hickory Lane. There will be an increased traffic due to construction and the new families who will occupy the new homes.

One of the reasons that we moved to Ridgewood Park was because of the low volume of traffic which is safer for our children. If at least one other access road can be designed into our plans, then we would not oppose the new subdivision. We would also like to request that all construction vehicles be limited to Carriagegate Lane due to noise, children safety, and construction debris and dust.

Justin and Krishell Bigger
3625 Sycamore Circle

Joseph and Cari Medeiros
590 Hickory Lane

Steven and Kay Poulter
3595 Sycamore Circle

Ridgewood Park
Idaho Falls, Idaho 83402

Mayor Milam requested the following letter to be entered as part of the record:

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Farm and Ranch Asset Management
March 24, 2005

City of Idaho Falls
City Council
Attention: City Clerk
P. O. Box 50220
Idaho Falls, Idaho 83405

RE: Henry Bennett Trust
94004730

SUBJECT: Carriagegate Development Hearing on April 14, 2005

Dear Councilmembers:

The Henry Bennett Trust currently owns a portion of land directly west of the proposed Carriagegate subdivision. After review of the developer's preliminary plat, we would ask that you consider a modification to the plat. We would ask that Carriagegate Lane not dead end into Steeplechase as proposed. We request that you modify the proposed road known as Carriagegate Lane to continue directly west to the Butte Arm Canal so that at a future date a bridge could be installed across the Butte Arm Canal and eventually Carriagegate Lane could continue west across the Henry Bennett and Jim Bennett properties and provide access to the property on the west side of the Butte Arm Canal.

The Henry Bennett property as well as the parcel of land owned by Jim Bennett, is becoming land locked with little to no access. This would insure that at a future date when development occurs on the west side of the Butte Arm Canal, there would be access to a collector road.

Thank you for your time in considering this request.

Sincerely,

s/ Steven W. Bingham
Steven W. Bingham
Vice President
Farm, Ranch, and Timber Asset
Management

The Planning and Building Director explained that the Final Plat is in accordance with the Comprehensive Plan. The Planning Commission approved the Preliminary Plat with the following modifications:

1. Manchester Lane and Wilshire Place be extended to the west. If this develops as proposed in the Comprehensive Plan (which is industrial), streets would not be developed and bridges not built across the Butte Arm Canal to prevent traffic generated in the commercial and industrial zone moving through the residential area.

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2. Regency Court be extended as a through-street on the south so that there would be two streets stubbed to the south.

3. That an access easement be created around the storm water retention pond in the southwest, so that the farmer has access across the existing bridge across the Butte Arm Canal to the property to the west.

4. That the name of Brookhaven Drive be changed as there is an existing street by that same name.

The Planning Commission recommended a variance on the street that was originally named "Brookhaven Drive" as it is approximately 1,400 feet long, due to the terrain and existing land uses.

Traffic was one of the issues addressed in the Planning Commission public hearing. Steven Lewis, Transportation Engineer, was asked to look at the Preliminary Plat and give a rough estimate of the amount of traffic that would be entering Ridgewood Park subdivision from this development. He anticipated that in the peak hour, there would be 50 vehicles in Ridgewood Park due to the Carriagate development, 32 entering and 18 exiting. The Planning and Building Director stated that the City Council is addressing Carriagate Addition, Division No. 1 at this time, and not the Annexation Prior to Platting for 66 acres that was advertised.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as the representative of the Developer. He stated that he neglected to send the Annexation Agreement Prior to Platting back to the City in a timely manner. This development is in compliance with the Preliminary Plat and Comprehensive Plan. The development has reasonably large lots.

Joseph Medeiros, 590 Hickory Lane, appeared to express his concerns regarding traffic. He did not know whether the narrow streets would slow the traffic or cause more danger. He would appreciate speed bumps. Mr. Medeiros expressed his concern for the type of traffic that would go through his subdivision, such as farm equipment.

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

Councilmember Shurtleff requested to know whether the traffic study was based upon the first subdivision or was the entire development taken into consideration.

The Planning and Building Director stated that a full traffic study was not conducted as it did not meet the requirement of 200 peak hour trips. The Transportation Engineer stated that his estimate was based on the full development with peak hour trips from 4:00 p.m. to 6:00 p.m. It was estimated that there would be 188 total peak hour trips from the whole development and that 50 of those trips would be to and from the north.

Councilmember Groberg stated that this is the type of development anticipated by the Comprehensive Plan for this area. Most of the concerns from those who live near this development relate to traffic. That is a problem that everyone deals with in the City. One of the reasons that narrower streets were proposed, was to slow traffic in residential areas. Other measures could be taken to slow the speed of traffic should the narrower streets not work. There will be increased traffic as the City grows.

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

Aye: Councilmember Shurtleff

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Councilmember Lyon
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

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

ORDINANCE NO. 2593

CARRIAGEGATE ADDITION, DIVISION NO. 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of Carriagegate Addition, Division No. 1 as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

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

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

Nay: None

Motion Carried.

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

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF C-1 AND R-3, DAGGETT HEIGHTS ADDITION, DIVISION NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Daggett Heights Addition, Division No. 1. The requested initial zoning is C-1 for Lot 2, Block 3, and R-3 for the remainder of the Final Plat. This plat is located west and adjacent to U. S. Highway 20 and east of Fremont Avenue. It extends Energy Drive to the east. A preliminary plat has been filed with the Planning Department which provides access from the west and north into this final plat. At its March 1, 2005 Meeting, the Planning Commission recommended approval of this annexation request with landscaping requirements which have been incorporated into the Annexation Agreement. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing Final Plat under consideration
Slide 3	Aerial Photo giving a better overview of the area
Slide 4	Preliminary Plat and Final Plat correspond in this development
Slide 5	Final Plat under consideration
Slide 6	Comprehensive Plan dated December, 2000
Slide 7	Site Photo looking north on Allied Avenue
Slide 8	Site Photo looking east towards site from Energy Drive
Exhibit 1	Planning Commission Minutes dated March 1, 2005
Exhibit 2	Staff Report dated March 1, 2005
Exhibit 3	Letters from previous owners and neighbors

The Planning and Building Director explained that this is a development for 25 lots for multi-family use and one large lot immediately adjacent to U. S. Highway 20 for enclosed storage units. This area was hard to develop because of its access. Energy Drive, from the nearest intersection is approximately 500 feet to where this parcel begins. There is another road that can stub from the south in the future. That land is now under separate ownership. The Final Plat complies with the Subdivision Ordinance if the area to the north and Allied Avenue are looked at for the potential of development to the south.

Councilmember Groberg commented that the City of Idaho Falls does not have a higher education zone. This is intended to alert the City Council and the Planning Commission that this area is to be developed to enhance the possibilities for University Place to expand. The Planning and Building Director agreed and stated, further, that this area should be developed with uses that support the university, such as housing, research labs, further employment centers, and limited commercial.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that one item that is needed when a person is at university is apartments. Another item needed is storage. There is storm drainage that comes from under the highway. The storm drainage will be internalized. There is also a canal system on the northern portion of this property that eventually empties into Willow Creek. This will also be internalized. This development will be a good addition to this entrance to the City.

Mike Marshall, 3734 North 5th West, appeared to represent the parcel to the north of the proposed development and adjacent to East River Road. He expressed his concern over open irrigation ditches being in close proximity to apartments where children are playing. Mr. Marshall also expressed his concern for his hay field being filled with trash from this development. He wanted to know who would be responsible if a child drowns in one of his irrigation ditches.

Councilmember Groberg stated that there are open canals throughout the City of Idaho Falls.

The City Attorney stated that there is always a question of whether anyone is negligent. He did not believe that the mere operation of a canal or irrigation district is negligence in and of itself.

Galen Williams, 3754 East 97 North, appeared to state that he has farmed in this location for approximately 15 years. The City of Idaho Falls has a well in this area. There is also a drainage system that goes through this area. This is a low section of land. He expressed his concern for the traffic that would be generated in the area.

Councilmember Shurtleff stated that drainage for the area has been addressed. The drainage that comes under the freeway will drain into Willow Creek. The

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City Council will hold the Developer responsible for the storm drainage system that has been proposed for the area.

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

Councilmember Groberg stated that this piece of ground is located in such a way that it is difficult to find the best use for it. The land fits into the City's concept for supporting the higher education development. The storm drainage issues have been addressed. Annexation of this land does not bind the owners of the land to the north, as those property owners have the right to pursue their water rights.

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

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2594

DAGGETT HEIGHTS ADDITION, DIVISION NO. 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

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

Aye: Councilmember Lyon
Councilmember Shurtleff

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Councilmember Hally
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of Daggett Heights Addition, Division No. 1 as C-1 on Lot 2, Block 3, Daggett Heights Addition, Division No. 1 and R-3 (Multi-Family Residential) Zoning on the remainder of the Final Plat as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

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

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for King's Island, Division No. 4. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

APRIL 14, 2005

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING, AND FINAL PLAT – KING'S ISLAND, DIVISION NO. 4

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for King's Island, Division No. 4. The requested initial zoning is R-1 for this two-lot plat. It is located at the intersection of Shadow Creek Drive and Juniper Hills Drive. The Planning Commission reviewed this request at its March 1, 2005 Meeting and recommended approval of this annexation, initial zoning of R-1, and final plat. The Department concurs. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Final Plat
Exhibit 1 Planning Commission Minutes dated March 1, 2005
Exhibit 2 Staff Report dated March 1, 2005

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that he has been questioned as to when the loop of this development will be completed. He stated that King's Island, Division No. 5 is being developed at this time.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for King's Island, Division No. 4 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2595

FAIRWAY ESTATES ADDITION, DIVISION NO. 14

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of King's Island, Division No. 4 as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

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Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for King's Island, Division No. 4 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from PB (Professional Business) to MS (Medical Services) in Lot 1, Block 1, Kensington Park Addition, Division No. 1, minus the southern 100 feet, located generally south of Elk Creek Drive and Sunnyside Road, east of St. Clair Road, and west of Merlin Drive. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM PB TO MS A PORTION OF LOT 1, BLOCK 1, KENSINGTON PARK ADDITION

Attached is the application to rezone a portion of Lot 1, Block 1, Kensington Park Addition, Division No. 1 from PB (Professional Business) to MS (Medical Services Zone). This parcel is located east of St. Clair Road, south of Elk Creek Drive, and west of Merlin Drive. The Planning Commission considered this rezoning request at its March 15, 2005 Meeting and recommended approval for the portion of the lot as described. The southern 100 feet of the lot and the storm water retention area will remain PB. The Department concurs with this recommendation. This rezoning request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning

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Slide 2	Aerial Photo
Slide 3	Chantilly Preliminary Plat
Slide 4	Comprehensive Plan dated December, 2000
Slide 5	Site Photo showing the southeast corner of Elk Horn Drive and St. Clair Road
Slide 6	Site Photo looking east of St. Clair Road
Slide 7	Site Photo showing west portion of site
Slide 8	Site Photo looking at single-family homes west of St. Clair Road
Slide 9	Site Photo looking at homes south of the site
Slide 10	Site Photo looking south on Merlin Drive
Slide 11	Site Photo looking at homes south of site
Exhibit 1	Planning Commission Minutes dated March 15, 2005
Exhibit 2	Staff Report dated March 15, 2005, including petition from property owners to south

Councilmember Groberg requested to know when the Medical Services Zone was adopted in relation to the Comprehensive Plan. The Planning and Building Director stated that the Medical Services Zone was adopted after the Comprehensive Plan Revision of December, 2000. Prior to that time the best zone to be used for this type of development was PB (Professional Business). Subsequent to that time, the Medical Services Zones was created.

Mayor Milam commented with regard to the provisions of the Medical Services Zone. Among other conditions, the Medical Services Zone would be located on an arterial street with no access onto that arterial street if the adjacent street provided an access. This development appears to be far enough from the arterial street, that this issue needs to be addressed.

The Planning and Building Director stated St. Clair Road is an arterial street. The western portion of this property is adjacent to St. Clair Road and has no access to St. Clair Road. Elk Creek Drive functions as the collector street to this area. The access from this development is to Elk Creek Drive. The Planning Commission had a question as to whether the eastern portion of this site should be zoned R-3A, rather than Medical Services. The eastern end of the development is 1,000 feet from St. Clair Road and 900 feet from Sunnyside Road. The most intensive uses would be a drug store, a motel, or a mortuary. A motel would take a conditional use permit and a drug store would not generate much traffic.

Matt Morgan, 4543 McCowin Lane, appeared to state that he is the Developer of Kensington Park. The purpose for requesting a rezone comes from requests from users that are not permitted in the PB (Professional Business) zone. There has been interest in Day Care Centers, Assisted Living Centers, a small pharmacy and medical supply stores. When Mr. Morgan originally platted this area, the Medical Services Zone did not exist. There appears to be the need for the Medical Services Zone in this area. He did not include the three building pads that are adjacent to the homes in the area, leaving them with the PB (Professional Business) zoning. The storm pond covers approximately 200 feet, which offers a buffer from the Medical Services Zone. He received full support from the neighbors to the south of this property for this rezoning request.

Councilmember Groberg requested to know what Mr. Morgan's plans were for the parcel of land on the east side of Merlin Drive. Mr. Morgan explained that in the Preliminary Plat for this property, there have been PB (Professional Business) lots that front onto Merlin Drive. Many of the developers in that area have developed under the PB Zone. There appears to be plenty of PB zoning in the area to accommodate the needs of the community. Mr. Morgan stated, further, that he has not completely developed the rest of his property.

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

Councilmember Groberg stated that this area was designated PB before the Medical Services zone was created. When the Medical Services Zone was created, it appeared that this would become the limited commercial preferred zone for developers because it would have more flexibility than the PB Zone. There are several parcels of land around this area that have not been annexed. With the change of this zone, it could affect the decision of the City Council regarding the annexation and zoning of those parcels. Councilmember Groberg stated that he did not believe that the City Council has transitioned away from the decision that this portion of Sunnyside Road, near the Eastern Idaho Regional Medical Center, would allow for buildings that would support the medical center. As the Medical Services Zone allows other commercial uses, the City Council may have to address whether to transition away from the restrictions in the zone or whether a broader commercial zone should be applied.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezone from PB (Professional Business) to MS (Medical Services) on a portion of Lot 1, Block 1, Kensington Park Addition as presented and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from HC-1 (Highway Commercial) to GC-1 (General Commercial) in the Northeast Portion of Lot 1, Block 1, Stanger Farms Commercial Addition. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 11, 2005

MEMORANDUM

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

Attached is the application to rezone a portion of Lot 1, Block 1, Stanger Farms Commercial Addition from HC-1 (Highway Commercial) to GC-1 (General Commercial). This parcel is located north of Yellowstone Highway and west of Hemmert Avenue. The Planning Commission considered this rezoning request at its March 15, 2005 Meeting and recommended approval

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for the portion of the lot encompassing the former theater and Fred Meyers building and the access drive parallel to the buildings. The Commission recommendation did not encompass the parking area south of the buildings. The Department concurs with this recommendation. This rezoning request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Planning Commission recommendation for zoning
Slide 3	Aerial Photo
Slide 4	Aerial Photo Close Up
Slide 5	Comprehensive Plan dated December, 2000
Slide 6	Site Photo of former theater building west of Hemmert Avenue
Slide 7	Site Photo of parking lot west of Hemmert Avenue
Slide 8	Site Photo looking north of vacant theater building
Exhibit 1	Planning Commission Minutes dated March 15, 2005
Exhibit 2	Staff Report dated March 15, 2005

The Planning Commission recommended rezoning a rectangular shaped piece of land. This would encompass the vacant Fred Meyer's building, the theater, access drive to the immediate front, but not the parking area. This was done because this is North Yellowstone Avenue and is one of the entranceways to the City of Idaho Falls. The Planning Commission preferred that the commercial uses remain closer to Yellowstone Avenue and light industrial distribution remain further from Yellowstone Avenue, along Hemmert Drive. This would implement the policies in the Comprehensive Plan than putting the I & M-1 Zone immediately adjacent to Yellowstone Highway.

Councilmember Groberg requested the Planning and Building Director to describe the uses allowed in the GC-1 Zone as compared to the uses allowed in the HC-1 Zone. The Planning and Building Director explained that the GC-1 Zone encompasses wholesale distribution houses, warehouses, assembly, and light manufacturing. Chicken hatcheries and coal yards are also allowed in the GC-1 Zone. Councilmember Groberg clarified that even though this particular owner has a use in mind for this property, all uses allowed in that zone could be implemented in that zone without another public hearing.

Steve Keim, 2907 Laguna Drive, appeared to state that he represents General Growth Properties. The present owner has struggled for a number of years to fill this property as retail patterns have shifted. Some tenants have been identified that are currently ready to occupy the Fred Meyer building and the theater building. Their uses are wholesale distribution in nature. The broader zoning designation is needed to spruce up and re-use this property and get it occupied. Aquatronics is one of the new tenants. They are new to the area and will create new jobs. They distribute and do light assembly work on electrical testing equipment. Another company does vinyl siding and building components. This company would do warehousing, wholesaling and distributing from that location.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezone from HC-1 (Highway Commercial) to GC-1 (General

APRIL 14, 2005

Commercial) of a portion of Lot 1, Block 1, Stanger Farms Commercial Addition as presented and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of an Amendment to the Zoning Ordinance providing for definition of the word "street", standards for dwellings in the C-1 (Limited Retail Business) Zone, and perimeter landscaping in the C-1 Zone. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ZONING ORDINANCE AMENDMENT REDEFINING THE TERM "STREET" AND PROVIDING FOR SETBACKS, AREA AND WIDTH, LANDSCAPING AND BUFFERING REQUIREMENTS FOR RESIDENTIAL AND OTHER USES IN THE C-1 ZONE

Attached is the proposed ordinance amending the definition of the term "street" in the Zoning Ordinance. This Zoning Ordinance amendment also provides for area and bulk requirements for residential uses constructed in the C-1 Zone and for buffering and landscaping provisions in the C-1 Zone. This amendment was considered by the Planning Commission at its March 1, 2005 Meeting and the Commission recommended approval. The amendment has been reviewed by the City Attorney's Office. The Department respectfully requests consideration of the amendment.

s/ Renée R. Magee

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

Exhibit 1 Planning Commission Minutes dated March 1, 2005
Exhibit 2 Draft of Zoning Ordinance Amendment

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The Planning and Building Director explained that there is a definition of "street" found in the Zoning Ordinance and a definition of "street" found in the Subdivision Ordinance. This will align the definition with the Subdivision Ordinance. The C-1 Zone allows residential uses such as dwelling units and apartments, but there are no setback, rear yard, or side yard requirements for any of the residential uses. The same requirements that are found in the R-3A Zone were applied to the C-1 Zone for residential uses. The Zoning Ordinance requires a 10 foot landscape buffer if multi-family is built adjacent to R-1 zoning. This landscaping buffer is not required if a commercial shopping center is built next to single-family residential. This ordinance provides for that landscaping buffer. This ordinance requires that there be perimeter landscaping in a C-1 Zone. This has been done through annexation agreements. It is better to place this requirement in the Zoning Ordinance. Staff has determined that if this Zoning Ordinance Amendment is adopted, they will monitor these changes for the next year. If changes are needed, staff will bring it back before City Council for further consideration.

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

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

ORDINANCE NO. 2596

AN ORDINANCE OF THE CITY OF IDAHO FALLS
REPEALING AND RE-ADOPTING SECTION 2-1-74;
AMENDING SECTIONS 7-10-3, 7-10-5, AND 7-10-6
OF ORDINANCE NO. 1941, CITY OF IDAHO FALLS,
IDAHO; PROVIDING FOR CERTAIN CHANGES TO
THE CITY OF IDAHO FALLS ZONING ORDINANCE;
DECLARING ORDINANCE METHODOLOGY;
PROVIDING FOR THE SEVERABILITY OF THE
SECTIONS AND SUBSECTIONS OF THE
ORDINANCE; PROVIDING FOR THE EFFECTIVE
DATE OF THE ORDINANCE.

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

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

Nay: None

Motion Carried.

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Councilmember Lyon stated that many people in the audience had inconvenienced themselves and taken time out of their lives to come and testify this evening. They have been bored by one and one-half hours of boiler plate City business. He requested that the Council take a five minute break before moving onto the "Recognition of citizens from the floor" on the Council Agenda.

Mayor Milam stated that another Councilmember has requested a brief recess, also. She stated, further, that annexations and zoning changes are hardly boiler plate.

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

Angela Swacina, 129 Melbourne, appeared to bring to the Council's attention what she perceived as a serious problem within the Public Library.

Mayor Milam called for another 30 second recess to allow Councilmember Shurtleff and the Public Works Director to be excused from the Council Chambers. There has been a grievance heard by a hearing panel. This panel has not reached their conclusions.

Councilmember Shurtleff clarified that the decision to be made by the hearing panel is to be based on the information provided at the grievance hearing.

Mayor Milam stated that the City Council is willing to listen to comments from the public. She stated that it is to be understood that the City Council has no management authority over the library. The issues that she has heard that may be brought forward are issues for the Library Board, not for the City Council. The City Council has only two jobs for the library. One is to approve the budget as part of the regular budget process, not the line items in the budget, only the full budget. The other job is to appoint members to the Library Board. The City Council has no other management or administrative role.

Councilmember Lyon stated that while the City Council does not have any direct administrative authority over the Library, what the Mayor has said might lead someone to believe that the Library Board is totally unaccountable and can be their own little dictatorship. That is not the intent of the Idaho Statute that set up Library Boards. As a matter of principal, in our system all authority originates from the people. All boards and panels that the Mayor appoints are accountable to the people through the City Council. Councilmember Lyon stated that there may be some people of the City Council that would not hold these people accountable no matter what they did. He stated that he would hold them accountable if there is a problem.

Mayor Milam stated that Library Boards, by law, are different from other boards and commissions that are appointed by this Council. The State Law is very specific.

Councilmember Groberg stated that what the Mayor has said, he understood to be the correct interpretation of the law. The City Council has two important functions. Information that is presented would have bearing on Council decisions with respect to those two things.

Councilmember Lehto stated that it is no wonder that the City Council has to begin a Council Meeting with tabling minutes. The City Council is far too interactive in this session. He requested to hear what those present have to say. He requested that the Mayor conduct this part of the session and direct any concerns to Council Committees.

Angela Swacina stated that she was familiar with how Library Boards work. Library Boards are not, in the State of Idaho, an advisory board. They are a policy making board. The only people that Library Board members can be recalled by are the City Council. She wanted that to happen. Ms. Swacina stated that there were people present in the audience because they have concerns with how the Library is being run and how the Library Board is being unresponsive and unaccountable to the public and requested them, by a show of hands, to express this.

Councilmember Lyon requested, by a show of hands, to express if they support how the Library is being run.

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Mayor Milam stated that this was inappropriate.

Councilmember Groberg stated that the City Council should just listen to the comments from the public. The item "Recognition of citizens from the floor" has been put on the City Council Agenda for a good reason. That is for a member of the public may want to address the City Council. The City Council is present to listen to those comments and the City Council is interested in the issues that the public has. This item is not intended for a debate, but to receive information that otherwise could not be presented to the City Council.

Angela Swacina requested an investigation be conducted by the City Council into the Idaho Falls Public Library Foundation and its relationship with the Idaho Falls Public Library and the Idaho Falls Public Library Board. She believed that the Idaho Falls Public Library Foundation has been operating illegally. She believed that the Board of Directors has been guilty of willful misconduct, fraud, and gross negligence. All of the Board of Directors of the Foundation are all the same members as the Library Board, with the exception of Lance Shuster who is no longer on the Board. The Foundation began operations before being properly registered with the State. The Foundation papers were not drawn up until December, 2002 and not filed until May, 2003. The Foundation then continued to operate even after being dissolved by the State in August, 2004 and did not follow their own by-laws of dissolution. Ms. Swacina believed that the funds of the Idaho Falls Public Library and the funds of the Idaho Falls Public Library Foundation during both the time that it was operating legally and illegally have been co-mingled. She stated that she believed this to be illegal. She has questioned both the Foundation and the Library Board about this on numerous occasions and has never received a satisfactory answer. Ms. Swacina stated that she was fired on March 9, 2005 from the Public Library after almost 13 years of service. She believed that this whistle blowing by her to be part of the reason for her dismissal. She stated that the Idaho Falls Public Library Board has been unresponsive and unaccountable. She has requested that their books be turned over to her. The Library Board has refused to turn them over to her. Ms. Swacina stated that she received a letter from the head of the Library Board stating that the Foundation is a private Foundation and that she did not need to show the books to Ms. Swacina. As a local Library employee, from August, 2002 until the first private seed money came in December, 2002, tax dollars were spent for a rental collection that was in place in the Public Library from August, 2002 until December, 2002, when the first private donations came in. Even after the first private donations came in, the Library Board did not think enough of the law to bother to file with the Secretary of State's Office until May, 2003. When she checked further, this Foundation was administratively dissolved by the Secretary of State's Office. The reason that the Foundation was dissolved was for failure to file annual reports and proper paperwork. When Ms. Swacina brought this to the Library Board at their meeting of March 24, 2005, she was told that the Board did not know that the Foundation had been dissolved.

Russ Brown, 162 East 22nd Street, appeared to state that he has been a Library patron for approximately 37 years. He has always felt that the Public Library was a most important civic institution. As a person that is interested in the Library, he has noticed changes. Mr. Brown said that he was shocked to think that the Library Board is accountable to no one but themselves. He said there has to be some accountability. He first noticed changes in the quality and quantity of service. Approximately two and one-half years ago, the number of books purchased was decreased by a factor of three. He believed that the major function of a Library was information and ideas. Information and ideas can be communicated in many ways. Information and ideas have suffered to some extent because the Library is going through a modern transition to entertainment. Many citizens have noticed big changes. He stated that he reviewed City financial records and found out how the money was being spent, particularly in one critical year. The purchase of fiction, non-fiction, and children's books was down by a factor of 3 and the balance of the rest of

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the money went into an expensive computer system, which to the best of his knowledge was purchased without a bid. Mr. Brown stated, further, that he believed that the City is bearing the bulk of the costs for the operation of the system (maintenance, service, administration), and all of the rest of the libraries that benefit from this service in Eastern Idaho do not contribute to that. He stated that service has been in a period of decline. Over the last couple of years, he has noticed people disappearing. In his use of the Library, he has had occasion to draw upon the Library's reference resources. A couple of years ago, he was preparing a major technical paper and they acquired for him through university libraries, major references on petroleum geology. Staff extended him every courtesy, were competent, and they cared about their jobs. Librarians tend to love their jobs. Staff has been disappearing by resignation (some may have been encouraged, some may have been pushed) and some have been purged. To the extent that there is any responsibility in any civic activity, it needs to be considered that if the City Council can not do anything about it and the Library Board may be part of it, something needs to be considered. The Library is valuable. Part of the decline has been bad staffing decisions at the highest level. We need to be proud of what goes on in our City. Mr. Brown stated that he applied for a position on the Library Board and disqualified himself by being too interested.

Councilmember Lyon requested to have a clarification as to what Mr. Brown meant by "people disappearing".

Mr. Brown stated that patrons have disappeared because there was no point in going to the Library to look for books as they were not showing up. More recently, he has noticed that competent, capable staff has been leaving. If that happens in a corporate environment, the Board of Directors has to ask what is happening.

Councilmember Lyon requested to know from Mr. Brown that from his perspective, people were being forced out.

Mr. Brown stated that this was the least generous interpretation of "purged". It looks like that is what happened.

Councilmember Lyon requested to know whether Mr. Brown felt that the City Council has an obligation to check into what is going on in the Library.

Mr. Brown stated that he has heard that the Library Board is accountable to no one and may not care what is going on.

Councilmember Lyon stated that the people that feel that they are accountable to no one are the people that do not want to hold them accountable. Following the last election, the City Council passed a resolution to conduct the business of the City at the highest level of ethics. The mistreatment of City employees by anyone in the City would be a violation of those ethics. It would make no sense to pass a resolution to conduct the City at the highest level of ethics and have it apply only to the City Council and not to appointees or employees of the City. This should apply to everyone. Of course no one is perfect, but when there is a pattern appearing, there is cause for concern.

Mr. Brown stated that someone should give this consideration. The money allocated to books has increased again.

Mayor Milam stated that the contract with Bonneville County is back in place.

Mr. Brown stated that the expenditures for computers at the Library dwarfed everything in the budget when they knocked the books down. There has been some interest in dumbing down the library.

Councilmember Groberg stated that he did not want people to have the impression that the Library Board is not accountable in any way. He stated that the Mayor pointed out that the City Council approves the appointments of all Library Board Members. The City Council also approves the budget for the Library. The City Council can, by unanimous vote, remove any board members. There should be no impression that there is no interest on the part of the City Council. There is interest in the Library.

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Mayor Milam stated that there has been concern expressed about the regional computer operations and that is under consideration. It is a wonderful idea to tie all libraries together. The question is what portion does the City bear.

Paul Hall, appeared to state that he is an education specialist. He had occasion to be in the Library approximately one month ago with ten clients of a rehabilitation center. As they were leaving the Library, there was a gentleman between the ages of twenty-five to thirty-five, openly watching pornography on the bank of computers that sits at the top of the ramp. Anyone entering or leaving the Library could see what he was viewing. Mr. Hall stated that all of his children and grandchildren have used this Library and was concerned by what they might see. He stated that he was not involved with the controversy being spoken of tonight. He was going to voice his concern to the Library Director on the day that this happened, but was taken out of the Library on an emergency call and was unable to talk with the Director at that time. Mr. Hall visited with the Library Director in the audience who told him that this was not to happen in the Library. He wanted someone to monitor the computers more closely.

Mayor Milam stated that some of the public computers have filters and some do not. His concern has been noted and would be addressed.

Councilmember Groberg stated that this was the type of information that the City Council needed to have from the public.

Lisa Keller, 615 Crestview Avenue, appeared to express her concerns over what has taken place at the Public Library. The City Council has had the opportunity on a couple of occasions to effect some change in the Library. Mr. Brown and Ms. Keller stated that they must love the Library too much and were considered fanatics. Problems have not changed because the Library Board has not changed, except for one new Board Member. From what she understood, this Board Member has not been very active. When people come to the City Council with a concern, and those concerns are set aside, this bothers her. There are still those who are pulling hard for the Library to become more responsiveness to the patron, to the goals and mission that a Library should have, and to the effectiveness that has been present in the past.

Mayor Milam stated that the new Board Member is the Chief Counsel for Betel Energy. When the contract was awarded to Betel, Mayor Milam had the opportunity to speak with him and he told her that the next few months were going to be difficult. He stated that he would probably miss some of the Library Board Meetings and asked her if he should resign. Mayor Milam told him that everyone has those times in their life, and if he was going to be able to come back after the difficult time has passed, she told him that there was not a problem. This Board Member contacted her recently and told Mayor Milam that he understood that he had missed some meetings and that he would be in attendance from now on.

Ms. Keller stated that she hoped that the new Board Member would attend his meetings more regularly and pointed out that there are others who would not have had any conflict.

Councilmember Lyon requested to know whether Ms. Keller would like to see the City Council investigate the Library.

Ms. Keller stated that she would like to know what happened to all of the staff that she has known for 15 years.

Councilmember Lyon stated that this would take a thorough investigation.

Ms. Keller stated that some of things that she has been concerned about are beginning to come back. She applauded the efforts that have been made. She felt concern for the fact that there were concerns about the Library Board years ago and those concerns have not changed much.

Councilmember Lyon stated that he was confused when so many good people applied for the Library Board position, why one was chosen who did not express an interest

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in being on the Library Board. In reviewing the Library Board Minutes, Councilmember Lyon has determined that Mark Olsen has attended only approximately 30% of those meetings. Councilmember Lyon said that if he attended only 30% of his City Council Meetings, he would not be doing his job. When Mr. Olsen asked if he should resign, he was on the right track. Mr. Olsen is an attorney and was appointed as an asset to the Library. Councilmember Lyon stated that Mr. Olsen was made aware, early in his appointment, that there were potential problems with the Library Foundation. He chose to ignore this issue and now there is evidence to suggest that the Library may have been renting books illegally for months. Councilmember Lyon stated that he is going through the same thing with the new contractor at the site and he is at his meetings.

Ms. Keller stated that she hoped that the City Council would consider the options that are presented for a chance to effect some change rather than letting things go status quo.

Lacey Keller, 615 Crestview Avenue, appeared to state that she has been going to the Public Library since she was three years old. In those 14 years, she has seen a lot of changes in the Library. Some changes have been good and some have been bad. Some of these changes have been for the sake of change and change alone. Some of the programs that have been implemented do not serve the patrons of the Library, but make Library use difficult for the patrons. In the past, when a book is lost, there was a six month period of time to find that book and return it to the Library and fines not be incurred. Under the new policy, if a book is lost, fines are incurred up to \$5.00, the internet can not be used to renew the book, and the Library can not be used until the fines are paid off. This makes the Library difficult to use. If Miss Keller were to lose a book and can not find it for three months, she is not able to use the Library for three months. Miss Keller stated that she had high hopes when the Teen Room was introduced two years ago. Unfortunately, there have been problems. Use of that room slowed down. None of the records were kept from the beginning, so new records had to be developed. All of the librarians that she grew up with are now gone. She requested to know where they went. Many have quit due to the circumstances that they have been working under. Miss Keller also requested to know where the accountability is for all of this. The Teen Room has been rearranged four times since it was implemented. That is a waste of manpower and energy. She stated that she knew that it had to be done. This is unacceptable. She stated that the City Council is responsible for appointing people to the Library Board who make policies. She encouraged the City Council to take a look at the Library Board. The City Council needs to look at those people who care too much for the Library. Take a chance on someone new. The employees and patrons are gone because of the Library Board. The new librarians do not know what they are doing half of the time because they have not been there for more than six months. The Library Board is accountable to the City Council.

Councilmember Groberg stated that many people have come to this City Council Meeting with concerns about the Library. He clarified that the Library Director has the daily operational responsibility for the management and overseeing of the Library. Most of the issues presented need to be dealt with by the Library Board. The Library Board has regular meetings that are open to the public. Councilmember Groberg requested to know whether the people present feel that they would be unwelcome and not listened to by the Library Board.

Ms. Lisa Keller re-appeared to state that she has attended more Library Board Meetings than Mr. Olsen and the Library Board does welcome her in. She stated that they are very gracious with her, but there is a lot of eyeball rolling that goes on when she speaks. She was afraid that a lot of what she has said, the Library Board dismissed at first because she brought things to their attention. Three years ago, when she was having trouble, she spoke to the Library Board. She attended many Board Meetings after that and eventually

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spoke to the City Council regarding her problems at the Library. They are kind but they are not open to what she is saying. They take their jobs seriously and they are good people, but they are not responsive to the patrons. Ms. Keller explained the process that she has taken to resolve the problems that she was having. She said she felt that she was lied to by the former Director and ignored by the Library Board. She has also taken things to the new Library Director. She stated that there is not the accountability of the Library Board to the citizen and to the patron. They are good people, but their minds are closed to outsiders. She felt like she was an outsider.

Russ Brown re-appeared to state that the \$64.00 word would be "obdurate". There is a rigidity and a sense of rejection of any criticism or any observations. That is hard-edged. He said that he had dealt with some tough people in his professional career and one characteristic of the best of them was that even when they didn't like what you had to say they would listen and take action. He continued his description of the Library Board: obdurate, stubborn, hard-nosed, and grasping and holding of power.

Darrel Beebe, 2985 Caysie Lane, appeared to state that his wife was the Administrative Assistant at the Public Library for many years. He stated that the Library staff is gone because former Director Donahoo, was dishonest. Under Ms. Donahoo's leadership, she did things that were unethical and illegal. As the Administrative Assistant, his wife was being asked to do things that were unethical and illegal, and definitely against City policy. His wife, being an honest person, tried to bring these issues to the Library Board. He agreed that the Library Board are not all bad people, but they made a bad decision when Ms. Donahoo was hired. For some reason that he did not understand, they have refused to own up to that and instead defended Ms. Donahoo in everything that she did. When his wife took her concerns that were against City policy to the Library Board President, the Board President listened to her and thanked her for the information. The next thing that his wife knew, Library Director Donahoo was retaliating against his wife for the very things that she told the Board President about. It got so bad that Mr. Beebe and his wife determined that Mrs. Beebe should quit because her health was deteriorating due of the stress of the situation and, also, was honestly concerned that when this all came down that Ms. Donahoo would not be the one to go to jail. His wife observed things like the computer system, which was purchased by Ms. Donahoo without bid or without any scientific or technical consideration to the legitimacy of it. And then she approached the Board to approve the purchase. The Library Board knew that the computer and equipment was already ordered and some of it had already been delivered. Instead of taking action and disciplining Ms. Donahoo, the Library Board approved the computer system. That was a purchase of \$100,000.00 or more. There are many former Librarians that were forced to quit because they tried to report things to the Library Board. The Library Board was absolutely unresponsive. If there was any response, it came from Ms. Donahoo in a negative way. Mr. Beebe stated that he thought that what has happened to the former staff is a terrible travesty. There has been a terrible impact on their lives. His wife became so ill, the doctor originally thought it was rheumatoid arthritis which diagnosis was recently changed to lupus. This took place one month after being forced to quit her job. It was so bad that she could not open a car door with both hands. One lady died shortly after her experience at the Library. Others have experienced health problems. This was not 100% the Board's problem. It was mostly Ms. Donahoo's problem. This is the Board's problem because they did not make it right. They did not listen. When they did listen, they turned it back on the employees. Mr. Beebe stated that the City owes the former employees something. If his wife could have taken the stress, they would have sued the City. He thought that they would have won that suit. At one point after his wife quit, one of the librarians called his wife and offered her a job at the library. His wife accepted the job. Within five minutes of that telephone call, this same librarian called back and apologized

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and told her that she could not offer her the position because the Board President told her that Sybil Beebe will never work in this Library again. It is a travesty that Angie Swacina has been fired. She made life difficult for those in authority at the Library because no one would listen. The worst part of her dismissal is the way that it was written up, as she has been denied unemployment benefits. It is a travesty that Ann Nichols was fired. She was within one week of receiving her Masters' Degree in Librarian Science. She put \$40,000.00 into getting that degree, and yet she was deemed as the least valuable member of the staff at that point and was fired. Library staff are covering it up with words like "reduction in staff". Someone else was hired to fill that position shortly after Ann's dismissal. He apologized for taking so much time, but appreciated the Mayor and City Council for listening. Mr. Beebe stated that he understood that the City Council has limited authority over the Library. He wanted the City Council to know that there have been some terrible things that have occurred at the Library in the past few years. He knows that many do not like Councilmember Larry Lyon because of the way that he goes about things. Mr. Beebe stated that Councilmember Lyon is telling the truth. It would be helpful if the City could do something to make it up to the former librarians that did not want to quit. They loved their jobs.

Councilmember Lyon requested to know what Mr. Beebe wanted the City Council to do.

Mr. Beebe would like to see the City of Idaho Falls pay each former employee \$500,000.00.

Councilmember Lyon requested to know whether it would be best to get to the bottom of this travesty and provide a sense of vindication and justice for the people that were harmed.

Mr. Beebe stated that he was not certain how that could be accomplished.

Councilmember Lyon stated that all it would take is for the Council to have the guts to do it. He stated that he had the guts to do it.

Mr. Beebe stated that he is not convinced that the whole Library Board is bad. He holds them responsible for not taking action when they should have. He does not understand why the Library Board will not own up to their errors. The City Council could acknowledge, publicly, that there was wrong done. He would also like to see the Library Board apologize publicly. Mr. Beebe stated that he did not believe that any of the former employees could stand to go back to work at the Library. He wanted the esteemed Council to understand why they were present at this meeting, what's happened at the Library, and do whatever is in the Council's power to make sure that things like this do not happen again.

Angela Swacina re-appeared to address the problem that the patron had with pornography on the computers at the Library. At one time, when there was a fully-staffed reference desk, all of the computers that had internet access were accessible to the librarian's view. Many times in her capacity at the reference desk, she had occasion to stop people from viewing pornography on the computers. When the Teen Room was instituted, computers were put in the Teen Room. She had received numerous assurances that the Teen Room would be staffed at all times. She stated that she has visited the Library on several occasions and found no one in the Teen Room supervising. In the last couple of years, all of the staff that really cared and really had an investment in the Library, have left. Not only did she try to go through the City Council to get something done at the Library regarding the illegal and unethical issues, she also talked with Councilmember Lehto. Councilmember Lehto attempted to get something done, but was stonewalled at every opportunity by the Library Board. The Library Board was not anxious to complete the final investigation of financial irregularities that eventually did get done. Ms. Swacina has gone to Board Meetings to request that things be done while she was still an employee, before

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she became labeled as a disgruntled, fired employee. She received the same response that Lisa Keller got. This is not the way to run a Library. The real people that cared have been purged. In December, 2003, Ms. Swacina called Councilmember Hardcastle requesting help. She stated that Councilmember Hardcastle's response was, "Why do you even care?" Ms. Swacina stated that she cared because the Library was more than a paycheck to her. She loved her job. This was the best job that she ever had and will probably ever get. "Why would I risk my job to get rid of the former Director?" she asked. Ms. Donahoo was hurting Ms. Swacina's friends and fellow workers and was destroying their health. Ms. Swacina stated that she hung in there hoping that Councilmember Lehto would get something done. When Ms. Donahoo resigned, there was no disciplinary action taken and no admission of any wrongdoing. The Library Board Chairperson announced in the newspaper that the City was losing a great employee. She wondered how the thirteen former employees, who she said, had their lives decimated by the former Director felt about that statement. With the new Library Director, it has been denied that there has been any purge or retaliation of employees. Those that were whistleblowers are gone. Those that did not have the courage to stand up are still there. Ms. Swacina stated that the former employees are expected to believe that this was not done purposely, that it was based strictly on management decisions. She found that hard to believe. The Library Board has a lot of power. They have stated that they hire a good Director and let him/her do what they are supposed to do. The Library Board's job is governance and policy making, finance, personnel, service, and community relations. If the people on the Board do not have the time and inclination to take that responsibility, then they need to go.

Lacey Keller re-appeared to state that the responsibility of the City Council is to appoint members to the Library Board. Following a brief discussion regarding how people are appointed, it was determined that a majority of the City Council would vote to appoint a person to the Library Board. Councilmember Lyon explained, further, that a recommendation is made to the Mayor from the Library Board. The Mayor can in turn reject or approve that recommendation. If the recommendation is accepted, then that recommendation is presented to the City Council for confirmation. Mayor Milam stated that she does not need to have a recommendation from the Board. Councilmember Lyon stated that in order to remove a person from a Board, there are two ways to accomplish this. It would take a unanimous vote from the City Council to remove a person from a Board or the Mayor and three members of the City Council could vote to have a person removed. Councilman Lyon stated that it is likely that at least one Councilmember would be wanting to cover up for the person that needed to be removed so you wouldn't be able to get rid of them. Councilmember Lyon went on to say that this is a political environment. Many times common sense and the right thing to do get thrown out the window and politics prevails and people get left in place that should be removed.

Mayor Milam stated that Councilmember Lyon's comments were not entirely accurate, but would let it pass.

Miss Keller requested to know what was accurate. Mayor Milam stated that she could not vote on one of her appointments. Councilmember Lyon stated that under State Law, the Mayor and three Councilmembers can vote to remove an appointee. Councilman Lyon stated that if the Mayor makes an appointment in good faith and the person turns out to be a "lemon", the Mayor has a duty to make it right. Miss Keller requested to know who voted to appoint Mark Olsen to the Library Board. She expressed her concern that he has only attended approximately 30% of the Library Board Meetings. She stated that her mother, Lisa Keller, applied for the position and committed to be present 95% to 100% of the Board Meetings. This is compared to someone who showed little or no interest in attending these meetings.

Councilmember Groberg stated that it was a unanimous vote from the City Council to appoint Mark Olsen to the Library Board.

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Miss Keller requested to know what happens if the City Council does not approve a name. Mayor Milam explained that another name would be brought before the City Council for confirmation.

Councilmember Lyon stated that before Mark Olsen was brought forward for consideration, a person was recommended that was a problem patron of the Library. He felt that the nomination showed a pattern of retaliation by the Board against whistleblowers at the Library. When retaliation is taken on whistleblowers, it is not done obviously. He made it known that the person presented was a problem, provided documentation, and his nomination was withdrawn. At that time, Mark Olsen's name was placed before the City Council for confirmation. Councilmember Lyon stated that he had no reason to vote against Mr. Olsen, and voted for him. If Mr. Olsen's name were presented before the City Council for removal from the Library Board, Councilmember Lyon stated that he would vote to remove him from the Board. It is not that Mark Olsen is not a nice person, but people need to be on the Board who are a good fit.

Councilmember Groberg stated that he has gained an understanding that the people who have spoken tonight believe that the existing Library Board is not responsive to their legitimate concerns. He requested to know whether there was other information that needed to be presented. He requested to know from the Mayor whether it would be appropriate to look into whether this is a problem of an unresponsive Library Board.

Miss Lacey stated that the problems began with the former Library Director. They are still having the same problems because it is the same Board. She stated that the people present have not shut-up yet and will not shut-up until things are fixed.

Councilmember Groberg stated that the City Council can not take any action at this time, other than listen to the concerns that are expressed. He recommended that the City Council needs to hear a report on these issues. It would be unwise to make any suggestion of what actions the Council might take. He stated that he has been a lawyer long enough to know that there is always another side to the story. He would like to hear the rest of the story.

Ms. Swacina re-appeared to state that she wanted the Foundation to be investigated. They will not answer any questions. The City Attorney told the Library Board that the rental of books by Idaho Falls Public Library should not be done. The sitting Library Board, with the exception of Mr. Olsen, let the books be rented. The City Attorney's opinion was not to rent books unless it was done under the umbrella of a Foundation. The Board knew that the Foundation did not exist. Ms. Swacina went to Library Board President Bev Kemp, who asked Ms. Swacina to do the books. Ms. Swacina told Ms. Kemp that she would not do the books as she thought it was illegal. Ms. Swacina was told that the intent was there to form the Foundation and get the private funds. The Library Board needs to be accountable. She stated that she has gone to the Library Liaisons and has received no satisfaction. She said that she is tired of being told that all problems stem from Bonneville County not having a contract for one year. That is a bogus argument. The computer system was purchased, the consortium was put in place, and the system was in place in July of that year. The Library Board did not vote to approve the computer system for six more months.

Councilmember Lyon stated that he would like to speak to the people who had come to express concerns about the Library. He appreciated those who expressed concerns. He stated that he has been to the Library Board to ask questions. He has found them to be totally unresponsive. They have been belligerent and he has felt stonewalled at every turn in trying to get answers to the simplest questions. He shared an experience shortly after the former Library Director left where he asked Bev Kemp how long it would take to hire a new Library Director. Councilman Lyon said that Bev Kemp acted smug and

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indifferent and would not answer his question. He stated that he asked her the question three times, at which time, Ms. Kemp told the circulation desk to call the police on him.

Councilmember Lehto stated that Councilmember Groberg has made a good suggestion in that there are two sides to every story. Maybe Councilmember Lyon needs to have the City Council and the Library Board meet together to address his concerns. Councilman Lyon stated that he had attended a Library Board Meeting that very day. He felt that the Board didn't want to hear what any patrons in attendance had to say and that if anyone other than the Board spoke at the Meeting they were just patronized.

Councilmember Lyon stated that he agreed with Councilmember Groberg that the City Council needs to look into these issues. The City Council needs to do it in a way that is thorough, independent and unbiased. We don't need an investigation that is an official cover up for what really happened. He has witnesses that have provided evidence to him that the Library Board has allowed employees to be bullied, harassed and intimidated by the current Library Director and the former Library Director. There is evidence to suggest that the Library Board hired the former Director knowing that only a few months before she had embezzled money from her former employer.

Mayor Milam cautioned Councilmember Lyon about his comments as the former Library Director is now a private citizen.

Councilmember Lyon went on to say that the Library Board knew this and did nothing. There was evidence to suggest that the former Library Director was bouncing personal checks written to the Library, violating child labor laws, and violating City policy and proper accounting procedures. The Library Board tried to stifle Library employees concerns when they were raised about the behavior of the former Director and tried to hide what was going on. This is not acceptable and the City Council needs to get to the bottom of this.

Councilmember Lehto slammed his hands on the Council Table and stated that he would leave the Council Meeting. He told Councilmember Lyon that he has an opportunity and a responsibility to allow the people to speak. He stated that he appreciated those who expressed their concerns to the City Council. The City Council will not debate this tonight.

Councilmember Lyon stated that he did not want to have this debate now. He simply wanted to put this information on the record. He stated further, that there are certain Councilmembers that want to stonewall this investigation or that do not want to hold this investigation. Councilmember Lyon stated he wanted it on the record that there is very good reason to have an investigation, so that those on the City Council that want to stifle the investigation are held accountable by the voters this fall.

Mayor Milam stated that the people have been heard and the City Council will get the information. All of the comments have been noted. She stated that there will be no further accusations against volunteers, against people who used to be at the Library, and against employees who are still at the Library.

Councilmember Lyon stated that he is not making accusations. It is all documented.

Councilmember Groberg stated that the Council Work Session is the appropriate forum for this discussion. Those who are being challenged shall have the opportunity to respond. Councilmember Groberg stated that he would not consider this to be an investigation, but simply an opportunity to hear the other side of the story.

Mayor Milam stated that the City Council has heard a considerable amount of information and the City Council will meet on these issues.

Councilmember Shurtleff took his place at the City Council Table and the Public Works Director returned to his seat.

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J. W. Everitt, 117 Whittier Street, appeared to state that earlier in the evening, Councilmember Lyon was speaking to something that is of great concern to him, especially after sitting through several hours and watching people roll their eyes, fall asleep, and do everything else that was inappropriate for Councilmembers to do. He pointed out that what is needed is an accurate representation of what happens at City Council Meetings so that they can be archived. First and foremost, a committee needs to be formed to move forward with the closed circuit television broadcast so that the people of Idaho Falls can watch it from their living rooms. Mr. Everitt stated that Councilmember Lyon brought forward a valid point on how people get characterized by the City Clerk's editorial license of how she perceives what people say and don't say. In the spirit of being a good citizen of the City of Idaho Falls, he stated that he was willing to donate to the City of Idaho Falls a DVD and camera system to record all meetings. This is inexpensive to do. If the City Council can spend \$25,000.00 on a hand-held computer for the meter maid so that she can keep track of who is parking overtime, the City Council can spend money on this. In the event that the City Council is unwilling to purchase a DVD and camera system, he again stated that he would donate the system to the City and have it installed. It is simple to archive with a DVD. They do not deteriorate like tape. They take up little room. He moved that someone on the City Council should request that this be done, with a second, and move forward. This is the only ethical, decent thing to do. In all honesty, he stated that he did not trust half of the City Council. He certainly did not trust the way the minutes were taken by the City Clerk, who has a vested interest in having it spun in a certain way.

Mayor Milam stated that she was referring both of these issues to the Municipal Services Council Committee. In terms of broadcasting Council Meetings, there is not a government access channel, there is a public access channel and an education access channel. The Cable Franchise Ordinance provides for that. The Franchise Agreement does not provide for that as yet. This would require a certain expenditure on the part of the Cable provider. It also provides for a certain expenditure on the part of the City and that has not been budgeted. The City is beginning the budget process for the 2005-2006 Fiscal Year. If a decision is reached with the Cable provider, and if the City Council chooses to budget those dollars, then this may go forward.

Mr. Everitt stated that if the City Council can budget \$1,000,000.00 for a substation that can not be used, the City Council should be able to budget enough to provide for a public access channel.

Mayor Milam tried to explain further.

Mr. Everitt told the Mayor not to interrupt him anymore. He stated that he did not interrupt her. He told her that if he is talking, she is to let him talk. He stated that the City Council can find the money to accommodate the public access channel so that the people of Idaho Falls can be involved in the governing of their City and of themselves. If this can not be done, then the public needs to look to the City Council to find out why it can not be done. The City Council can find money for the Mayor's trips to Japan.

Mayor Milam stated that she has never taken City money to go to Japan. She has paid every penny herself. She told Mr. Everitt to never accuse her of that again.

Mr. Everitt stated that he would look into that. He stated that if he did find that to be true, he would come back and apologize to the Mayor. The City Council was able to find money for the hand-held computer for the meter maid.

Mayor Milam stated that the money for the hand-held computer was budgeted by this City Council. She explained, again, that money can be budgeted for items as the City Council sees fit.

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Mr. Everitt stated that the City Council has some explaining to do as to why there is a \$1,000,000.00 substation that does not work where it is supposed to.

Councilmember Groberg stated that the item "Recognition of citizens from the floor" is to hear input from the citizens. He proposed that that invitation carries with it a certain level of responsibility and decorum, not yelling.

Mr. Everitt stated that he just watched a City Councilmember jump up from the Council Table and slam his hand on the table, shove his chair backward and announce that he was leaving. If that City Councilmember can do that, then Mr. Everitt stated that he could do that.

Councilmember Groberg stated that he was serious about maintaining decorum in City Council Meetings. Mr. Everitt stated that he was serious, also. Councilmember Groberg stated that this was the Mayor and City Councilmembers' Council Meeting. Mr. Everitt stated that it was his Council Meeting. He was a citizen of Idaho Falls.

Councilmember Groberg stated that there has to be a respectful dialog at Council Meetings. It is not appropriate to have yelling. He understood that the Mayor and Council could not take action on this now, but he believed that a certain decorum and responsibility needs to be part of the understanding when a person addresses the Mayor and City Council.

Mr. Everitt stated that there is a wonderful decorum at City Council Meetings, it is whatever the Mayor wants. He stated that he has been shut down numerous times when he appeared before the City Council. This is not going to happen anymore.

Councilmember Lyon stated that in order to take action on an issue, it needs to be an Agenda item and needs to go through the budgeting process. There is not much that the City Council can do on the spur of the moment.

Mr. Everitt stated, again, that he would donate the system necessary to record City Council Meetings in their entirety. He stated that he would pay for it and for having it installed. That way a complete record can be made of City Council Meetings.

Councilmember Lyon requested to know whether Mr. Everitt intended to purchase a system that would broadcast on the public access channel or just to record the meeting.

Mr. Everitt stated that he would purchase a system to record, on DVD, the City Council Meetings in their entirety, so that when someone wants to look back at what happened, that person could actually see what happened and hear what happened.

Councilmember Lyon stated that the DVD system could be used in addition to the audio tapes.

Mr. Everitt stated that there is no need for audio tapes when a superior technology can be used. Tapes are a mechanical device and they fail and they deteriorate over time. DVD's do not and they take up less space.

Councilmember Lyon commented that while one copy of the meeting is archived at the City, another copy could be submitted to the Library.

Mr. Everitt offered to buy a 2 disc recorder.

Councilmember Groberg stated that this would become an Agenda item and can be discussed. He stated further, that if Mr. Everitt wanted to make a donation to the City and attach conditions to that donation, he was welcome to put it in writing and submit it to the Mayor. This could then be presented to the City Council.

Mr. Everitt stated that his only concern was that if he were to purchase the system, that it would actually be used.

The Airport Director submitted the following memo:

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City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: M. R. Humberd, Director of Aviation
SUBJECT: CONSENT TO ASSIGNMENT BETWEEN JOHN SACKETT AND
LEON WALTERS TO ROBERT CLAYTON

Attached for City Council approval is the Consent to Assignment for the sale of an aircraft hangar between John Sackett and Leon Walters to Robert Clayton.

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

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Hally, to approve the Consent to Assignment of Hangar Lease Agreement from John Sackett and Leon Walters to Robert Clayton and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Fire Chief submitted the following memo:

City of Idaho Falls
April 12, 2005

MEMORANDUM

TO: Honorable Mayor Milam and Council
FROM: Dean Ellis, Fire Chief
SUBJECT: FIREWORKS ORDINANCE

Attached for your consideration is the City of Idaho Falls Fireworks Ordinance with only the additions and modifications to reflect the request of allowing membrane structures for the sale of fireworks. The Fire Chief requests

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approval from the Mayor and Council to adopt these changes as per attached ordinance.

s/ Dean Ellis

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

ORDINANCE NO. 2597

AN ORDINANCE AMENDING SECTIONS 6-2-5, 6-2-8 AND 6-2-9, OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR AMENDMENTS TO THE PROVISIONS REGARDING FIREWORKS STANDS; PROVIDING FOR SEVERABILITY; PRESERVING PRIOR ORDINANCE; AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
April 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: MAYORAL RUN-OFF ELECTIONS RESOLUTION

Attached for your consideration is the proposed Resolution providing for an initiative election with respect to run-off elections for the office of Mayor.

s/ S. Craig Lords

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RESOLUTION NO. 2005-3

PROVIDING FOR AN INITIATIVE ELECTION
PERTAINING TO RUN-OFF ELECTIONS FOR THE
OFFICE OF MAYOR.

WHEREAS, pursuant to the provisions of Idaho Code § 50-612,
the holding of run-off elections may be provided for by ordinance with respect
to candidates seeking election for the office of Mayor;

WHEREAS, pursuant to the provisions of § 1-12-7, City Code of
Idaho Falls, Idaho, the City Council may submit to the popular vote in any
regular or special election any initiative, the subject of which is allowed by
law.

WHEREAS, the City Council desires to determine the will of the
people with respect to run-off elections for candidates seeking the office of
Mayor;

NOW, THEREFORE, be it resolved as follows:

1. **Run-Off Election for Mayor.** That the following initiative
measure be submitted to the vote of the electorate at the November, 2005
General Election, in the manner provided by State Law and as provided by the
provisions of Chapter 12, Title 1, City Code, to-wit:

SHALL SECTION 1-5-11, OF THE IDAHO FALLS
CITY CODE PROVIDING FOR RUN-OFF
ELECTIONS FOR THE OFFICE OF MAYOR BE
REPEALED WITH RESPECT TO ELECTIONS
CONDUCTED AFTER THE YEAR 2005?

_____ Yes

_____ No

2. **Conduct of Election.** Such initiative election shall be
conducted on November 8, 2005, in conjunction with the general election on
such date. The conduct of such election and the publication of election
notices with respect to such initiative measure shall be conducted in the
manner provided by State Law and by the provisions of Chapter 12, Title 1,
Idaho Falls City Code.

DATED this 15th day of April, 2005.

s/ Linda M. Milam
Linda M. Milam
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

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Councilmember Lehto gave a further explanation of this proposed resolution.

Councilmember Lyon questioned whether this resolution would provide for a binding advisory vote with respect to run-off elections for the office of Mayor.

Councilmember Lehto stated that this issue would not provide for a binding advisory vote from the public and the City Council could take this under advisement.

The City Attorney stated that the resolution provides for a binding advisory vote that would result in an automatic repeal of that section of the City Code that currently requires run-off elections.

Councilmember Lyon requested to know whether the resolution that was passed for a run-off election for City Councilmembers provided for a binding advisory vote. The City Attorney stated that it was.

Councilmember Lyon expressed that he was confused by what has taken place.

Councilmember Groberg stated that this election is conducted under terms that are now in effect. The City Council has passed an ordinance and everyone knows what the rules of this election are. At that election, the general voting public will have the opportunity to declare whether they want to have run-off elections in subsequent years.

Councilmember Lyon stated that he felt like he was a victim of the bait and switch, because he thought that these initiatives were for advisory votes that were not binding.

The City Attorney explained that the previous resolution providing for an initiative election with respect to run-off elections for the office of City Councilmembers and this resolution providing for an initiative election with respect to run-off elections for the office of Mayor are virtually identical.

Councilmember Lyon stated that many times it is difficult to keep up with the double-speak at the City Council Table and he felt that he was left behind.

Councilmember Groberg stated that this is not confusing. The election for this year is set. The public is given an opportunity to express their opinion in a referendum. After they have expressed their opinion in the referendum, either the law will continue as it is or it will be changed according to their vote.

Councilmember Lyon stated that he intended to vote for this resolution because he believed in taking these issues to the people. There are other issues that need to go before the people. He believed that the people should be able to vote on whether they want the levy raised or not. He quoted Thomas Jefferson in that, "Every government degenerates when trusted to the rulers of the people alone". Councilmember Lyon commented that if this was good for 2005, why was it not good for 2003. He stated that every political trick was used to keep this off of the ballot in 2003. There are people who do not believe in the principle that Thomas Jefferson expressed when he said, "The law of the majority is the natural law of the society of men". He did not say, the law of the "plurality".

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Resolution providing for an initiative election with respect to run-off elections for the office of Mayor and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

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Motion Carried.

City of Idaho Falls
April 5, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: RESOLUTION AND RESTATED MODIFICATION AGREEMENT

Attached for your approval is a Resolution and Restated Modification Agreement providing for the substitution of Regional Development Alliance (RDA) as a co-grantee in place of the Idaho Innovation Center, with respect to the managing agent for the revolving loan fund.

s/ S. Craig Lords

RESOLUTION NO. 2005-4

WHEREAS, Bonneville County, Idaho Falls, and IIC are the current award co-grantees ("Co-Grantees") of a \$4.5 Million "Sudden and Severe Economic Dislocation" grant (the "EDA Grant") from the United States Economic Development Administration, under Title IX of the Physical Facilities and Economic Development Act, which grant is identified as EDA Award No. 07-49-03147;

WHEREAS, in conjunction with the award of the EDA Grant, the Co-Grantees entered into a certain "Joint Agreement – Technology Park Project" dated October 26, 1993, (the "TPP Joint Agreement");

WHEREAS, pursuant to the terms of the TPP Joint Agreement, the Co-Grantees established a Revolving Loan Fund (the "RLF") Element, under the terms of which, the parties agreed to capitalize the RLF with the approximate amount of \$1 Million, for the purpose of providing capital funds for new and emerging high technology businesses, especially those commercializing INEEL-developed technologies;

WHEREAS, Idaho Falls, under the terms of the TPP Joint Agreement, contributed the sum of \$550,000.00 to the RLF and whereas the Co-Grantees further agreed that during Phase II of the RLF element, the IIC would collect, administer and manage all loan accounts under the RLF, in accordance with the "RLF Administrative Plan" as approved by the EDA;

WHEREAS, the Co-Grantees now desire to substitute the RDA as a co-grantee in place of the IIC and whereas the RDA is willing to assume and fully, faithfully and timely perform all IIC's duties, obligations and undertakings under the terms of the TPP Joint Agreement, subject to the terms and conditions set forth below;

NOW, THEREFORE, be it hereby resolved that the Mayor and City Clerk be and hereby are authorized to execute that certain "Restated

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Modification Agreement” attached hereto as Exhibit “A” and that the Mayor be and hereby are authorized to execute any and all other documents necessary to complete the substitution of the RDA in the place and stead of the Idaho Innovation Center, in accordance with the terms and conditions of said Agreement.

APPROVED by the City Council on this 14th day of April, 2005.

DATED this 15th day of April, 2005.

s/ Linda M. Milam
Linda M. Milam
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Resolution and Restated Modification Agreement providing for the substitution of Regional Development Alliance (RDA) as a Co-Grantee in place of the Idaho Innovation Center, with respect to the managing agent for the revolving loan fund and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PLACEMENT OF BOILER AND MACHINERY AND PROPERTY
COVERAGE FOR ALL HYDRO PROJECTS

It is respectfully requested that Mayor and Council bind the City’s insurance coverage for all of the hydro projects. The premium for the year beginning April 29, 2005 is \$283,531.00 with Hartford Steam Boiler. Fred A. Moreton and Company is the Broker.

s/ S. Craig Lords

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It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the placement of the City's insurance coverage for all hydro projects with Hartford Steam Boiler, with Fred A. Moreton and Company as the Broker. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 8, 2005

MEMORANDUM

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

Attached for your consideration is the Project Help Agreement with Eastern Idaho Special Services. This agreement allows EISSA to act as our agent to distribute our Project Help utility donations. The annual cost for this service is \$1,500.00.

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

s/ S. Craig Lords

Mayor Milam clarified that 100% of the donations go to Project Help. The \$1,500.00 fee is paid by the City.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Agency Agreement for Project Help with Eastern Idaho Special Services Agency (EISSA) and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
April 8, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ELECTRICAL CONDUCTOR PER IDAHO ENERGY AUTHORITY
BID

Attached for your consideration is the tabulation for the Electrical Conductor per Idaho Energy Authority Bid.

It is the recommendation of Municipal Services to purchase specified items totaling \$37,570.23, from the conductor bid issued by the Idaho Energy Authority – Bid No. IDEA-05-01. The required items are listed on Attachment “A”. The low evaluated bid was selected for each item, except for Bid Item 3. The low bid could not meet minimum freight requirements; therefore, the next low bid was selected.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to purchase the low evaluated bid items for specified items from the electrical conductor bid issued by the Idaho Energy Authority – Bid No. IDEA-05-01 and reject the low bid as it did not meet the minimum freight requirements. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – ALLEY SANITARY SEWER REPLACEMENT
BETWEEN 22ND AND 23RD STREETS AND 23RD AND 24TH
STREETS FROM SOUTH BOULEVARD TO LEE AVENUE

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On March 29, 2005, bids were received and opened for the Alley Sanitary Sewer Replacement between 22nd and 23rd Streets and 23rd and 24th Streets from South Boulevard to Lee Avenue. A tabulation of the bid results is attached.

Public Works recommends award to the low bidder 3H Construction in the amount of \$155,259.85; 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 3H Construction in the amount of \$155,259.85 to complete the Alley Sanitary Sewer Replacement Between 22nd and 23rd Streets and 23rd and 24th Streets from South Boulevard to Lee Avenue and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ENGINEERING SERVICES – WELL 13B WELL HOUSE AND PUMP STATION

Public Works received and evaluated proposals from several engineering firms to provide engineering services for Well 13B Well House and Pump Station.

Public Works recommends selection of Black & Veatch to perform these services; and, authorization to negotiate a fee schedule.

s/ Chad Stanger

Following a brief explanation, Councilmember Shurtleff stated that if a fee schedule can not be negotiated, then a new review would be conducted. It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to select Black and Veatch to perform engineering services for Well 13B Well House and Pump Station and, further, give authorization to negotiate a fee schedule. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
April 11, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: ANNEXATION AGREEMENT AMENDMENT - ST. CLAIR
ESTATES ADDITION, DIVISION NO. 5

Attached is a proposed Amendment to the Annexation Agreement for St. Clair Estates, Division No. 5. As proposed, this amendment obligates the developer to install certain storm drain facilities in the development which will be used for storm drainage from areas not included in the development. In return, the City is obligated to reimburse the developer for cost associated with installation of these facilities in the amount of \$131,515.00.

Public Works recommends approval of this amendment; 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 Amendment to the Annexation Agreement for St. Clair Estates Addition, Division No. 5 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

Councilmember Groberg stated that he intended to put on the Municipal Services Council Committee Agenda, a discussion of decorum at City Council Meetings. He stated that he felt inhibited to enforce the type of respect that he felt should have been

APRIL 14, 2005

present at the meeting. He did not know whether there was a solution to this problem. He requested that the Mayor and City Council be thinking about ways that decorum can be maintained so that there is a respect for dialog.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, that the meeting adjourn at 11:07 p.m.

CITY CLERK

MAYOR
