

JANUARY 27, 2005

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, January 27, 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 requested Boy Scout D. J. Eckman to come forward and lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the January 13, 2005 Regular Council Meeting and the January 24, 2005 Work Session.

The City Clerk presented several license applications, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on January 27, 2005.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
January 27, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: AUTHORIZATION TO BID FOR COMMUNITY PARK

The Division of Parks and Recreation respectfully requests authorization to receive bids for the asphaltting of Community Park Parking Lot (Phase II).

s/ David J. Christiansen

The Public Works Director submitted the following memos:

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City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION - 5TH STREET WATER LINE
REPLACEMENT FROM BOULEVARD TO HOLMES AVENUE

Public Works requests authorization to advertise to receive bids for the 5th Street Water Line Replacement from Boulevard to Holmes Avenue.

s/ Chad Stanger

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AUTHORIZATION - PRESTO STREET LIFT STATION

Public Works requests authorization to advertise to receive bids for the Presto Street Lift Station Upgrade.

s/ Chad Stanger

City of Idaho Falls
January 24, 2005

MEMORANDUM

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

Public Works requests authorization to advertise to receive bids for the Alley Sanitary Sewer Replacement Projects between 22nd Street and 23rd Street; and, 23rd Street and 24th Street from South Boulevard to Lee Avenue.

s/ Chad Stanger

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

Aye: Councilmember Groberg

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Councilmember Hally
Councilmember Lehto
Councilmember Lyon
Councilmember Shurtleff
Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from RMH (Residential Mobile Home) to GC-1 (General Commercial) on property located generally at 400 North Emerson Avenue, legally described as Lots 25 through 28 and the west 2 feet of Lot 29, Block 20, Capitol Hill Addition. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST TO REZONE FROM RMH TO GC-1 – LOTS 25-28 AND WEST 2 FEET OF LOT 29, BLOCK 20, CAPITOL HILL ADDITION

Attached is the application to rezone Lots 25-28 and West 2 Feet of Lot 29, Block 20, Capitol Hill Addition from RMH (Residential Mobile Home) to GC-1 (General Commercial). This site is located northeast of the intersection of Cleveland Street and Emerson Avenue. At its December 7, 2004 Meeting, the Planning Commission recommended approval of this rezoning. The Department concurs with the Commission's 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 Aerial Photo
Slide 3 Aerial Photo – Close Up
Slide 4 December 2000 Comprehensive Land Use Plan
Slide 5 Site Photo of a home on the southern portion of the site with an unpaved parking area on the northern portion of the site
Slide 6 Site Photo showing area west of the site
Slide 7 Site Photo showing area south of the site
Exhibit 1 Planning Commission Minutes dated December 7, 2004

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Exhibit 2 Staff Report
Exhibit 3 Map of Location

Scott Griffin, 2566 Genevieve Way, appeared as the representative from and the Business Manager of the Ron Sayer Automobile Dealership. He stated that the intent for this property is to build a warehouse. Mr. Griffin stated that he talked with all but one person living in the area. Everyone was in favor of the proposed changes.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the zone change from RMH (Residential Mobile Home) to GC-1 (General Commercial) on property located generally at 400 North Emerson Avenue, legally described as Lots 25 through 28 and the west 2 feet of Lot 29, Block 20, Capitol Hill Addition and that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings Prior to Platting for Sun Development, LLC for Margarita Jo Moody, Metes and Bounds Legal Description in the North Quarter Corner, Section 32, Township 2 North, Range 38, East of the Boise Meridian. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING AND INITIAL ZONING OF R-1, MOODY PROPERTY

Attached is the Annexation Agreement (Prior to Platting) and the Annexation Ordinance for the 4.25 Acres located east of Castlerock Lane and southwest of Shadow Mountain Trail. The requested initial zoning is R-1 (Single-Family Residential). At its December 7, 2004 Meeting, the Planning Commission recommended approval of this annexation. The Department concurs with the Commission's recommendation. 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 prior to platting request:

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Aerial Photo
- Slide 3 Aerial Photo – Close Up
- Exhibit 1 Planning Commission Minutes dated December 7, 2004
- Exhibit 2 Staff Report
- Exhibit 3 Map of Requested Annexation

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that he was present to answer any questions from the Mayor and Council.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement Prior to Platting for Margarita Jo Moody, Metes and Bounds Legal Description in the North Quarter Corner of Section 32, Township 2 North, Range 38, East of the Boise Meridian, and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2578

**MARGARITA JO MOODY, METES AND BOUNDS LEGAL
DESCRIPTION IN THE NORTH QUARTER CORNER OF
SECTION 32, TOWNSHIP 2 NORTH, RANGE 38, EAST
OF THE BOISE MERIDIAN**

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.

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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 Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

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 the Margarita Jo Moody Metes and Bounds Legal Description in the North Quarter Corner of Section 32, Township 2 North, Range 38, East of the Boise Meridian 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 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 the Idaho Falls Commerce and Labor Office, 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
January 24, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, FINAL PLAT, AND INITIAL ZONING OF HC-1,
IDAHO FALLS COMMERCE AND LABOR OFFICE

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Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Idaho Falls Commerce and Labor Office. This one lot plat of 1.86 acres is located north of and immediately adjacent to Lincoln Road. The requested initial zoning is HC-1 (Highway Commercial). At its December 7, 2004 Meeting, the Planning Commission recommended approval of this annexation. The Department concurs with the Commission's recommendation. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close Up
Exhibit 1	Planning Commission Minutes dated December 7, 2004
Exhibit 2	Staff Report
Exhibit 3	Copy of Final Plat

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to answer any questions from the Mayor and City Council.

There being no further comment 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 Idaho Falls Commerce and Labor Office, 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. 2579

IDAHO FALLS COMMERCE AND LABOR OFFICE, DIVISION NO. 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO
THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING
THESE LANDS; REQUIRING THE FILING OF THE

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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 Idaho Falls Commerce and Labor Office, Division No. 1 as HC-1 (Highway Commercial) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Idaho Falls Commerce and Labor Office, 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 Lehto
Councilmember Groberg

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Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings Prior to Platting for City of Idaho Falls - Ryder Park, Metes and Bounds Legal Description in the North Quarter Corner, Section 35, Township 2 North, Range 37, East of the Boise Meridian. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING AND INITIAL ZONING OF
R-1 AND I & M-1 – RYDER PARK

Attached is the Annexation Ordinance for 67.31 acres located adjacent to and across the Snake River, the majority of which comprises the future Ryder Park. The requested initial zoning is R-1 west of the Snake River and I & M-1 east of the Snake River. At its December 7, 2004 Meeting, the Planning Commission recommended approval of this annexation. The Department concurs with the Commission's recommendation. 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 prior to platting request:

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Aerial Photo – Close Up
Exhibit 1 Planning Commission Minutes dated December 7, 2004
Exhibit 2 Staff Report
Exhibit 3 Map of requested annexation

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

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

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ORDINANCE NO. 2580

**CITY OF IDAHO FALLS – RYDER PARK, METES AND BOUNDS
LEGAL DESCRIPTION IN THE NORTH QUARTER CORNER OF
SECTION 35, TOWNSHIP 2 NORTH, RANGE 37, EAST
OF THE BOISE MERIDIAN**

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 Groberg
Councilmember Hally
Councilmember Lehto
Councilmember Lyon
Councilmember Shurtleff
Councilmember Hardcastle

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 the City of Idaho Falls – Ryder Park Metes and Bounds Legal Description in the North Quarter Corner of Section 35, Township 2 North, Range 37, East of the Boise Meridian as R-1 (Single-Family Residential) Zoning on the west side of the Snake River and I & M-1 (Industrial and Manufacturing) Zoning on the east side of the Snake River as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

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Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings Prior to Platting for Mountain River Engineering for Sunnyside Crossroads, LLC, Metes and Bounds Legal Description in the North Quarter Corner, Section 34, Township 2 North, Range 37, East of the Boise Meridian. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING AND INITIAL ZONING OF
 HC-1 – SUNNYSIDE CROSSROADS

Attached is the Annexation Agreement (Prior to Platting) and the Annexation Ordinance for 2.29 acres located southwest of the intersection of Pioneer Road and I-15. The requested initial zoning is HC-1 (Highway Commercial). At its December 7, 2004 Meeting, the Planning Commission recommended approval of this annexation with conditions which have been incorporated into the annexation agreement. The Department concurs with the Commission's recommendation. 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 prior to platting request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Aerial Photo – Close Up
Exhibit 1	Planning Commission Minutes dated December 7, 2004
Exhibit 2	Staff Report
Exhibit 3	Map of requested annexation

The Planning and Building Director explained, further, that a frontage road is proposed that would ultimately tie into Old Butte Road extended south to Pioneer Road.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that exciting changes are taking place in this area. This annexation would allow for two restaurant pads as this area develops. This annexation also allows for the ability to annex further to the south.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement Prior to Platting for Sunnyside

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Crossroads, LLC, Metes and Bounds Legal Description in the North Quarter Corner of Section 34, Township 2 North, Range 37, East of the Boise Meridian, and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2581

**SUNNYSIDE CROSSROADS, METES AND BOUNDS
LEGAL DESCRIPTION IN THE NORTH QUARTER CORNER OF
SECTION 34, TOWNSHIP 2 NORTH, RANGE 37, EAST
OF THE BOISE MERIDIAN**

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 Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Shurtleff
Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

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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 the Sunnyside Crossroads, LLC, Metes and Bounds Legal Description in the North Quarter Corner of Section 34, Township 2 North, Range 37, East of the Boise Meridian as HC-1 (Highway Commercial) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

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

J. W. Everitt, 117 Whittier Street, appeared to express his concern for an individual living in his area that was in violation of federal law in possessing firearms. Mr. Everitt stated that this individual has been convicted of domestic violence. The Police Chief has been aware of this situation for some time. Mr. Everitt called upon the City Council to direct the Police Chief to solve this matter once and for all and diffuse the situation. Mr. Everitt, further, threatened that if the City Council does not do something about this situation, he would hold the individuals that did not do anything about it personally responsible should something happen. Mr. Everitt also questioned the Permit that he received regarding the keeping of his bobcats. At the top of his permit, it states "This Permit Must Be Conspicuously Displayed", and requested to know where this should be displayed. Following a brief discussion, Mayor Milam stated that he could keep the Permit on file in his home should anyone ask to see it.

The Police Chief appeared to state that it was explained to Ms. Chaffee at a Public Safety Council Committee Meeting that the local Police Department did not have the authority to enforce federal law without federal authority. He stated that he has contacted the Boise Alcohol, Tobacco, and Firearms Bureau to confirm that. Since that time, ATF has come over from Boise to investigate this issue. The ruling from the U. S. Attorney is that the law cannot be enforced unless the person that was convicted of domestic violence was told at the time of their conviction by the Judge that this was part of the ruling. There is nothing in the record to show that Mr. Sosnowski was ever told that. The federal officers have declined to make an arrest or charge Mr. Sosnowski. The Police Department has no power as local police to enforce that law without the authority of the federal officers.

Mr. Everitt re-appeared to state that he has done some research on this issue. The Police Chief is not bound to enforce that law because he is the City official, but he does have the authority to enforce that law at his discretion. He has decided not to enforce it. Mr. Everitt stated that he would take this issue up with the ATF Bureau in Boise to get a reconsideration.

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Mayor Milam requested the Police Chief to get something in writing from the ATF Bureau in terms of how the Police Department is to deal with this issue as local officials.

Mr. Everitt stated that he would like a copy of that document when it comes from ATF.

Mayor Milam stated that she would forward a copy to Mr. Everitt.

Mr. Everitt stated that police officers witnessed Mr. Sosnowski coming out of his house with a gun in his hands making threats, along with witnessing Mr. Sosnowski's son coming into the middle of the street with a baseball bat threatening Mr. Everitt and his bobcat. There were also ten to twelve witnesses present.

Councilmember Lyon stated that Mr. Sosnowski called his house upsetting his wife. This prompted him to contact the Police Chief, who put an officer on the case. He stated that he has not had any further problem with Mr. Sosnowski. Councilmember Lyon stated that it was disturbing to him that a person with a conviction is armed and should not be under federal law. It is also disturbing for the Police Department is unable to do anything to remedy the situation. And yet, months were spent trying to outlaw two bobcats that were not a public safety threat.

Mayor Milam stated that the Police Chief has addressed this issue and the City will request something in writing from the federal officials who have made that determination. Mayor Milam stated that copies of that information would be distributed.

Councilmember Lyon stated that there should be something that can be done to improve the level of safety in that neighborhood.

Mr. Everitt re-appeared and stated that numerous individuals have watched David Sosnowski and his son threaten Mr. Everitt, Ms. Chaffee and their bobcats. Mr. Everitt stated that he owns firearms and is highly trained in the use of them. He also commented that he has never stepped out of his home brandishing a firearm. This situation looks like arbitrary enforcement.

Ted Milton, 635 Troy Avenue, appeared to state that the City of Idaho Falls has purchased a mobile substation for \$1,000,000.00. This is a reckless expenditure of taxpayers' funds. It is now parked in a climate control shed at the cost of \$3,800.00 per month. Mr. Milton stated that this substation is not on line and functioning as of this date. The Electric Department needs to be audited for some of their spending habits. The Electric Department used to be the prized place to work. Within the last year, 5 or 6 employees have vacated for a better working environment. Mr. Milton stated that the Hatch Substation was supposed to be on line approximately two years ago. A large transformer has been sitting in mothballs for two years and nothing has taken place to make it useable. Mr. Milton went on to explain that many of the people living along Troy Avenue have signed a petition to get something done about the speed on Troy Avenue. The City painted bike lane stripes on both sides of the street, hoping to slow the traffic, but the speed has increased. He gave several examples of abuses to the speed limit. He has also requested for consistent patrolling of this street. Mr. Milton stated that if someone gets hit and killed on Troy Avenue, the City Council is responsible because they did not take the initiative to take a major step in slowing traffic on this street. If his child gets hit, he will individually sue everyone on the City Council.

Mayor Milam explained that the substation is not a permanent substation to be installed. It is a mobile substation for emergency use. There are mobile substations at Utah Power and Idaho Power, as well as at a number of Co-ops in the area. The Council discussed the purchase of a mobile substation for years before the funds were budgeted for this purchase. Idaho Falls Power is regularly audited. This substation is no longer in a rented location. Mayor Milam explained that Idaho Falls Power has lost several Journeymen Electricians due to a wage scale that was significantly behind Utah Power's wage scale. This has been remedied and Idaho Falls Power has not lost others, except for

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one individual who was going to work for the Union. These positions have been advertised, with good applicants responding, and have been replaced. The Hatch Substation was started several years ago. At the request of the Electric Council Committee, at a time when the rates had increased, that the completion of this substation be delayed until rates had stabilized. That has happened and within this year's budget, funds have been set aside to complete the Hatch Substation. Mayor Milam stated that a traffic study was completed in the Stonebrook Addition and along Troy Avenue. This City Council met in a Work Session and considered various options, some of which were very expensive and some of which would require neighborhood participation. The City Council decided that, initially, because it was not a budgeted item, to put in bike lanes and parking strip designations, in the hope that this would visibly narrow the street and encourage slower traffic. This would be monitored, and it would be determined whether the City needed to move on to more expensive, constructed mechanisms to slow traffic in those areas. In the spring, the City Council will be looking at a variety of other budget issues, and this will come back to the City Council for consideration.

Councilmember Shurtleff stated that the mobile substation is operational. This substation is available and can be hooked up when needed.

Mr. Milton re-appeared to state that the leads are not available for the operation of the mobile substation.

Councilmember Shurtleff stated that at one time, Idaho Falls Power did not have the leads, but there are leads available at this time.

Councilmember Lehto stated that he would put these issues on the next Electric Council Committee Meeting which will be held on Monday, February 7, 2005 at 4:00 p.m. He invited Mr. Milton to attend that meeting.

Mr. Milton stated that there are a lot of options to slow the traffic on Troy Avenue. He expressed his concern that the City Council will wait too long to come up with a solution. This needs to be addressed now.

Councilmember Groberg requested a clarification from City Attorney in that once an Ordinance has been passed by the City Council, that there is no altering, interpreting, or commenting on it that the Council would make at a meeting like this. The City Attorney stated the Ordinance is subject to review and interpretation by the courts.

Councilmember Lyon stated that he has complete confidence in Councilmember Lehto and Councilmember Shurtleff. He has been happy with the job that they have done on the Electric Council Committee. He stated that he was grateful to Councilmember Lehto for inviting Mr. Milton to attend the Electric Council Committee Meeting. Those meetings are rarely attended by the public, even though they are open meetings, due to the fact that they are held in the afternoon when the public is generally at work. Councilmember Lyon hoped to have a government television station established to televise these meetings. He stated, further, that he appreciated Mr. Everitt and Mr. Milton for expressing their concerns.

The memo from the Airport Director regarding the tabulation and award of bid for the Rehabilitate Air Carrier Terminal Apron (19,400 SY) and Rehabilitate T-Hangar Taxiways (18,000 SY) Project was withdrawn by the Division Director.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: RETAIL RATE ORDINANCE

JANUARY 27, 2005

Attached for your consideration is a retail rate ordinance establishing certain rate adjustments.

Idaho Falls Power requests adoption of the ordinance.

s/ Mark Gendron

Councilmember Lehto stated that the ordinance reflects a 5% reduction in electric rates. There were no changes in demand charges for classes of customers. The City Council held a Work Session on this and moved forward on advice of Counsel.

Councilmember Groberg stated that he was in favor of the electric rate decrease.

Councilmember Shurtleff expressed his concern about an article in the newspaper which stated that this was such a small reduction that it should be frowned upon. Councilmember Shurtleff stated that he was against that way of thinking. If he could give a 2%, 3%, or 5% decrease, he would give it.

Councilmember Lyon stated that if there is anything that the City Council can do to lighten the burden of government on the citizens, it should be done.

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

ORDINANCE NO. 2582

AN ORDINANCE AMENDING SECTION 8-5-30 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; AMENDING ELECTRICAL RATES FOR CUSTOMERS OF THE ELECTRIC LIGHT DIVISION; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

JANUARY 27, 2005

City of Idaho Falls
January 21, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-05-06, NEW VEHICLES

Attached for your consideration is the tabulation for Bid IF-05-06, New Vehicles. It is the recommendation of Municipal Services that we award to the low bidder meeting specifications as per Attachment "A".

The trade-in units will go to the dealer with the exception of Item "D" which will be sold to School District No. 93, who agreed to meet the amount bid by the dealer.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the low bidder meeting specifications as per Attachment "A" for New Vehicles, and allow for the exception of Item "D" to be sold to School District No. 93 who agreed to meet the amount bid by the dealer. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
January 21, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-05-07, DECORATIVE STREET LIGHT POLES

Attached for your consideration is the tabulation for Bid IF-05-07, Decorative Street Light Poles.

It is the recommendation of Municipal Services to accept the sole bid of Electrical Wholesale Supply. They will furnish a quantity of forty-five (45) Decorative Street Light Poles for an amount of \$985.00 each and forty-five (45) Luminaries for an amount of \$600.00 each making the total purchase amount \$71,325.00.

s/ S. Craig Lords

JANUARY 27, 2005

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the sole bid from Electrical Wholesale Supply to furnish the Decorative Street Light Poles and Luminaries as presented. 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
January 18, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CENTER PARTNERS PARKING LOT LEASE EXTENSION AGREEMENT

Attached for your consideration is the Parking Lot Lease Extension Agreement for Center Partners for an additional term of one (1) year.

The City Attorney has reviewed and approved this Parking Lot Lease Extension Agreement. The City does not anticipate using this property for public purposes during the term of the lease.

It is respectfully requested that Council approve the extension agreement and authorize the Mayor to execute the documents.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Parking Lot Lease Extension Agreement with Center Partners for an additional one year term 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

Motion Carried.

JANUARY 27, 2005

City of Idaho Falls
January 21, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: CHARGE OFF – UNPAID UTILITY ACCOUNTS 2000

Municipal Services respectfully requests authorization to charge off as uncollectible, all utility accounts that have not had a transaction since 2000, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets. These accounts total \$133,254.14, which is .36% of sales for that year.

It is further requested that authorization be given to charge off the following accounts as uncollectible: Ambulance \$310,843.57; Accounts Receivable \$3,416.37; and, Returned Checks \$1,287.34.

s/ S. Craig Lords

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to give authorization to charge off as uncollectible all utility accounts that have not had a transaction since 2000, which includes, but not limited to, bankruptcies, skips, deceased persons, and those with no assets; Ambulance; Accounts Receivable, and returned checks as presented. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: RSC-1 SITE PLAN APPROVAL – LOT 2, BLOCK 1, ROY H. BENNETT SHOPPING CENTER, DIVISION NO. 2

Attached is the Site Plan for a Family Dollar Store approximately 9,000 square feet in size on Lot 2, Block 1, Roy H. Bennett Shopping Center. The store will

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be located in the southwest corner of the shopping center and face Holmes Avenue. At its December 7, 2004 Meeting, the Planning Commission recommended approval of this site plan with conditions which will be addressed in final site plan approval. The Department concurs with the Commission's recommendation. This site plan 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 site plan approval request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Site Plan
Slide 4	Landscape Plan
Exhibit 1	Planning Commission Minutes dated December 7, 2004
Exhibit 2	Staff Report
Exhibit 3	Copy of Site Plan

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the RSC-1 Site Plan for Lot 2, Block 1, Roy H. Bennett Shopping Center, Division No. 2. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: SANITARY SEWER RATE RESOLUTION

Attached for your consideration is a Resolution establishing sanitary sewer rates for domestic and commercial customers located within the City.

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

s/ Chad Stanger

RESOLUTION NO. 2005-1

**ESTABLISHING DOMESTIC AND COMMERCIAL RATES
FOR USE OF SANITARY SEWER FACILITIES INSIDE THE
CITY OF IDAHO FALLS**

WHEREAS, the City of Idaho Falls owns, operates and maintains a publicly-operated waste water treatment and collection work (the "POTW"); and,

WHEREAS, the capital cost and the cost of operation, maintenance and replacement of the POTW must be derived from user fees based upon their proportionate share of use; and,

WHEREAS, the City desires to establish an equitable method for apportioning such costs in a manner that is proportionate to the demand or impact each user has upon the public sewer and waste treatment facilities;

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

1. Establishment of Rates. The following monthly use rates are established for use of the POTW.

DOMESTIC RATES - INSIDE CITY	
Nature of Use	Rate
Single family dwellings, including condominium units and mobile homes	\$16.50 plus \$12.41 for each functionally separate apartment located within such dwelling
Large multi-family dwelling units	\$12.41 for each functionally separate dwelling unit
Small multi-family dwelling units	\$16.50 for each functionally separate dwelling unit
Mobile home court	\$16.50 per mobile home court, plus \$12.41 per occupied space
Commercial buildings and professional offices	\$4.95 per each 1,000 square feet of floor space
Laundromats	\$8.25 per washing machine upon the premises
Barber or beauty shops	\$2.64 for each sink
Hotels, motels, boarding houses	\$5.28 for each room
Restaurants and fast-food establishments	\$43.89
Elementary Schools	\$6.86 per each 50 enrolled students or fraction thereof
Secondary Schools, colleges and Universities	\$8.71 per each 50 enrolled students or fraction thereof

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All other non-metered customers	\$16.50 per each fully enclosed structure connected to the POTW
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METERED COMMERCIAL RATES - INSIDE CITY	
Nature of Use	Rates
Commercial user	\$2.52 per month base charge, plus \$1.61 per 1,000 gallons of metered water
All domestic and commercial Structures	110% of the domestic and commercial rates set forth above for City residents

2. Definitions: For the purposes of this Resolution, the following terms shall have the meanings ascribed below:

SINGLE FAMILY DWELLING: Any functionally separate dwelling used primarily for human habitation.

LARGE MULTI-FAMILY DWELLING: Any dwelling structure in which three or more functionally separate dwelling units are used primarily for human habitation.

SMALL MULTI-FAMILY DWELLING UNIT: Any dwelling structure in which less than three functionally separate dwelling units are used primarily for human habitation.

3. Determination of Metered Use: For the purposes hereof, the City may at any time, in its sole discretion, require any user to meter his or her flow into the sewer system.

4. Effective Date: This Resolution shall be effective with respect to all customer accounts billed on or after March 1, 2005.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
this 27th day of January, 2005.

s/ Linda M. Milam
Linda M. Milam
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

Councilmember Shurtleff stated that he was bringing this Resolution to the attention of the City Council at this Council Meeting, however, he would not move to pass it at this time. He stated that he would bring this before the City Council at the February 10, 2005

JANUARY 27, 2005

Regular Council Meeting and would vote on it at that time. He explained briefly the rate changes addressed in the Resolution. The purpose of this rate increase is to fund the second phase of the Sewage Treatment Plant Upgrade. The Sewage Treatment Plant is a 30-year old facility and new pumps need to be installed as parts cannot be found for them. The next upgrade is scheduled to take place in 2008 and will cost the City approximately \$6,500,000.00 to \$7,000,000.00. This increase would put aside approximately \$1,000,000.00 per year. By the year 2008, approximately \$4,000,000.00 will be set aside toward this construction. At that time, the City Council would borrow from the General Fund or the Municipal Equipment Replacement Fund, for a two year period, until that money can be paid back.

Councilmember Shurtleff requested to know whether there was anyone in the audience who wished to speak to this increase, to come forward at this time. No one appeared. Councilmember Shurtleff stated that the public would have an opportunity to comment on this rate increase at the February 10, 2005 Regular Council Meeting, when it would be considered again.

Councilmember Hardcastle stated that the sanitary sewer rates were last raised in 1999. She stated, further, that the water rates were raised in 1994.

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: WATER RATE ORDINANCE

Attached is an ordinance establishing the rates for water service supplied by the City.

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

s/ Chad Stanger

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

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING
SECTION 8-4-36 OF THE CITY CODE OF THE CITY
OF IDAHO FALLS, IDAHO; PROVIDING FOR
SEVERABILITY AND ESTABLISHING EFFECTIVE
DATE OF ORDINANCE.

Councilmember Shurtleff gave a brief explanation of the water rate increases. This increase is brought on by inflation. Reserves are needed in the Water Department because the City has an aggressive program of replacing old water lines throughout the City. These lines need to be upgraded. Approximately \$500,000.00 is spent annually in upgrading these water lines. Reserves in the Water Department have been depleted.

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Councilmember Shurtleff requested to know whether there was anyone in the audience that would like to speak to this water rate increase.

Ted Milton, 635 Troy Avenue, appeared to request how long this increase would be in effect.

Councilmember Shurtleff stated that he did not have a time frame for this increase. He stated that he would monitor it closely and when the reserves are sufficient to address the concerns of the Division, a decrease will be made to these rates.

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

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

Nay: None

Motion Carried.

City of Idaho Falls
January 24, 2005

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: CHANGE ORDER NO. 16 - IDAHO TRANSPORTATION
DEPARTMENT'S SUNNYSIDE ROAD/I-15 INTERCHANGE
PROJECT

Attached is proposed Change Order No. 16 to Idaho Transportation Department's Sunnyside Road/I-15 Interchange Project. This change order increases the project cost in the amount of \$82,171.50 for additional rock excavation required to install City water and sewer lines. This portion of the project is a City expense.

Public Works recommends approval of this change order; 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 Change Order No. 16 to Idaho Transportation Department's Sunnyside Road/I-15 Interchange Project 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

JANUARY 27, 2005

Councilmember Hally
Councilmember Lyon

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 8:55 p.m.

CITY CLERK

MAYOR
