

AUGUST 8, 2013

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 8, 2013, at 7:30 p.m. in the Council Chambers located in the City Annex Building at 680 Park Avenue in Idaho Falls, Idaho.

There were present:

Mayor ProTem Ida Hardcastle
Councilmember Thomas Hally
Councilmember Ken Taylor
Councilmember Michael Lehto
Councilmember Karen Cornwell
Councilmember Sharon D. Parry

Absent was:

Mayor Jared D. Fuhriman

Also present:

Randy Fife, City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Fuhriman requested Tim Urling to lead those present in the Pledge of Allegiance.

Mayor Fuhriman requested those to come forward who had items for the City Council. No one appeared.

CONSENT AGENDA ITEMS

The City Clerk requested approval of the Minutes from the July 23, 2013 Budget Work Shop, July 24, 2013 Budget Workshop, the July 25, 2013 Council Work Session, and the July 25, 2013 Regular Council Meeting.

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

The City Clerk presented the following Expenditure Summary dated July 1, 2013 through July 31, 2013, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 682,540.58
Street Fund	110,215.71
Recreation Fund	37,199.14
Library Fund	32,793.06
Municipal Equipment Replacement Fund	5,647.23
Electric Light Public Purpose Fund	23,804.42
Business Improvement District	11,400.00
Golf Fund	47,475.74
Self-Insurance Fund	62,899.65
Municipal Capital Improvement Fund	164,323.97

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FUND	TOTAL EXPENDITURE
Street Capital Improvement Fund	283,103.06
Airport Fund	38,958.88
Water and Sewer Fund	1,536,247.28
Sanitation Fund	10,921.36
Ambulance Fund	170,370.13
Electric Light Fund	2,685,540.73
Payroll Liability Fund	2,535,668.05
TOTALS	\$ 8,439,109.09

The City Clerk requested approval of the Monthly Treasurer's Report for the month of July, 2013, as follows:

City of Idaho Falls
July 2013

Dear Mayor and City Council Members:

Attached please find the City of Idaho Falls, Idaho, Monthly Treasurer's Report for the above referenced month, as required by Idaho Code Section 50-208.

This report was filed in the City Clerk's Office on or before the 10th day from the end of the month of the Report.

OATH

I, Craig Rockwood, the City of Idaho Falls Treasurer, do hereby affirm that this City of Idaho Falls, Idaho, Monthly Treasurer's Report is true and accurate to the best of my knowledge and that it shows the state of the City Treasury as of the date of this Report and the balance of money in the City Treasury, all as required by Idaho Code Section 50-208. (Full Report on File in the City Clerk's Office.)

s/ Craig Rockwood
Craig Rockwood

August 5, 2013
Date Signed

ACKNOWLEDGEMENT

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 5th day of August, 2013, before me, the undersigned, a Notary Public for Idaho, personally appeared CRAIG ROCKWOOD known to me to be the Treasurer of the City of Idaho Falls, the municipal corporation that executed the foregoing document and acknowledged to that such City executed the same.

(SEAL)

s/ Rosemarie Anderson
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 02-16-2018

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The City Clerk presented several license applications, including BEER Licenses to Copper Rill Restaurant and Perspective Restaurant, all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on August 8, 2013.

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

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Airport Director submitted the following memos:

City of Idaho Falls
August 8, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: ADS-B RADIO STATION LEASE AGREEMENT

Attached for your consideration is an Airport Lease Agreement by and between the City of Idaho Falls and Exelis, Inc. for the installation and maintenance of an ADS-B radio station. This aircraft navigational aid is part of the FAA's Nextgen Air Traffic Control System upgrade.

Randy Fife, City Attorney, has approved said Lease Agreement.

The Airport Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said documents.

s/ Craig H. Davis

It was moved by Councilmember Parry, seconded by Councilmember Hardcastle, to approve the Airport Lease Agreement between the City of Idaho Falls and Exelis, Inc. for the installation and maintenance of an ADS-B radio station and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: AMENDED AUTO RENTAL CONCESSION AGREEMENT -
ALAMO/NATIONAL

Attached for your consideration is an Amended Auto Rental Concession Agreement between the City of Idaho Falls and Alamo/National for the lease of additional space to be used for rental car storage.

Randy Fife, City Attorney, has reviewed and prepared said Amendment.

The Airport Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said documents.

s/ Craig H. Davis

It was moved by Councilmember Parry, seconded by Councilmember Hardcastle, to approve the Amended Auto Rental Concession Agreement between the City of Idaho Falls and Alamo/National for the lease of additional space to be used for rental car storage 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 Cornwell
Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

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City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig H. Davis, Airport Director
SUBJECT: CONSENT TO COMMERCIAL LEASE – AIRPORT HANGAR

Attached for your consideration is a Consent to Commercial Lease between the City of Idaho Falls and James Wesley Moore for the Aircraft Hangar located at 2201 Foote Drive.

Randy Fife, City Attorney, has reviewed and prepared said Consent.

The Airport Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said documents.

s/ Craig H. Davis

It was moved by Councilmember Parry, seconded by Councilmember Hardcastle, to approve the Consent to Assignment of Commercial Lease between the City of Idaho Falls and Gary Olsen, RS&I, Inc. to James Wesley Moore for the Aircraft Hangar located at 2201 Foote Drive and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

Councilmember Hally led the discussion for the Non-Discrimination Ordinance. He explained that his work on the Non-Discrimination Ordinance began in December 2012 by reviewing the Boise Ordinance and the Salt Lake City Ordinance. Since that time, he has read every Non-Discrimination Ordinance that he could. He believed that the City Council had developed something in the draft Non-Discrimination Ordinance that people have compromised to develop. At the Council Work Session this morning, some of the people that were alright with the proposed Non-Discrimination Ordinance, were not alright with it now. At this time, “public accommodations” has been removed from the proposed Ordinance, which for some guts the whole ordinance. Councilmember Hally has been promised that this issue will be looked at more closely, based upon further information. The problem that has surfaced today has to do with consequences of using restrooms, dressing rooms, etc. Councilmember Hally stated that his heart tells him that this is not right.

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Councilmember Cornwell stated that she has been having a conversation with herself all afternoon. She stated that she is not being true to herself. If the amendment to the proposed Non-Discrimination Ordinance, leaving out “public accommodations”, she would not be voting in favor of the Ordinance.

The City Attorney stated that there were copies available at the back of the Council Chambers of the changes that were made. Further, the amended Non-Discrimination Ordinance is posted on the City’s website. He stated that he was asked to make the following changes:

1. He removed all references to public accommodations that were in the ordinance, which leaves the ordinance governing employment practices and housing only. The definitions of “deny”, “full enjoyment”, and “place of public resort, accommodation, assemblage, or amusement” are no longer in the ordinance.

2. At 33.1(F), there was some discussion about whether religious rights were reserved, so he added in addition to other rights, protections, or privileges secured under state and/or federal law, “including religious rights and protections”.

3. Removed the third leg of public places.

4. In 33-4.A.3, there was some concern that this did not exclude school districts and schools, he confirmed that the state code and legal interpretations thereof, do consider school districts and school to be state agencies. He added “bodies corporate and politic”, which is the phrase used for educational institutions in Idaho under the State Statute. In order to be consistent, he added “or any corporations wholly owned by them”. This excludes all governmental units, except for the City of Idaho Falls itself. If the City passes this Ordinance, it would include itself within the ordinance.

5. The final change in the draft corrected an error that he had made regarding five (5) or fewer employees, which should have read “fewer than five (5) employees”, based on the Idaho Code.

Councilmember Hally stated that he has received approximately 20 e-mails regarding this issue this afternoon.

Reverend Lynn Stangland Cameron, Minister for Unitarian Universalist Church in Idaho Falls, 245 West 13th Street, appeared to make the following statement:

Idaho Falls City Council
308 Constitution Way
Idaho Falls, Idaho 83402

Dear Members of the Idaho Falls City Council,

When I arrived seven years ago to become the minister of the Unitarian Universalist Church in Idaho Falls, I learned that almost none of the adult children of my congregation members have remained in this area. Those Physicians, and Lawyers, Engineers and Professionals; responsible citizens of all kinds; explain they would rather live and raise their families where all forms of diversity are more accepted.

I also quickly learned that nearly every one of the young people who have sought community and support from the local PFLAG (Parents, Families and

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Friends of Lesbians and Gays) leave here as soon as possible; sometimes even before graduation, because they can no longer stand feeling trapped within a culture that demands conformity; that they can no longer survive in a place where they are not welcome or accepted.

I also have pastoral and other relationships with adult members of the gay and lesbian community who are closeted at their place of employment and within their neighborhoods because they fear they would be discriminated against if they were open about their sexual orientation. I have known transgender individuals to wait until they reached retirement age before they felt safe to transition into their naturally preferred gender.

And people do not always simply move away. According to the 2012 Suicide Prevention Action Network (SPAN Idaho) fact sheet, Idaho's suicide rate is 49% higher than the national average. In Idaho 15.4% (1 in 7) of Idaho youth attending traditional high schools reported seriously considering suicide in 2011 and 6.3% (1 in 14) reported making at least one attempt.

I have had numerous occasions to discuss with members of this community another fact that does on to appear in those statistics; a large number of those successful and attempted suicides were made by young people who felt isolated and alienated; that many were likely questioning their own sexual orientation and/or gender identity.

Of course, we know that the statistics do not even reflect the reality that self-medication and drugs, alcohol-related and supposedly accidental deaths are often ways that adults as well as our precious youth find to cope when they do not find acceptance in their families and communities.

During these years I have, however, also witnessed important progress; I have been impressed and pleased with the efforts made by individuals in our City to become more welcoming of religious, racial, and ethnic diversity and even the LGBT community. The African American Alliance Dr. Martin Luther King Dinner has expanded to become truly a community-wide occasion now packing the Shilo. Our Hispanic community's "Cinco de Mayo" Festival has become a City-wide event. Working with my congregation, Breaking Boundaries, PFLAG (Parents, Friends and Family of Lesbians and Gays), Drinking (and Thinking) Liberally, the Museum of Idaho and the Mayor's Committee on Diversity's "Community Fest", I am pleased with the progress we have made.

So, when members of our City Council revealed the possibility of passing a "Non-Discrimination Ordinance" I was thrilled. Having worked repeatedly only to be disappointed when our state legislators failed to "add the words" to Idaho's state-wide legislation protecting LGBT people from unfair discrimination in housing, employment and public accommodation, a City Ordinance seemed like a great step forward.

Several of you attended the, "Listening Conversation" which PFLAG and others sponsored in April. Open to the entire community representatives from EIRMC and INL explained that their businesses **already have non-**

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discrimination policies and that the passage of a city-wide non-discrimination ordinance would assist them in their hiring practices. Those business leaders revealed that the most qualified professionals in medicine and the nuclear industry invariably desire to locate where the rights of all people are fully respected.

Other panelists told their personal stories and the stories of family and friends whose lives have been subjected to and limited by bigotry and fear simply because of their sexual orientation or gender identity.

Passing a “Non-Discrimination Ordinance” in Idaho Falls is the right thing to do and will reflect this City’s commitment to prevent unfair discrimination based on sexual orientation or gender identity.

Unfortunately, the proposal advocated this morning of dropping the “Public Accommodations” section that guarantees people equal rights to public places like libraries and zoos and parks and other public places would seriously weaken the ordinance as would passing the ordinance with the listed multiple exemptions. Though each of these changes may have been crafted as a compromise, they actually withdraw much of the very protection the ordinance says it is designed to protect.

As trained and ordained clergy, I certainly recognize and agree that exemptions related to the freedoms of religious faith organizations as listed in Section 33-4.A must be included. Personally, I hope the Boy Scouts of America will soon recognize that their discriminatory practices are no longer wise and change so that Section 33-4.B will no longer be seen as necessary, and I understand the need for Section 33-4.C.

However, I feel that if you wish to promise that our City is truly a place where (Section 33-1)

“... all persons, regardless of sexual orientation and/or gender expression/identity, are afforded equal opportunities...”

Then I believe those additional exemptions are inconsistent with our City’s goals, unwise, unnecessary and impossible to document and maintain.

Passing a “Non-Discrimination Ordinance” in Idaho Falls will not immediately make this community feel more welcoming to young people who might be struggling with issues of gender identity or sexual orientation, nor, immediately change the perception that Idaho Falls is not the sort of place where thoughtful and energetic professionals would choose to raise their open-minded families, but it will make a big difference in the public’s perceptions about our City and will guide us in a direction that will help us to affirm the freedoms and rights of all of our citizens. Though there are those who would prefer to live in a religiously defined monoculture, our elected leadership should be guided by the U. S. Constitution and the Bill of Rights and offer equal protection for all.

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I certainly urge the passage of the original Non-Discrimination Ordinance (with the inclusion of the sections on Public Accommodations). I also urge that the exemptions be limited to those of Section 33-4.A.1, 2, and 3. I agree with those who have stated that the description in the first reading of the ordinance inserts "Discrimination" within a document proposing "Non-Discrimination".

Please consider passing what passing this will mean for LGBT persons – both youth and adult, for their families, their straight allies, and for the Idaho Falls business community as they represent us to the larger world. This will make a tremendous difference to those who seek to discover whether this is a community that welcomes all to full equality.

Wayne Stevens, 5378 South 45th West, appeared to share the following statement:

My name is Wayne Stevens. I live at 5378 South 45th West, Idaho Falls.

I am speaking in support of a Non-Discrimination Ordinance for Idaho Falls.

I am the proud father of three adult sons, all of whom are successful in their careers. My youngest son is 39 and he is gay. He is a licensed speech therapist and is the manager of the Hearing and Speech Department at Children's Hospital Los Angeles.

Our family is so impressed with the City Council for bringing forth a Non-Discrimination Ordinance. However, I am very concerned about a number of issues. One is the exception that has been included for businesses that employ 4 (now 4) or fewer employees. Another is the exception for housing that excludes the sale of four or fewer residences in a year by an individual owner plus the exception regarding a rental unit with four or fewer units. These seem to seriously weaken the Ordinance.

After this morning's City Council Working Session, I was shocked that the entire area of public accommodation, access to public places, was going to be eliminated without serious consideration. How much sense does it make to protect employees of a business without protecting its customers? The issue of bathrooms being used by transgender people has been raised without any evidence that it is anything more than an attempt to scare people.

We as a family have been very fortunate over the past 18 years to learn and grow in our understanding.

The bottom line is that discrimination should not be allowed against people who want access to housing, and employment based solely on the size of the business. Access to public places such as zoos, libraries, businesses should be allowed to all law abiding citizens.

I respectfully urge the Council to pass a strong and meaningful Ordinance.

Thank you.

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Chris Carter, 319 East 19th Street, appeared to state that he is an owner of a business that fits into the exceptions of the proposed Ordinance. It was clear to him that no new burden will be placed upon his company. He suggested that 33-4.B be removed from the Ordinance. Also, by removing the “public accommodations” verbiage, the Ordinance no longer contains its original spirit.

Sierra Gormsen, 2283 Stace Street, appeared to share the following statement:

At the very first meeting on this non-discrimination ordinance, I told you about being denied service in Idaho Falls. You said that this ordinance would protect me from that.

At the first reading on the non-discrimination ordinance, I poured my heart out about how people were treated in Idaho Falls.

At the end of the meeting, some of you told stories of how your family and friends are in the LGBT community. How you love them and accept them.

Through the past 2 weeks, I wrote you a couple e-mails describing how I’m not, at all, in favor of the exclusions. I had hoped that you would realize that by allowing these exclusions, you are openly supporting discrimination in Idaho Falls.

This morning, because I work for a small business, from home, in a 4-plex that I rent, I couldn’t make the morning meeting, where instead of removing the unjust exclusions, you decided to kill the ordinance all together and instead created an ordinance that gives people a free pass to discriminate against me, my friends, and many others.

You wanted an ordinance that would be Idaho Falls’ own, and unlike any other. You got it. Any other City would be embarrassed to have a “non” discrimination ordinance like this.

I can’t believe that I’m actually saying this, but as it stands right now, I’m not in favor of this ordinance.

Coming up, we’re going to have our first ever Pride. The tagline is “Celebrate” but really, if this passes without any protections, what, pray-tell, are we really celebrating?

As for the bathroom issue, let me ask you a question. I’m a woman that is attracted to men. Where would you like me to go? I’ve been using the women’s restroom for a year now and I won’t be stopping anytime soon. I’m a woman and it’s where I belong. I don’t know how must people are in the restroom, but I go in, sit down, do my business, then wash up and get out of there. I’ve had one incident in the ladies room when a woman, who was not, by any stretch, acting like a lady, decided to harass me. I did nothing wrong, but she felt that she had the right to embarrass me and treat me like I was lesser than her. That is what needs to stop, I don’t know what perverted fantasy that Idaho Falls seems to have about what’s going on in the restrooms, but they are just that, a perverted fantasy.

Thanks for standing up for what’s right.

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Niona Seabury, 3009 Kevin Circle, appeared to state that she understood that the City Council was changing the proposed Ordinance. She did not like the changes. She stated that she was transgender. If “public accommodations” is removed from the ordinance, she would not be able to use the women’s restroom. She stated that she is a girl, and what the City Council is proposing is not fair. Ms. Seabury requested that the Mayor and City Council keep the proposed Ordinance which included “public accommodations”.

Susie Matsuura, 754 South 19th Avenue, Pocatello, appeared to share the following statement:

My name is Susie Matsuura. My address is 754 South 19th Avenue, Pocatello. Several residents from Idaho Falls came to our three public hearings for our non-discrimination ordinance. I owe them many thanks and the least I could do was be here tonight for them.

Ten years ago, I did not know anyone who was gay and I had never heard of the word transgender. When you make friends with someone who is gay or transgender, you begin to listen to their struggles, feel their pain, walk in their shoes for a mile or more – then you begin to understand. Acceptance was my first step.

Step two was to understand what discrimination and the pain of it for minority groups. I have had a healthy dose of humanity’s inhumanity to their fellow human beings – I’ve read numerous works that describe the Holocaust; I read *Bury My Heart at Wounded Knee*, *Black Like Me*, and *Nisei Daughter*. The stories of struggles, prejudices, death, and suffering formed my opinions about what injustices can do to our society. Although I didn’t learn about history in chronological order, these works all had a common thread. People were marked as different because of race and religion. Although it was not accepted or popular, good people spoke out. It is a matter of fairness and dignity coupled with love and understanding. We all want the same things in life a fair and equal chance to succeed and be happy.

So, naturally, I became an ally. By working on Pocatello’s non-discrimination ordinance, I had many people reach out to me, but one e-mail communication resonated more than any other. It came from a young man who grew up in Blackfoot during the same time period as my children. He told me, “It is always shocking, no matter how many times it has happened, that I wasn’t the only gay person in Blackfoot. I didn’t come out until I was 27 because I thought I had a mental illness. That’s what happens when a community codifies its strict version of morality.”

And what is Idaho Falls seeking to do tonight? By placing an exception for businesses of five and fewer employees and taking out provisions for public accommodations, you are codifying your strict version of morality. Wouldn’t it be better to put into code our beliefs about compassion, fairness, and equal treatment under the law? These are basic principles marked on Americans’ hearts in the Declaration of Independence – the right to life, liberty, and the pursuit of happiness.

Who was the young man who contacted me? He was a star student in school, a member of the football team, and an exceptional debater. Who are the

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members of the LGBT community? They are your next door neighbors. They are the technicians and nurses at the hospital. They are the folks who sell us our groceries. Some of them are our family members. They did not choose to be gay – who would, given the level of ridicule and discrimination they face, but the least we can do is offer protections to them.

Hollis Henry, 7611 South 8th West, appeared to state that she wanted to discuss statistics. Following the last Council Meeting, one of their members requested the e-mails that were sent back and forth to the Mayor and City Council. There were some interesting things found within those e-mails. There were 46 total e-mails that were sent to the City Council. Of those 46 e-mails, there were roughly half in favor of the non-discrimination ordinance. The other half were against the non-discrimination ordinance, of that half, there were half that were outside of Southeastern Idaho. Many of those e-mails were from people outside of the State of Idaho. The e-mails from out of state should not be factored as much into the decision of the City Council, as the lovely people who show up at the City Council Meetings and pour their hearts and souls out to you. They are willing to give their name and address and tell their story. Further, Ms. Hollis addressed the “bathroom” issue. Six other Idaho cities have “public accommodations” as part of their ordinance. Indeed, Idaho Falls would become the very first City adopting a Non-Discrimination Ordinance without the protection that yields the very biggest impact. If adopted without “public accommodations”, it would say that the City Council cares about the gay and transgendered in your work and in your home, but we don’t care about you as part of our community and in our businesses. Being gay or transgendered is not a crime. Preventing discrimination on a public basis, through public accommodation does not protect criminals who commit crimes. This is not the first time that bathrooms are used as a fear-based reason to deny equality. Ms. Henry stated that opponents to the Civil Rights Movement argued that people of color using the same restrooms as white people were to be feared and that they were more likely to commit crimes in the bathrooms. Opponents of the Non-Discrimination Ordinance use the assumption that gay people are sexual predators. In each case, cultural discomfort is overcome by enacting laws that when put into practice make fears part of history. Discomfort is not a reason to deny equality. Claiming that the ordinance is too difficult to understand is not a reason to deny equality.

Dino Lowry, 169 6th Street, appeared to state that when she spoke to the City Council before, she gave three poignant incidents of prejudice that happened to her and a friend of hers. She felt like she missed the main point. She was not upset because someone left some hate mail on her car, because she could retaliate and write daily in the Post Register. She was not upset because her friend was run out of a park because he was gay, because she knew that he had a lot of other places that he could go. She was not really upset because someone torched her property after she wrote a letter supporting her gay friends, because she could rebuild her property. She was upset because several people thought that they could scare her into silence. These acts undermined her sense of security. Ms. Lowry hoped that the City Council will pass this Ordinance. This Ordinance is about common decency. She expressed her concern that removing “public accommodations” from the Ordinance sends a message to her gay friends that they need to scurry back to their closets. She stated, further, that she was glad that the City Council was making baby steps, but as the Ordinance is written now, she found it be a personal affront. She was sorry that people spent so much time on it and then gutted the parts that are so important to her and her gay friends.

Dave McGrath, 3335 Taylorview, Ammon. He stated that he lives in Ammon, he works in Idaho Falls, he purchases products in Idaho Falls, and he does all of his socializing in Idaho Falls. He stated that he does not get to vote for the Mayor or City

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Council, but he is affected by the decisions of the City Council. Mr. McGrath stated that he did not know what happened in the past two weeks, and was surprised to find the changed Ordinance this evening. He wrote an e-mail to the Mayor and City Council today, and he understood that the cause of the distress was an e-mail. He wanted to read the e-mail, who wrote the e-mail, and the address of the author of the e-mail. He further requested to know where they work and if they have a business. Mr. McGrath stated that he did not support the proposed Ordinance and will fight against it. This is rhetoric. In 1964, it was ok to tell Blacks to get to the back of the bus. It was ok to label drinking fountains, "Whites Only". It was ok to have signs that said "No Blacks Allowed". It is 2013, and the Mayor and City Council is stating that his place of business can say "No LGBT". Mr. McGrath stated that he is a Boy Scout, he is an Eagle Scout, he is a U. S. Army Ranger U. S. Cavalry Scout Officer Veteran. At the next meeting, he will be here in his uniform. Next Sunday, he will be standing at the top of Mount Borah with a Pride Flag and in his uniform for a photo op. In three weeks, he will be doing the same thing on the top of the Grant Teton. His hope was that he would be waiving a victory flag for Idaho Falls. He stated that he was not in favor of the Ordinance as it now stands. He requested a law that he could support.

Councilmember Hardcastle stated that there was so much confusion over a part of the proposed Ordinance this morning, that it was her suggestion that they remove the "public accommodation" portion at this time and work through the details to bring that portion back at a later date. Councilmember Hardcastle stated that she was willing to put in the time between the second reading and the third reading to sort through the "public accommodations" portion that were disagreeable to some people. The Mayor and City Council have heard from others.

Councilmember Parry indicated that it does not need to be rushed. If more time is needed, the Council should take it.

Councilmember Hardcastle stated that one of her points was that it was better to do something than to do nothing. She indicated that the Council has been working on this Ordinance for eight to nine months. Councilmember Hardcastle stated that the Council could take the time now to work through the issues.

Councilmember Parry stated that the e-mail that was read to the City Council this morning is a public document. There is no subterfuge. She stated that this would be a long, tedious, and emotion process in doing the right thing on something so complex. Following is the e-mail from Gary Meikle that was read into the Council Work Session:

FROM: Gary Meikle [<mailto:gimeikle@cableone.net>]
SENT: Thursday, August 8, 2013 7:36 AM
TO: Thomas Hally; Karen Cornwell (Personal); Mayor External; Michael Lehto; Kenneth Taylor; Ida Hardcastle (Personal); Sharon D. Parry (Personal)

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Dear Mayor and Members of the City Council:

As you are aware, I have been a strong supporter of the proposed ordinance. I still strongly support the anti-discrimination in employment and housing provisions. I have recently become aware of serious difficulties in the public accommodations portion of the Ordinance. It relies on the very amorphous, subjective term "gender identity/expression" as the basis for determining whether discrimination has occurred. This allows the complainant to set the

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ground rules applicable to a dispute, and requires the other party to defend the claim according to those subjective rules. I do not believe this is fair or reasonable.

I believe that the public accommodations would permit individuals to select which bathroom, shower, dressing room, locker room, etc. they wanted to use at any particular time. I think the larger Idaho Falls community will be very offended at that notion. There are some areas where personal privacy becomes more important than gender expression. I see no compelling state interest in allowing choice of facilities and there are certainly less restrictive ways of accomplishing the goal, i.e., require men and women to use the restrooms, dressing rooms, showers, etc., designated for their gender, regardless of their desire to "express themselves". If you keep the public accommodations provisions, I believe this restriction is essential for the good of the community.

Secondly, I believe the right to exercise freedom of religion and object to providing certain services should be explicitly recognized in the Ordinance, if there are other service providers reasonably available. A person should not be allowed to pick a provider and require that services be provided over that reasonably available. Where is the compelling state interest? Can it fairly be said that this is the least restrictive means available? Christian cake bakers should not be forced to bake for a gay commitment ceremony if doing so offends their religious beliefs. According to Rasmussen Reports, 85% of Americans agree with this proposition. Please stand up for this important principal.

As indicated, I strongly support the employment and housing provisions of the Ordinance. I think the public accommodations provision should be deleted. If it is retained, I urge you to provide at least the minimum protections suggested in this email.

Some have urged simplicity in the Ordinance. This issue is too complicated to be simple.

Thank you for your continuing efforts to improve our community. I would be happy to visit with you in detail or testify at a public hearing if you would like.

Gary L. Meikle
221-5068

Councilmember Parry stated that all meetings have been conducted in open to the public. She stated to the public that the City Council would be good listeners. The Council has done a great amount of listening. There was a compelling argument in Mr. Meikle's e-mail. This needed to be addressed. The only way to address it was to pull the "public accommodations" portion of the Ordinance. It would be better to take the time now to vet out the issues.

Councilmember Hardcastle called Gary Meikle out of the audience to make comments.

Gary Meikle, 3825 Summer Sun, appeared to state that he is the person who sent the e-mail this morning that brought about the change in the Ordinance. He stated

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that he was not opposed to the “public accommodations” concept. He was opposed to two things about it that need to be worked through. Some of the greatest lawyers in America are trying to find a way to package this so that it works well for everyone. There needs to be some kind of an exemption for exercise of a religious belief. For instance, the Rasmussen Report of July 2013 reported that 85% of Americans did not believe that a Christian baker who opposed gay-lesbian relationships should be forced by law to bake a cake for a gay commitment ceremony. The primary reason for that was that the person had a religious objection to it and there were other bakers available. That process would not deny the person from receiving the service. It would require them to go to someone other than the person that they chose. There needs to be some arena of religious observance protection, because not everyone in the community agrees with the gay-lesbian approach. Some people have strong religious beliefs that it is not appropriate. Mr. Meikle stated that he believes that those people should be protected in their beliefs, while at the same time providing the protections for especially employment and housing. Mr. Meikle stated, further, that he did not feel that it was appropriate for an owner of a restaurant to tell a gay couple that they have to leave because they were holding hands. This couple should be able to do the same things that a heterosexual couple would do in public. Mr. Meikle stated that the bathroom use is an issue. He believed that parents have a right for their children to be sexualized according to the family’s beliefs and desires and not dependent upon happening into a public facility where cross-gender experiences could happen. He is not opposed to a “public accommodation” issue, but he does believe that the Mayor and City Council need to take the time to find a proper balance between those of a religious persuasion who have objections and those of a community who feel that there should be other rules in place.

Councilmember Parry requested to know whether it would be better to engage Mr. Meikle by e-mail or in the public forum of this evening.

The City Attorney stated that it does not matter which forum to use. The ultimate decision on any Ordinance has to be done in public. If e-mails are exchanged, the e-mails become public record because they have to do with the business of the public. This business could also be conducted here in the public forum.

Councilmember Hardcastle requested to know from the City Attorney whether the process would have to start over should they make major changes to the proposed Ordinance.

The City Attorney explained that the Council could choose one of the following methods of approving this Ordinance:

1. The City Council could approve the second reading tonight, then make any changes and move forward with the third reading at a Council Meeting in the future.
2. The City Council could table this Ordinance at this time, then move to a second reading and a third reading at a future Council Meeting.
3. Or the City Council could start over when they have the Ordinance in the form that they are comfortable with.

Councilmember Hardcastle requested to know if it was the Council’s preference to table the proposed Ordinance at this time, work through the process, and then come back to the public with the preferred Ordinance at a date in the future.

Councilmember Taylor indicated that he wanted to continue to hear public testimony at this time.

Councilmember Hally stated that religion is difficult to define. He cited several examples.

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Mr. Meikle stated that this is why the Mayor and City Council need the opportunity to work through it, so that people's first amendment rights are not violated. There has to be some reasonable standard set to protect some degree of religious expression.

Councilmember Hally requested to know what laws were in effect now that protect the rights of individuals in bathrooms, dressing rooms, etc.

Mr. Meikle stated that there is a generally accepted community standard of sharing of public restrooms. That needs to be honored because this is a very private factor in people's lives.

Councilmember Parry was more concerned about dressing rooms and showers. Dressing rooms are more open. She read a couple of statements from Mr. Meikle's e-mail from above. She requested Mr. Meikle to comment.

Mr. Meikle stated that he believed that there has to be a balancing right between the government's right to impose actions or conduct on a religious person and the person's right to behave what others would consider appropriately. He understood that to be the reason why the City Council put this off until it can be vetted properly.

Samantha Gresham, 2497 South Boulevard, appeared to state that she is the President of a school club at Idaho Falls High School called GSA. They are a club that accepts everyone, regardless of their differences, focusing on sexual orientation. The club is accepting no matter what. She stated that there are members of her club that feel unsafe being open. It is a big deal for people to feel safe at their school. This is a place where they are growing and learning. They become the future of America. If they do not feel safe learning, then they are not going to feel safe anywhere. The proposed change for "public accommodations" defeats the purpose for the Ordinance.

Dean Nef, 275 North Holmes, Apartment 9-A, appeared to state that he was against this Ordinance as he believes that everything in this life is a choice. If a person comes out at a gay or a lesbian, he stated that they should go ahead. But they will enjoy the results of making that choice. He gave examples of choices that have been made in his life. He did not cause a problem, he would just leave from housing or employment if requested to.

Dan Henry, 7611 South 8th West, appeared to state that he has a brand new hero – and it is Niona Seabury. He applauded her for getting up and doing something that was very scary. He stated that he was glad to hear that the Mayor and City Council will be opening the discussion regarding public places. He was disappointed this morning when the whole thing took a large step backwards. Based on nonsensical arguments, he respectfully disagreed that Mr. Meikle does not raise valid points and he does not raise difficult issues. The City Council's job is a secular one. It is the job of the City Council to evaluate people's reasons or motivations. There are plenty of deeply held religious beliefs that are not accepted. Every year you hear of parents who deeply love their children, who are wonderful parents in all other respects, but murder their children by withholding medical care, in favor of prayer. The City Council is not required to accept those deeply held beliefs just because they are deeply held. The City Council needs to evaluate them. Secondly, the bathroom issue is silliness on stilts. Mr. Henry stated that he was in Huntsville, Alabama for a job interview. He requested the Mayor and Council to imagine living in Huntsville, Alabama during the 1960's, considering a Non-Discrimination Ordinance against Blacks. He requested to know whether the City Council would honestly consider the views of a person who stood up and said that they run a bed and breakfast and did not want Black people staying at their residence. Mr. Henry requested to know whether the City Council would be proud to say that is a valid argument. He was happy to open the discussion on public accommodations. He did not believe that it would take much time.

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Bethany Larson, 3723 Deloy Drive, Apartment No. 4, appeared to share the following statement:

My name is Bethany Larson.

I join in acknowledging the importance of protecting members of the LGBT community in the areas of employment and housing. It is the right thing to do. I believe everyone should have a roof over their head and a way to support themselves. Like many others, however, I have lots of concerns about the public accommodation paragraph. Thank you for removing it. I'm also very concerned about the misdemeanor as the first offense.

I wanted to mention a couple of student-related things that have actually occurred and are occurring because of non-discrimination ordinances that include similar public accommodation clauses.

A graduate student in a counseling program in a university in Georgia, as part of her program, was told that she had to counsel a same-sex individual. She declined to do so stating that she would be unable to affirm same-sex behavior because it violated her personal beliefs and values. She was dismissed from her program.

That very thing could happen in an educational program right here in Idaho Falls. Public schools as of this morning were not exempted from the Idaho Falls ordinance and the public accommodation clause would trigger the dismissal of this student or the school would not be in compliance with the ordinance.

I have to wonder why this student's personal beliefs and identity, as a religious person, were any less important than a member of the LGBT community's personal beliefs and chosen identity.

I wanted to point out the State Board of Education in Massachusetts – who has responded to a public accommodation clause in a state non-discrimination law – by issuing to all schools “An Act Related to Gender Identity”. In that directive, schools are directed to remove anything from their policies and programs that are not “gender-neutral”.

- There are to be no distinctions in things like school uniforms, graduation gowns are to be all one color.
- No more asking the boys to line up in one line and the girls in another.
- Boys, if they perceive themselves to be female, can play on girls' sports teams. And the other way around. What girl wants to be forced to compete with the physical prowess of a male athlete? Certainly there would be some female who could, but that would be the exception. Is that fair?
- I won't even go into the impact of allowing a male in a female locker and shower room.

You say this is radical and surely can't happen here...

I wouldn't bet on it!

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I want to close by mentioning a July 2013 Rasmussen poll where Americans were asked about a case that is currently before the New Mexico Supreme Court. A photographer and her company declined to shoot a same-sex commitment ceremony. The photographer was sued by the same sex individual for violating a non-discrimination on the basis of sexual orientation and gender identity clause.

Here's the question:

“Suppose a Christian wedding photographer has deeply held religious beliefs opposing same-sex marriage. If asked to work a same-sex wedding ceremony, should that wedding photographer have the right to say no?”

85% of Americans said “Yes”. Only 8% said “No”, and 6% sat on the fence.

“In all things, in almost every poll that we do, people do have a profound respect for religious rights – they don't believe people should be forced to act against their beliefs.”

I agree!!! And I encourage you to respect all individuals by protecting rights in employment and housing and to not include anything in this Ordinance that would force individuals to act against their personal beliefs and values.

Thank you.

Steven Speel, 3904 Washington Parkway, appeared to state that his father, Robert Speel, was invited this morning to speak tonight. He was unable to do that due to a previously scheduled trip that he had to make. He stated that his father prepared the following statement for Council consideration:

Honorable Mayor and Council Members:

I thank you and commend you for moving to protect all individuals in situations related to employment and housing. I also commend you for your wisdom in removing Paragraph C, the paragraph that relates to public accommodation. In so doing, you have retained the very important and reasonable part of this ordinance that appropriately protect all individuals from discrimination in housing and employment. By removing the public accommodation and its broad and expansive definitions of “full enjoyment” and what constitutes “Place of Public Resort and Accommodation”, you have excised language that would have created a toxic environment in Idaho Falls where my rights and personal beliefs would have been pitted against another individual's perceptions and beliefs.

This ordinance speaks of gender identity/expression, well I have an identity too, an identity that is comprised of values gained from many sources – including my family and my religion. Why is it that someone's perceived gender identity-expression and the behaviors that accompany it should take a superior position in the law to my identity and beliefs? Why am I required by force of law to accept their identity while they can trample on mine?

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I think all of us can live together peaceably with our varying values and identities and I struggle to understand why the Council would have even considered language in an ordinance that would have created such a toxic environment.

The public accommodation paragraph did nothing to add to the protection of individuals in employment and in housing. It appeared to me that the section was an attempt to impose a viewpoint and an ideology upon this community. I read the preamble to this ordinance where it talks about being “fair and reasonable” and having a desire to “balance vital issues of religious and other freedoms, but when I read the public accommodation paragraph and its clarifying definitions, I can see nothing but conflict impingement upon liberties and unintended consequences.

Here’s a couple of examples:

1. What about the medical doctor who is a fertility specialist, he also has 5+ employees. He is approached by a lesbian couple who desires his expertise in obtaining a baby. He explains to the couple that he is uncomfortable and would decline to accept them as a patient because he feels that children have a right to both a mother and a father and he doesn’t want to be a party to stripping a child of that right.

Should the lesbian couple feel that they had not been “welcomed, accepted, desired or solicited” this Dr. would be subject to prosecution under the public accommodation paragraph. This Dr. is not violating any employment or housing law, the women didn’t come to him for employment or housing. This Dr. is now subject to criminal prosecution under this ordinance because of his viewpoint – **because of his beliefs**. Let me also add that this Dr. could have declined giving assistance to a heterosexual woman who is single for the same reason (children deserve to have both a father and a mother) and could also have been prosecuted under Paragraph C in this ordinance. Is that “fair and reasonable?”

2. What about the printer (or perhaps the graphic designer) who has 5+ employees and is approached by members of a gay equality group and asked if he or she would take a job of printing or creating promotional materials for the upcoming gay pride parade. This printer might explain that he or she doesn’t feel comfortable being a party to or supporting an event like that – it goes against his or her personal values.

The members of the gay equality group don’t feel – in the language of the definition of “full enjoyment” connection to Paragraph C – they don’t feel “welcomed, accepted, desired or solicited”. That printer or graphic designer now is subject to prosecution under the public accommodation clause of this ordinance. He is being prosecuted for his viewpoint and his personal beliefs. Is this “fair and reasonable?”

I will add that this is not conjecture; these are actual incidents that have occurred in communities that have implemented non-discrimination ordinances with public accommodation clauses.

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I will close by thanking you for your public service. And state again, that you have shown concern for all members of this community by removing Paragraph C. You have also accomplished, I believe, the original intentions of this Council to equally protect all members of the Idaho Falls community. Thank you and I urge you to retain the Paragraphs A & B on employment and housing and the existing exemptions and to not return to including the public accommodation paragraph.

Steven Speel explained, further, that he grew up in Idaho Falls, and is now getting a Masters' Degree in Chicago. He has an uncle who is gay, he has a boss who is gay, and he has a professor who is gay. He works with gay people a lot in Chicago. Compassion and kindness can and should exist in our community and in every community. There are two extremes that are in play here. On one hand, a boy that enters a bathroom to fulfill perverted desires – on the other hand, a business owner who is forced by threat of imprisonment to offer services despite personal views. This ordinance passed by this City should act as a protection of those extremes, rather than leave an open-ended statement. Paragraph C, as mentioned, should undergo some revisions until it becomes fair and reasonable and protect us from extremes. While religious grounds are difficult to define, so is perception of sexuality. While perception of sexuality cannot be a free pass, so can religion not be a free pass. This should be dealt with much care in the coming weeks. He stated that he wants to love and accept everyone. This becomes an issue of trust when both religion and sexual orientation are not properly defined within the clauses.

Julie Staley, 5440 South Marbrisa Lane, appeared to state that she shared the Non-Discrimination Ordinance with her daughter the night before. She has been to college and has formed an opinion on her own. She is very supportive of the Gay and Lesbian community. While she has accepted their lifestyle, she has stated that she cannot personally condone it. Ms. Staley questioned what this ordinance does not do to help those individuals that are feeling abused by other people. She stated, further, that her heart goes out to the lady who went into the restroom and felt uncomfortable there. She does not see an ordinance protecting that. Removing the “public accommodations” from this Ordinance does not protect her from that happening, any more than Ms. Staley being ridiculed at a job that she worked at for her religious beliefs. She stated that she could empathize with that. She stated that she has raised her children to see their hearts, to see who they are and the good that they are doing to society. Ms. Staley expressed her appreciation for the Mayor and City Council bringing this Non-Discrimination Ordinance forward, especially Councilmember Hally, for the hours he has spent. She stated, further, that she supported the housing and employment portions of the proposed Ordinance, and hoped that the public accommodations portion would be revisited. As she was visiting with her daughter regarding the proposed Non-Discrimination Ordinance, her daughter felt that this law would work backwards. This will actually discriminate against those who want to stand for their beliefs.

Judeen Speel, 5493 South Tappen Falls, appeared to thank the Mayor and City Council for their public service and commended them for understanding the complexity of the “public accommodation” clause in the Non-Discrimination Ordinance. She stated that she knew that the Mayor and City Council would listen to both sides of the issue. She does not believe in discrimination and that everyone should be able to gain housing and seek employment without prejudice taking place, which was the first draft of this Ordinance. She hoped that the Mayor and City Council would remember the main reason for the Ordinance.

Marsha Barlow, 934 East Juanita, Gilbert, Arizona, appeared to state that she was born and raised in this community and is a graduate of Bonneville High School. She stated that she was present because of her concerns regarding this Ordinance. In her

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professional life, she is a public policy analyst and specializes in language contained in International documents as well as domestic public policy and statutes. When she saw the ordinance and its content, she was extremely surprised and highly concerned. Her concerns centered around the “public accommodations” clause. She commended the Mayor and City Council for their concern and efforts to allow all individuals to have protection against discrimination on the basis of sexual orientation in the areas of housing and employment. She applauded the City Council’s decision to remove “public accommodations” from the ordinance as it is problematic and far-reaching. The opening paragraph and preamble to this ordinance, states that it is intended to be fair and reasonable in an attempt to balance vital issues of religious and other freedoms. However, the use of public places and the accompanying definition are a direct assault on an individual’s freedom of conscience and their ability to speak and to maintain their personal beliefs without coercion by the City. Claims that without this Ordinance there is a detrimental effect on the health, safety, and welfare of the City and it damages economic well-being. That is a door that swings both ways. When citizens of a City have their freedoms threatened in this fashion, they are just as likely to find a new place to live and employers to find another community in which to reside and do business. Further, in the preamble, it states that “nothing contained herein shall be construed as supporting and/or advocating any particular doctrine, position, point of view, or religious view”. This ordinance has a very particular and a very specific doctrine, position, and point of view, one that is actually radical and not widely accepted in the United States or at an international level. It is a false comparison to use a civil rights comparison to use a civil rights understanding and narrative to promote same sex behavior on political action. Gender identity/expression is completely subjective, and allows an individual to claim to be whatever gender they choose for the day and the term “gender expression” allows for a wide range of controversial behaviors and attitudes that this ordinance demands that people welcome, accept, desire, and solicit. There is no science that says that same sex behavior is genetic. There have been many that have spent decades looking for the so-called “gay” gene. In fact, the most recent American Psychological Association statement acknowledges that there is no “gay” gene. The APA is not an ally of hers. They have said “There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, or gay or lesbian orientation.” Although much research has examined the possible genetic, hormonal, developmental, social, and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors. Many think that nature and nurture play complex roles. Gender identity and, particularly, gender expression are contentious and hotly debated terms, and are not acknowledged in any United Nations Consensus document. In fact, the definition of gender in international norms is clearly defined as being male or female. Douglas Laylock stated, “When a government itself imposes a burden on religious and moral conscience, their case to do so must be compelling.” He also stated with regard to a “public accommodation” clause, “The scope of any right to refuse service to same sex couples must depend on comparing the harm to the couple of being refused service and the harm to the merchant or service provider of being coerced to provide service. What is most importantly at stake for each side is the right to live out core attributes of personal identity. In my view, the right to one’s own moral integrity should generally trump the inconvenience of having to get the same service from another provider nearby. Requiring a merchant to perform services that violate his deeply held moral commitment is far more serious, different in kind, and not just a degree from simply mere inconvenience.” Ms. Barlow stated that if she were to run an adoption agency and she has five or more employees, the adoption agency has a policy of giving preference in placement to married, heterosexual couples. It is the agency’s position that children need

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and deserve both a mother and a father, and that the purpose of adoption is to replace to the orphaned child that which was lost. This same sex couple feels that they are not being welcomed, accepted, desired, or solicited (language of the “full enjoyment”), and that they are being discriminated against. If they choose to prosecute her, they could, in following the “public accommodation” clause. This is about personal beliefs and viewpoints.

Greg Williams, 2941 Hartert, appeared to state that he did not want the City Council to wait two months or two years to complete the adoption of the Non-Discrimination Ordinance. He encouraged the Mayor and Council to put the “public accommodations” clause back into the ordinance.

Shannon Havens, 1104 East 21st Street, appeared to state that being a gay woman who used to be a gay woman pretending to be a straight woman, that being gay is not a lifestyle choice that is being made. She gave the example of owning a restaurant, not serving a Jew or Muslim, because it was against her beliefs. Even if it is just your belief, it is not ok to impose your beliefs on someone else. She stated that she would never walk into a church and say that you need to accept the fact that she was gay and the minister will have to perform the marriage. She stated that she would not impose her beliefs on anyone else. She requested the Mayor and City Council to stand up for her, because she would do the same for the Council.

Amy Brumfield, 356 Acosta Drive, appeared to state that she has a 20-year old Lesbian daughter. When or if she wants to get married, Ms. Brumfield stated that she did not want to hire a photographer or caterer who disapproves of her lifestyle. She wants these businesses to practice their businesses in the way they believe. Ms. Brumfield stated that she would like to have those businesses identify themselves as “We refuse service to these people”, so that it is not her daughter’s responsibility to find out when she requires the service. As a consumer, she could make an informed decision as to whether to support their business in the future.

Blair Taylor, 662 Tendoy, appeared to share the following statement:

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Mayor and Council,

Thank you for the opportunity to address you tonight on this important issue. The ordinance of non-discrimination will take a huge step in the direction of fairness and respect for the LGBT community. Recently, I e-mailed you regarding my concern about the business exemption that you have placed in this Ordinance and I am here tonight to express that same concern. The addition of Section 33-4-B-4 has authorized discrimination instead to prohibiting it. It is my understanding that in excess of 40% of the businesses in Idaho Falls would become exempt if this is left in place. Do you really think permitting discrimination is a sound decision? Would you allow it based on religion, sex, or skin color? I doubt you would ever consider it and you shouldn’t in this case.

After my e-mail I had the opportunity to condense and read the e-mails that had been received by you prior to your last meeting. It was very interesting after hearing some of the comments about the many e-mails you had received asking for a no vote. I summarized those e-mails after I received them, what I found was a total of 46 e-mails from citizens. Of those e-mails 23 were against the ordinance, 22 were supporting it and one was non-committal. I found it also interesting that of the 23 against, 10 were from outside the area, mostly

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Nampa and Meridian, and there were two supporting it from outside the area. While I would not question someone's right to give input on this issue I would ask that you look seriously at the number of e-mails that had been received and how many were actually sent from the residents this ordinance will affect the most, that would be 13 residents against within this area and that would include an e-mail from a resident in Pocatello. Those numbers versus the number of residents from this area, a total of 20 who support the ordinance as well as the number of people who have come to your meetings supporting this ordinance.

It was interesting to read that those of us supporting this ordinance were referred to as gay activists in some of the e-mails...and I would ask you to look into the audience and find one gay activist. We are citizens of the community many who are members of the LGBT community and many who are supporters of the LGBT community. We are not activists any more than you were when you decided to run for office. You saw something you wanted to help with or change and you made the decision to do something about it...that's exactly what we are doing. I would also say that those people from outside the area whether for or against are more of an activist than anyone in this room.

Recently, there has been panic e-mails calling this the "bathroom" bill...as interesting and misleading as this is, it appears the City Council has determined in an earlier meeting today that this be addressed. In previous emails, the "bathroom" bill was addressed in fear that some person supposedly not transgendered dressed as an opposite sex person and enter the bathroom to commit a crime. The idea you should punish the transgender person for what may happen by someone else is appalling. This is much like prohibiting your daughter from dating because your son did inappropriate behavior when he dated. There is no logic to it, just smoke screen disguised as concern.

If these inappropriate actions from today's work session are left in the ordinance I would question the validity of the ordinance and question if this Council is really prepared to address the non-discrimination issue...today it appears you are not.

As the opponents hide behind their e-mails and claim loss of religious freedom, the real question is what are they losing except the permission to discriminate and I again ask you...what percentage of discrimination is acceptable to you...for me there should be none and allowing a person to discriminate, who has been the choice to be in the business of serving the public should not be allowed. Again, should they be allowed to post in their windows that no one of a certain religion is allowed or no one except a certain race should be allowed...hopefully you answer no to that and the actions you take tonight will help show your sincerity to non-discrimination.

In closing, I would hope you look at the real consequences of permitting discrimination in your ordinance and remove the above-mentioned section and changes made today.

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Thank you for your time!

Adam Lang, 367 West 19th Street, No. 2, appeared to make the quotation, “If we do not act now, homosexuals will own America. If you and I do not speak up now, this homosexual steamroller will literally crush all decent men, women, and children who get in its way. Our nation will pay a terrible price” (Reverend Jerry Falwell). He questioned where religion and spirituality start. He thought that it was interesting how people brought up God, religion, science, and genetics for their beliefs in this life. Beliefs are individual and fundamental in nature. Mr. Lang, further, expressed his concern for the exceptions and that they are discriminatory. He did not believe that the community should treat its citizens differently, especially with regard to religion.

Shan Perry, 250 Masters Drive, appeared to state that he researched the “less than five person” employment exemption within the Non-Discrimination Ordinance. He stated that everyone has been told that this is in the State Code. There must be a good reason why the State Code has that stipulation. Mr. Perry stated that if he opened a business with 2-3 employees and wanted to hire one more and that person happened to be Irish, even though he was well qualified. If the person doing the hiring were to say that he was not going to hire the Irish man because he was Irish, that would be discrimination. He stated that he could not get away with that under State Law. There is a criminal statute in the State that does not have a five person exemption. He questioned whether the Non-Discrimination Ordinance was mimicking the Human Rights Commission Ordinance or whether it was mimicking the criminal statute of the State that has no exemption. The Non-Discrimination Ordinance is mimicking the criminal exemption. The Civil Rights Commission is established to take in complaints. Mr. Perry stated that there is no valid reason for the five person exemption. He requested the City Council to re-evaluate why that was put in the Non-Discrimination Ordinance in the first place. The Criminal Code is as follows:

18-1703. FREEDOM FROM DISCRIMINATION CONSTITUTES A CIVIL RIGHT. The right to be free from discrimination because of race, creed, color, sex, or national origin is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(1) The right to obtain and hold employment without discrimination.

(2) The right to the full enjoyment of any of the accommodations, facilities or privileges or any place of public resort, accommodation, assemblage or amusement.

Mr. Perry stated, further, that this would result in a misdemeanor. He stated that the “public accommodations” clause needs to be added back into the Non-Discrimination Ordinance. He requested the Mayor and City Council to protect the rights of the minority.

Councilmember Hally stated that the language in the Criminal Code is much stronger than the Human Rights Commission.

Councilmember Lehto requested Mr. Perry to give some insight on the federal levels of protection for human rights.

Mr. Perry stated that Councilmember Hally is correct and responded to Councilmember Lehto’s statement by stating that the federal levels are higher in protection. He stated that the State of Idaho has less penalty provisions. Further, different laws have different levels of protection. Idaho State Code 18-7302 is the Definitions for Civil Rights and Idaho State Code 18-1703 is Denial of Right to Work or Accommodations a Misdemeanor.

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Debu Majumdar, 1749 Delmar Drive, appeared to state that he has lived in his home for 40 years. He stated, further, that he has seen what the City Council has taken out of the Non-Discrimination Ordinance. He was very sad that the City Council would remove “public accommodations” from this Ordinance. He requested that the City Council has the ability to do something which is right. John F. Kennedy has stated, “The rights of every human being are diminished, if the rights of one individual are diminished.”

Tom Bealer, 330 East 13th Street, appeared to state that he was so proud of the City Council at the last Council Meeting regarding the Non-Discrimination Ordinance. He stated that he is a decorated combat Veteran. When it comes to religion, it can be taken many ways. The City Council cannot get caught up on every little detail to make every single person happy, the Ordinance will never get done. Keep up the good work. He was grateful that the City Council decided to postpone the Ordinance at this time. Thumbs up for Idaho Falls.

Mike Metzger, 2670 Ridgecrest Drive, appeared to state that he moved here a couple of months ago from Massachusetts. He felt that the City Council was really on the ball at the earlier Council Work Session. He felt that it was wise to remove the “public accommodation” portion from the Non-Discrimination Ordinance. In Massachusetts, there were groups of people that would target businesses that did not agree with them. This was a group of transgendered men, who would go to restaurants and purchase dinner. Then they would act out. The transgendered men would start making out and drive other patrons away from that restaurant. This would happen continually until the restaurant complained. Then the group would bring the force and power of the law against the restaurant. Mr. Metzger stated that he was glad that the “public accommodations” portion was removed. He did not want the same thing to happen in Idaho Falls as what happened in Massachusetts. Those restaurant owners were just going to work every day to take care of their families. As another example, there is a homeless shelter in Portland, Maine. Two of the women in the shelter said that there were two transgender men who were using the facility. Transgender people who are homeless need a place to go, also. Someone reported that one of the men is not transgender, and stares at the others. He shared a comment from a woman who was a resident of the homeless shelter, “If you have been abused by your boyfriend for ten years, do you really want to see a man in the bathroom? What worries me, is that it’s a way for them to gain access to a vulnerable woman.” Mr. Metzger requested that the Mayor and City Council consider those that are not homosexual or transgender, and the effect on them, when “public accommodations” is considered. There are people who do not have good intentions that will take advantage of the Council’s good intentions in getting this passed.

Brian Holverson, 300 East 13th Street, appeared to state that people discriminate every day. There are forms of legal discrimination and there are illegal forms of discrimination. Police Officers choose who they will pull over and who they will not pull over – that is legal discrimination. It does not matter whether both parties, or multiple parties were breaking the law. The person getting the citation was legally discriminated against. This is accepted in society. Mr. Holverson asked why he was a lesser member of this community, why does his voice mean less than someone else’s, why does his opinion mean less, and why does his contribution mean less. Mr. Holverson provided an e-mail filled with facts and links to documents. He stated that he is an educated individual, and has the means to continue that education. Rasmussen Reports cannot be hired to perform any kind of survey. They form it for their own purpose of providing any political viewpoint. In the Scientific American Magazine, it has been proven by a scientist in this field, that homosexuality cannot be defined to a particular set of genes. It is a random mutation that is not tied to specific genes. Mr. Holverson encouraged the Mayor and City Council to review the data that he provided in his e-mail. Further, he encouraged the Council to read a book titled, “Transgender – 101, a Guide to Understanding the Complex Issues.”

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He further stated that there is a documentary "Milk" that happened approximately 50 years ago in San Francisco. He expressed his concern that an e-mail from 7:30 a.m. this morning was submitted to the City Council, when he put hours into his research. He believed that his e-mail was not considered or discussed by the Mayor and City Council at all. Further, Mr. Holverson stated that Councilmember Parry dismissed him outright.

Councilmember Hardcastle called for an end to the public input, and turned the time over to Councilmember Hally.

Councilmember Hally stated that this item could be tabled this evening or the City Council could move forward to pass it on the second reading. He preferred to table consideration of the proposed Non-Discrimination Ordinance until such time can be taken to review this document and get it right.

Councilmember Lehto stated that he has been working on this Ordinance and the process. On December 13, 2012, Councilmember Hally brought the proposal for a Non-Discrimination Ordinance forward. The comment coming out of that meeting, was that this Ordinance would wait until the City Attorney was in place. On February 14, 2013, the City Attorney Randy Fife was introduced to the City Council from his job with the City of Moscow. On March 28, 2013, the Non-Discrimination Ordinance was brought forward, in earnest for the first time. Direction was given to begin the process. There have been a number of drafts that have been discussed between the City Attorney and Councilmember Hally on April 25, April 30, May 7, May 8, and June 6. On June 12, a draft was socialized with the full Council. The first Work Session that the City Council began review of this Ordinance was July 11. That Ordinance was brought forward. The community has been part of this process. The first e-mails that began to arrive in the Mayor's and City Council's In-Box started following the June 12 Meeting. There has been a steady flow of e-mails. Councilmember Lehto stated that this has not been a long process for the Mayor and City Council. They have reviewed Ordinances from other communities. Now, the City Council needs to be sure that an Ordinance is put in place that ties back to a basis in law. Councilmember Lehto stated that this is just a part of the process and the City Council will eventually get there with more discussion.

Councilmember Taylor expressed his gratitude for everyone who has given input on this. He has been on the City Council for six years, and he does not remember any issue that has generated this much input. It is unfortunate that the City has to write laws regulating how people treat each other. He echoed what Councilmember Hardcastle stated earlier. The decision made earlier today, it was not a decision to take away "public accommodation" and move forward without addressing that. There was a great amount of input from both sides of the issue. They were delaying consideration of this issue, with the firm intention of continuing to address it. The City Council was considering moving forward with the housing and employment sections, but given the discussion tonight, Councilmember Taylor wanted to take more time and do it right, than rush through. The issue is to try to balance the rights of the LGBT folks with the rights of other folks, and represent all of the citizens of the community. The City Council will continue to labor hard and try to come up with something that is fair and just for all concerned.

It was moved by Councilmember Hally, seconded by Councilmember Parry, to table consideration of the Non-Discrimination Ordinance.

Councilmember Parry stated that she concurred with all of the comments made by the City Council this evening. She stated, further, that she owed Mr. Holverson an apology. That was not the intent, nevertheless, if that was the perception, then she expressed that she was deeply sorry. Councilmember Parry stated that it was not in her DNA to not discriminate, and it was in her DNA to listen. She stated, further, that she looks forward to the process continuing. This is worthwhile to get everyone's opinion. She

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stated that it is a welcoming challenge to come up with an Ordinance to do the right thing for the community. All comments were welcome.

Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

Following a short break, the Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
August 6, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: TABULATION AND AWARD OF BID FOR GEM STATE RIP RAP REPLACEMENT PROJECT

Attached for your consideration is the bid tabulation for the above referenced project.

Idaho Falls Power recommends that the City Council approve the design and accept the low bid of Rhodehouse Construction, Inc. for the base bid of \$44,900.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the design and accept the low bid from Rhodehouse Construction, Inc. to complete the Gem State Rip Rap Replacement Project for the base bid in the amount of \$44,900.00 and, further, give authorization for the Mayor and City Clerk to execute the contract documents. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

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Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
August 5, 2013

MEMORANDUM

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

Municipal Services respectfully requests the Council ratify the authorization to bid the remodel of the Planning Center.

s/ S. Craig Lords

Councilmember Parry stated that she hoped this approval was not premature. The City Council does not know the status of the Fire Department floor at this time.

The Municipal Services Director appeared to state that he believed that they were getting close with the evaluation of the Fire Station floor. He stated, further, that he did not believe that the City was jumping the gun with the remodel of the Planning Center, as the City needs to house 3 new employees. When Municipal Services gets the bids for this project, the City Council will have the opportunity to accept or reject those. That process is approximately 3-4 weeks away. This will give the Divisions a little more time to determine what is happening in the Fire Department.

The Fire Chief appeared to state that the Architectural/Engineering firm will begin the evaluation of the Fire Station No. 1 floors on August 13, 2013. The process will begin with ground penetrating radar. The contract is for a period of 45 days. Results should be received by the end of September.

Councilmember Parry stated that she would be voting against this, due to the fact that the Fire Station evaluation is so close to having an answer.

Councilmember Taylor stated that he sees the need to move forward with this project.

The Municipal Services Director stated that as is noted in the memo, this is a ratification. This item was discussed in a Work Session and the whole City Council gave approval to with move forward. He assumed that Council ratification for this project would be approved.

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to ratify the authorization to bid the remodel of the Planning Center. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: Councilmember Parry

Motion Carried.

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City of Idaho Falls
August 6, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" -
IMPOSITION OF NEW FEES OR FEE INCREASES FOR FISCAL
YEAR 2013-2014

Municipal Services respectfully requests the Mayor and Council's approval to publish the attached "Notice of Public Hearing" regarding the imposition of new fees or fee increases for Fiscal Year 2013-2014, with publication dates set for August 11, 2013 and August 18, 2013.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 22, 2013, at the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City of Idaho Falls proposes to increase existing fees beginning October 1, 2013, or an imposed new fee of respective fees from the current fiscal year. The fee increases or new fees are necessary to cover increased costs associated with these programs and services.

<u>SOURCE OF FEES</u>	<u>CURRENT FEES</u>	<u>PROPOSED NEW FEES</u>
Civic Auditorium		
Head Tech Fee (Per Hour)	\$ 16.00	\$ 18.00
Stage Hand Tech Fee (Per Hour)	8.00	10.00
Cleaning Deposit - Glitter Clean-Up Fee	-	500.00
Equipment Rental - Marley Floor User Fee	-	50.00
Tautphaus Park Zoo		
Admissions		
Regular Adult	6.00	7.00
Regular Child	3.00	4.00
Regular Senior	4.50	5.50
Education/Group Adult	5.00	6.00
Education/Group Child	2.50	3.50
Education/Group Senior	3.50	4.50
City Rate Adult	4.00	5.00
City Rate Child	2.00	3.00
City Rate Senior	3.50	4.50
Education Class - Late Fee (pick up of participant) Charged at 15 Minute Intervals after Class ends	-	5.00
Recreation		
Temporary Concession Permit (One day per site/per stand)	-	15.00
Ice Arena		
10 Punch Pass		
Ages 4 - 12	-	25.00
Ages 13 & Over	-	33.00
30 Punch Pass		
Ages 4 - 12	-	70.00
Ages 13 & Over	-	95.00

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Stick & Shoot and Freestyle Admissions (Walk In)		
Ages 4 – 12	-	3.75
Ages 13 & Over	-	5.00
Wes Deist Aquatic Center		
Membership Fees (Unlimited Passes good for Lap & Public Swims & Fitness Classes)		
1-Month Senior	-	40.00
3-Month Senior	-	105.50
6-Month Senior	-	189.00
1-Year Senior	-	280.00
1-Month Adult	-	45.00
3-Month Adult	-	118.00
6-Month Adult	-	211.00
1-Year Adult	-	312.00
1-Month Couple (Couple is 2 people from the same household)	-	78.50
3-Month Couple	-	213.00
6-Month Couple	-	312.00
1-Year Couple	-	400.00
1-Month Family (Family is up to 5 people in the same household)	-	113.00
3-Month Family	-	245.00
6-Month Family	-	400.00
1-Year Family	-	668.00
1-Month Family Add-On (Add 1 extra person to family pass, must live in same household)	-	17.50
3-Month Family Add-On	-	23.00
6-Month Family Add-On	-	34.00
1-Year Family Add-On	-	56.00
Punch Cards (10 time punch cards for lap & public swims and fitness classes)		
Adult Everything Punch Card	-	38.00
Senior Everything Punch Card	-	31.00
USS/YMCA Meet Fees	-	31.00
Rental for a 4-Hour Session with set up and take down or	-	300.00
Rental Per Person Per Session, whichever is more	-	3.00
Other Fees		
Family Night	-	10.00
Junior High Swim Team	-	120.00
Swim Team Sessions (8 Weeks) New Format, 8 Week Sessions, 4 Times a Year		
3 Days per Week (Practices)	-	120.00
2 Days per Week	-	90.00
1 Day per Week	-	55.00
Add On an Additional Day Session	-	35.00
Multi Family Program Discounts		
Discounts are for Multi-Family Members living in the same household signing up for the same program – first person is regular price		
2 nd Person	-	5% Discount
3 rd or more	-	10% Discount
Planning and Building		
Conditional Use Permit (PC or Council only)	100.00	225.00
Conditional Use Permit (both PC and Council)	205.00	325.00
RSC-1 Site Plan Review	100.00	150.00
Variance	335.00	350.00
Rezoning	515.00	550.00
Planning Transition Application	515.00	550.00
Comprehensive Plan Amendment	230.00	250.00
Ambulance Service Fees		
Advanced Life Support (ALS)	510.00	535.00
Non-Resident Advanced Life Support	674.00	707.00
ALS 2	535.00	562.00
ALS Non-Emergency	495.00	520.00
Critical Care	585.00	615.00
Basic Life Support (BLS)	353.00	370.00
Non-Resident Basic Life Support	525.00	550.00
Non-Emergency BLS	165.00	174.00
Treat – No Transport	138.00	145.00
Stand-By Rate (Per Hour)	132.00	140.00
Resident Mileage (Per Loaded Mile)	5.50	7.00
Non-Resident Mileage (Per Loaded Mile)	8.85	10.00
Idaho Falls Power Fees		
Temporary Power Installation	Variable Cost	150.00
Temporary Power Pole or Transformer Installation	Variable Cost	600.00

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Idaho Falls Power Rates		
Residential		
Energy Charges (per kWh)	0.0595	0.0625
Monthly Charge	9.50	10.00
Commercial		
Energy Charges (per kWh)	0.0400	0.0425
Demand Charge (per kW)	6.00	5.75
Monthly Minimum Charge (not less than)	25.00	17.50
Small Industrial		
Energy Charges (per kWh)	0.0350	0.0362
Demand Charge (per kW)	6.90	6.50
Large Industrial		
Energy Charges (per kWh)	0.0340	0.0350
Demand Charge (per kW)	6.80	6.50
Street Lighting		
Energy Charges	0.0725	0.1000

Any person who desires to provide comments regarding such fee increases may appear at 7:30 p.m. on Thursday, August 22, 2013, at the City of Idaho Falls Council Chamber, City Hall Annex, 680 Park Avenue, Idaho Falls, Idaho.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Published: August 11th and August 18th, 2013

Councilmember Taylor stated that within these fee increases are power rate increases. He requested Councilmember Lehto to further explain the power rate and fee increases.

Councilmember Lehto stated that typically Idaho Falls Power waits until Bonneville Power Administration increases their rates. Bonneville Power Administration is in the process of a rate study for transmission rates and service rates. Those rates reflect the cost of doing business. Bonneville Power Administration has indicated that they will move ahead with approximately a 20% increase, 10% on load and 10% on transmission. That translates to approximately a 9% increase to Idaho Falls Power electric rates. In anticipation of this rate increase, the City Council wanted those rate increases to be fairly noticed on this budget session.

Councilmember Taylor stated that, even with these rate increases, the citizens of Idaho Falls have a bargain on the power rates with Idaho Falls Power.

The Idaho Falls Power Director appeared to share the following information:

Monthly Power Bill Comparison in Select Cities

Salt Lake City, Utah	\$154.34
Island Park, Idaho	\$128.30
Sun Valley, Idaho	\$134.80
Pocatello, Idaho	\$135.34
Ammon, Idaho	\$177.47
Shelley, Idaho	\$177.47
Idaho Falls, Idaho	From \$86.85 to \$91.25

Based on August, 2013 at 1,300 kWh

The Idaho Falls Power Director stated further that Idaho Falls Power is a small utility, but faces the same challenges that other utilities in the country do. They are subject to reliability standards, which raises costs. There are challenges with generation,

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transmission, aging infrastructure. Idaho Falls Power has been blessed with a lot of rich assets that are low cost. Idaho Falls Power is working hard to protect that rate and find areas to be more efficient. This is the first time that Bonneville Power Administration has raised the transmission rate in six years. Bonneville Power sets their rates every two years. This is their two-year cycle for rate setting. They issued their final record of decision for this increase on July 24, 2013. The Idaho Falls Power Director stated that the charts are based on residential, because the majority of the City's customers are residential. On the fee increase sheet, there are different structures for commercial and industrial. Some of those rates have gone up and some have gone down. The fee increases are based on a cost-of-service model that Idaho Falls Power runs annually. On years like this, when Bonneville Power Administration has such a substantial increase, Idaho Falls Power waits to get the final numbers from them as it makes such a big difference in the budget. More than fifty percent of the overall budget is Bonneville Power rates.

Councilmember Taylor stated that the "Public Notice of Fee Increases" is the full range of fees to be changed or added, where in the past the only fees shown were those that increased by 5% or more.

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to authorize the publication of the "Notice of Public Hearing" regarding the imposition of new fees and fee increases for Fiscal Year 2013-2014 with publication dates set for August 11, 2013 and August 18, 2013 to conduct the public hearing at 7:30 p.m., Thursday, August 22, 2013. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
August 6, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR
2013-2014 FISCAL YEAR BUDGET

Municipal Services respectfully requests the Mayor and Council to tentatively approve the 2013-2014 Fiscal Year Budget in the amount of \$185,573,197.00.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 2013-2014 Fiscal Year Budget with publication dates set for August 11, 2013 and August 18, 2013.

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The Public Hearing is scheduled for 7:30 p.m., Thursday, August 22, 2013, at the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR 2013-2014
CITY OF IDAHO FALLS, IDAHO

A public hearing pursuant to Idaho Code Section 50-1002, will be held for consideration of the proposed budget for the fiscal year from October 1, 2013 to September 30, 2014. The hearing will be held at the City of Idaho Falls Council Chambers, in the City Annex Building, located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m., Thursday, August 22, 2013. All interested persons are invited to appear and provide comments regarding the proposed budget. Copies of the proposed budget are available at the Idaho Falls City Controller's Office during regular office hours (8:00 a.m. to 5:00 p.m., weekdays). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities in order to allow access to the budget documents or to the hearing should contact the City Controller's Office at 612-8230 at least 48 hours prior to the public hearing. The proposed FY 2014 budget is shown below as FY 2014 proposed expenditures and projected revenues.

PROPOSED EXPENDITURES			
Fund Name	FY 2012 Actual Expenditures	FY 2013 Budget Expenditures	FY 2014 Proposed Expenditures
General Fund			
Mayor and Council	\$ 148,140	\$ 212,204	\$ 195,433
Legal	159,691	265,781	322,289
Municipal Services	4,779,419	8,268,848	8,777,457
Planning and Building	1,922,856	2,270,591	2,183,124
Human Resources	173,396	190,669	184,167
Police	11,885,327	12,254,341	12,196,676
Fire	10,063,302	9,866,743	9,846,523
Parks	5,484,941	5,723,543	7,424,669
Public Works	1,372,911	1,972,509	1,937,971
General Fund Total	<u>\$ 35,989,983</u>	<u>\$ 41,025,229</u>	<u>\$ 43,068,309</u>
Special Revenue Funds			
Street Fund	\$ 4,511,314	\$ 5,099,408	\$ 5,743,246
Recreation Fund	1,263,388	1,351,953	1,450,686
Library Fund	3,249,609	2,941,457	3,036,396
Airport Passenger Facility Charge Fund	613,420	580,000	600,000
Municipal Equipment Replacement Fund	1,721,703	1,281,000	1,676,000
Electric Light Public Purpose Fund	306,892	600,000	300,000
Business Improvement District	45,600	48,600	45,600
Golf Fund	1,806,569	1,827,966	2,642,414
Special Revenue Funds Total	<u>\$ 13,518,495</u>	<u>\$ 13,730,384</u>	<u>\$ 15,494,342</u>

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Internal Service Fund			
Self-Insurance Fund	\$ 881,328	\$ 1,000,000	\$ 1,043,000
Capital Projects Funds			
Sanitary Sewer Capital Improvement Fund	\$ 30,276	\$ 600,000	\$ 600,000
Municipal Capital Improvement Fund	206,314	4,050,000	1,000,000
Street Capital Improvement Fund	1,304,316	292,000	2,250,000
Bridge and Arterial Street Fund	1,878	1,430,000	300,000
Water Capital Improvement Fund	8,629	1,300,000	1,300,000
Surface Drainage Fund	37,460	65,000	50,000
Traffic Light Capital Improvement Fund	40,611	810,000	1,167,495
Capital Projects Funds Total	\$ 1,629,484	\$ 8,547,000	\$ 6,667,495
Enterprise Funds			
Airport Fund	\$ 4,629,642	\$ 5,103,129	\$ 5,062,095
Water and Sewer Fund	18,279,500	36,533,400	33,882,622
Sanitation Fund	4,100,042	4,501,480	4,732,586
Ambulance Fund	3,371,879	3,700,574	3,785,254
Electric Fund	57,099,669	70,683,881	71,837,494
Enterprise Funds Total	\$ 87,480,732	\$120,522,464	\$119,300,051
Total Expenditures - All Funds	\$139,500,022	\$184,825,077	\$185,573,197

PROJECTED REVENUES

Fund Name	FY 2012 Actual Revenues	FY 2013 Budget Revenues	FY 2014 Projected Revenue
Property Tax Levy			
General Fund	\$ 22,005,749	\$ 22,051,861	\$ 22,025,313
Recreation Fund	482,826	483,667	483,062
Library Fund	1,731,239	1,734,181	1,732,009
Municipal Capital Improvement Fund	693,563	694,936	694,066
Fire Retirement	1,173,600	1,208,591	1,238,786
Liability Insurance	588,508	595,000	595,000
Property Tax Levy Total	\$ 26,695,485	\$ 26,768,236	\$ 26,768,236
Revenue Sources Other Than Property Tax			
General Fund	\$ 14,298,297	\$ 13,890,106	\$ 15,236,988
Street Fund	3,073,859	3,120,234	3,914,476
Recreation Fund	811,502	875,900	875,040
Library Fund	917,420	1,068,865	1,102,172
Passenger Facility Fund	613,420	580,000	600,000
Municipal Equipment Replacement Fund	44,111	50,000	50,000
Electric Light Public Purpose Fund	317,614	602,000	303,500
Business Improvement District Fund	51,430	52,000	52,000
Electric Rate Stabilization Fund	294,635	300,000	250,000
Golf Fund	1,586,071	1,579,700	2,659,734
Self-Insurance Fund	1,130,140	1,150,500	1,150,000
Sanitary Sewer Capital Improvement Fund	122,306	142,250	139,250
Municipal Capital Improvement Fund	278,047	207,000	1,000
Street Capital Improvement Fund	889,652	-	250,000
Bridge and Arterial Street Fund	32,954	34,000	36,000
Water Capital Improvement Fund	193,176	144,750	169,750
Surface Drainage Fund	5,943	15,500	4,500
Traffic Light Capital Improvement Fund	117,860	202,815	550,376
Airport Fund	4,818,968	4,515,121	3,656,088
Water and Sewer Fund	18,138,056	35,739,300	32,949,500
Sanitation Fund	3,796,758	3,752,000	3,774,000
Ambulance Fund	3,028,360	3,565,859	3,818,883

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Electric Fund	57,994,018	53,909,974	55,130,642
Fund Transfers	2,210,372	3,501,080	3,083,880
Fund Balance Carryover	<u>(1,940,432)</u>	<u>29,057,887</u>	<u>29,047,182</u>
Other Revenue Sources Total	\$112,824,537	\$158,056,841	\$158,804,961
Total Revenues - All Funds	\$139,500,022	\$184,825,077	\$185,573,197

I, Rosemarie Anderson, City Clerk of the City of Idaho Falls, Idaho certify that the above is a true and correct statement of the proposed expenditures by fund and the entire estimated revenues and other sources of the City of Idaho Falls, Idaho for the Fiscal Year 2013-2014; all of which have been tentatively approved by the City Council on August 8, 2013 and entered at length in the Journal of Proceedings.

Dated this 8th day of August, 2013.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: August 11 and August 18, 2013

Councilmember Taylor reviewed for those present, the budget requests and associated pie charts, along with all expenditures and revenues proposed for the City of Idaho Falls. He stated, further, that the total proposed budget is \$185,573,197.00. Property tax is approximately 17% of the total budget, which is the same dollar amount, \$26,768,236.00, certified for the last four years. Councilmember Taylor explained that the general taxpayer is no longer funding the golfers in Idaho Falls. The Parks and Recreation Director has put into place a 5-year business plan for golf and it has proven itself. Within the General Fund, there is revenue to cover most of the costs. There is a shortfall of approximately \$972,000.00. It is proposed that the City fund that shortfall from the General Fund balance, although the Council will look in the coming year for cost savings. Councilmember Taylor explained that:

1. Prosecutor (Judicial) will be moved to in-house effective October 1, 2013.
2. Property tax dollars remain the same as the previous four years, \$26,768,236.00.
3. Approximately \$1,165,709.00 increase in foregone for a total of \$6,347,451.00 available in foregone.
4. Includes capital expenditures of \$2,961,800.00 of which \$972,222.00 will be funded from General Fund cash reserves.
5. \$1,000,000.00 will be transferred from General Fund cash reserves to the Street Department.
6. Benefit adjustments included: \$54,000.00 increase in health and \$32,000.00 in dental insurance premiums, \$5,000.00 to include spouse in Blue Cross "healthy measures" benefit.
7. Five areas of focus October 1:
 - a. Zoo
 - b. Fire Department
 - c. Civic Auditorium
 - d. Public Transportation
 - e. Contributions List

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Councilmember Taylor stated that the General Fund is still healthy. The General Fund serves two purposes. The first purpose is to keep enough cash reserve to provide for emergencies or a catastrophic event in order to be able to run the City for a few months; and, the second purpose is to save for large expenditures. Councilmember Taylor stated that there are two items of concern:

1. The overtime with the Fire Department has exceeded the budget. The Fire Chief has been asked to negate overtime by reducing staffing at stations. The City Council has heard from the community that they are concerned about the reduction of service. That policy was changed and the Fire Chief was authorized to fully staff all fire stations for the remainder of this fiscal year. They will continue to work on the overtime issue in other ways.

2. The proposed spray park is in the 2013-2014 budget in the amount of \$500,000.00. There will be donations from community organizations and grants that cover \$300,000.00 of that cost, with \$200,000.00 coming out of the General Fund. This expenditure has not been authorized. The location of the spray park has not been determined. The design of that spray park has not been proposed. Funding is a placeholder in the budget, should this proceed forward. Councilmember Cornwell stated that the Rotary Club has funded many projects along the Greenbelt. Sometimes the City has funded a project upfront, but the Rotarians have paid the City back for those projects. The \$200,000.00 that is proposed to come from the General Fund will be replaced by the Rotary Club.

Tim Downs, 3382 Grove Lane, appeared to state that he is a City employee, homeowner, and a taxpayer. Quality of life to some people means the spray park, and quality of life to others might be the City donations and contributions. He was discussing quality of life with a person on 4th Street, whose waterline is broken due to waterline replacement work that was done in that area by the City. This particular individual knows that she is responsible for the replacement of her personal service line, but she does not have the money to pay for that repair. Mr. Downs stated that the property owner was told that if the repair was not made to her line during the process of replacing the City's waterline, her service line would be capped and buried to be repaired when the property owner could afford to make that repair. Mr. Downs stated that to this person, water service to her home was more important than a spray park. The City of Idaho Falls has programs for curb and gutter replacement through Public Works Division and no-interest loans for appliance replacement through Idaho Falls Power. There is no assistance for the property owner to repair service lines. Mr. Downs then requested to know what Cost of Living Increase was given to the City employees last year.

The Municipal Services Director appeared to explain that the Cost of Living Increase was 1% for the last fiscal year.

Mr. Downs then reviewed for City Council that there was a wage comparison analysis conducted in 2010 for all City employees. As a result of that wage comparison study, there was approximately a 1% raise to employees within the Grade 10 through Grade 16. He stated that it was his belief that Division Directors are also City employees. From 2011 through 2013, seven Division Directors have received substantially more than a 1% increase. He requested to know where the accountability was from government to the citizen. Government's job is not to subsidize entertainment. Government's job is to provide services, safety, and infrastructure to allow private business to grow the economy.

Tom Beatty, 330 East 13th Street, appeared to state that the sewer system in his area is shot. The sewer trucks are always coming around to unplug the drains. People are always blowing their leaves into the street. The crews come around several times to

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collect the leaves. That costs a lot of money. He requested to know why the City is doing that. People should take the initiative to mulch their leaves or put them in trash bags so that the City does not have to budget so much money to collect them as they fall from the trees.

Ryan Nelson, 1020 Oakhurst Avenue, appeared to state that he is the President of the Idaho Falls Fraternal Order of Police, representing the majority of the sworn officers of the Police Department and several non-sworn employees of the Police Department. The FOP proposal was to ask for official recognition and separation of public safety employees from general service employees in terms of benefit packages, like many other municipalities do. He understood that there was a 1.5% Cost of Living Increase proposed, with 5% co-pay being proposed for benefits shown on Option 1 proposal for benefits. When he began working for the City of Idaho Falls, the benefits were great. It is not that way any longer. He stated that he just told the Police Chief that he would be leaving the employment of the City to take a job in Washington because it will be better for his family. He is taking a better paying job with better benefits in Spokane. The City of Idaho Falls is not in the top ten cities for pay. There are officers that can leave the City of Idaho Falls and make \$10.00 more per hour. Recently, the FOP requested the sworn police officers to complete a survey of 72 questions. One of those questions was whether they liked working for the City of Idaho Falls Police Department. Fifty-one percent of those answering the survey were happy with the Idaho Falls Police Department and forty-nine percent said that they wanted to leave.

Lynn Case, 856 Newgate, appeared to state that he began working for the Idaho Falls Police Department in 1986. He came from the Caldwell Police Department. At that time he recognized that no one retires from the Caldwell Police Department. All officers move on. The Idaho Falls Police Department is deteriorating. The employees need to be taken care of and retire here. When Police Department testing was conducted this year, only 70 people tested to become a Police Officer. He believed that was not nearly enough. Officer Case stated that he works 4 jobs, to maintain an average quality of life. He stated that he does not cost very much in the way of insurance. His wife, on the other hand, is a little pricey. This will cost him approximately \$500.00 more per month and will result in him taking another job. He requested the Mayor and City Council to take care of their employees, and they will take care of the community.

Tina Case, 856 Newgate Drive, appeared to request whether the Mayor and City Council used the same insurance as the City employees do. The answer was in the affirmative. She stated that she has had diabetes for most of her life. She has been able to remain healthy due to medical equipment that assists her. Without insurance, the cost would be \$1,000.00 to \$2,000.00 per month. She stated that she could not afford that. Her first thought was that she could not use the medical equipment any longer if she has to pay more for their use. Mrs. Case stated that with the changes to the insurance coverage, the City will lose officers that have cost thousands of dollars to train.

Dino Lowry, 169 6th Street, appeared to state that she was thankful that the Police Department patrols 6th Street regularly. This is a very dangerous neighborhood. Hearing that there will be a reduction in pay was upsetting to her. The City Council should reconsider how they pay the Police Officers.

Scott Wetzal, 3810 Stonebrook, Vice President of the Firefighters Local 1565, appeared to state that he agreed with Officer Nelson, in that employees will receive a decrease in their pay even with the 1.5% Cost of Living increase. Within the Fire Department, there are 8 firefighters that are testing in other places. This is not something that has happened in the past. Benefits continue to erode away. He stated that he loves his job and working for the City of Idaho Falls. He believed that there was a train wreck coming.

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Allen Hall, 2791 Applen Court, appeared to state that through leadership courses that he has taken, the most important asset that a business has are its employees. People with skills are the investment. That is the infrastructure that is most important.

Councilmember Parry commented that the \$1,000,000.00 transfer to the Street Department and the \$972,222.00 should be put together, which is \$2,000,000.00 being authorized from the General Fund.

Councilmember Taylor stated that there is not another resource to fund street maintenance.

Councilmember Parry stated that this is deficit spending and it is not sustainable. This is kicking the can down the street. The General Fund has a 3-month cushion at this time. This deficit spending will make it more difficult for budgeting next year. Councilmember Parry stated that the growth money, \$362,000.0, is too important to pass up. The growth money, which includes annexation and new construction, enables the City to raise the total revenue dollars without raising the average property tax dollars out of people's pockets. Until the Council, individually and collectively, understands that concept, she will keep driving it home. It is not fair to pass up those growth dollars. Because of devaluation, the levy rate would go up. That is a discussion for another day. Further, Councilmember Parry stated the Smith's and the Vandersloot's are building outside of the City due to the high taxes. She requested to know whether anyone from the Council called them to let them know that their figures were wrong.

Councilmember Hally stated that he talked with a Car Dealer at the War Bonnet Round-Up. This dealer stated that he was glad that he developed in the City. Most of his employees live in the City. Councilmember Hally stated that Councilmember Parry is saying that the taxes are too high in the City, and in order to get the increase, the taxes need to be raised.

Councilmember Parry stated that she was not requesting to raise the taxes. Everyone needs to understand that growth money is a good thing, it slights no one.

Councilmember Lehto told Councilmember Parry that she was out of touch. There is a meeting on Monday to have a discussion regarding this. There have been four Council Work Sessions to convince the rest of the City Council that this was not a tax increase. He stated that Councilmember Parry failed to do that. Councilmember Lehto stated that this is a tax increase. Councilmember Lehto explained that the City Council is requesting that a budget be published, certifying the dollar amount. It does not mean that the Council cannot have further discussions in the next two weeks. The City Council can be open for more discussions. Following this vote, the dollars taken cannot be increased.

The Municipal Services Director appeared to state that once the budget is published, the City Council can request less, the City Council can reallocate within that number, but the amount cannot be increased without re-publishing.

It was moved by Councilmember Taylor, seconded by Councilmember Hally, to tentatively approve the 2013-2014 Fiscal Year Budget in the amount of \$185,573,197.00, and, further, give authorization for publication of the "Notice of Public Hearing" for the 2013-2014 Fiscal Year Budget with publication dates set for August 11, 2013 and August 18, 2013 with the public hearing scheduled for 7:30 p.m., August 22, 2013 in the Council Chambers. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hally
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto

Nay: Councilmember Parry

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Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
August 6, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: BID AWARD – CITY AND TAUTPHAUS PARK ZOO SIGNAGE
AND WAY-FINDING PLAN

In June 2013, bids were received and opened for a City of Idaho Falls Master Signage and Way-Finding Plan. Hunt Design was selected by the Signage and Way-Finding Committee after reviewing proposals from 14 consultant teams and presentations by two design firms selected by the Committee.

The Division of Parks and Recreation recommends approval of the contract, award to the lowest, responsible bidder, Hunt Design, in an amount of \$72,250 and \$38,250 for the Tautphaus Park Zoo and requests authorization for the Mayor and City Clerk to sign the contract documents.

s/ Greg A. Weitzel

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to accept the lowest responsible bid submitted by Hunt Design in the amount of \$72,250.00 and \$38,250.00 for the Tautphaus Park Zoo for the City of Idaho Falls Master Signage and Way-Finding Plan and, further, give authorization for the Mayor and City Clerk to execute the necessary contract document. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Hally
Councilmember Parry
Councilmember Taylor
Councilmember Lehto

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls
July 22, 2013

MEMORANDUM

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

AUGUST 8, 2013

Attached is a copy of the Final Plat entitled Gillespie Addition, Division No. 1. This Final Plat is located on West Broadway and zoned R-3A. The Planning Commission found the plat complies with the Subdivision Ordinance and recommended approval. Staff concurs with this recommendation. This Final Plat is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

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

Aye: Councilmember Lehto
Councilmember Parry
Councilmember Hardcastle
Councilmember Taylor
Councilmember Hally
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
August 5, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Renee R. Magee, Planning and Building Director
SUBJECT: ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH
BVMT POWER FALLS, LLC AND CURTISS-WRIGHT FLOW
CONTROL SERVICE CORPORATION

Attached is a copy of the Economic Development Incentive Agreement with BVMT Power Falls, LLC, and Curtiss-Wright Flow Control Service Corporation. The Council reviewed this Agreement in a Work Session late this Spring, and the City Attorney has recently reviewed this Agreement. It provides for the refund of plan check and building fees as well as storm drainage fees upon the completion of the two office and light manufacturing buildings with a combined square footage of 112,000 square feet in Snake River Landing and the creation of one hundred new full-time jobs. The Planning Department respectfully requests approval of this Agreement and authorization for the Mayor to sign the Agreement.

s/ Renee R. Magee

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Economic Development Incentive Agreement with BVMT Power Falls, LLC and Curtiss-Wright Flow Control Service Corporation and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto
Councilmember Hally

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
August 2, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: BID AWARD – ADDITION TO STREET AND SANITATION
BUILDING

On July 30, 2013, bids were received and opened for Addition to Street and Sanitation Building Project. A tabulation of the bid results is attached.

Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, Vern Clark and Sons, in an amount of \$86,200.00 and, authorization for the Mayor and City Clerk to sign contract documents.

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the plans and specifications for the Addition to Street and Sanitation Building Project; to accept the lowest responsive, responsible bid provided by Vern Clark and Sons Construction Company, Inc. in the amount of \$86,200.00 to complete said project; and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Taylor
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Parry

Nay: None

Motion Carried.

AUGUST 8, 2013

City of Idaho Falls
July 23, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: SEWER FRONT FOOT FEES SETTLEMENT AGREEMENT WITH DEVELOPER ON KINGWOOD ADDITION, DIVISION NO. 2

Attached for your consideration is a Settlement Agreement prepared by the City Attorney that reimburses BDS, LLC \$5,240.00 for sewer front fees paid as part of Kingwood Subdivision, Division No. 2. The Agreement stipulates that reimbursement will be made following the completion of seal coating within the subdivision. In addition, the agreement also stipulates that upon written request two other properties will also be reimbursed sewer front fees.

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

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Settlement Agreement with BDS, LLC that reimburses for sewer front fees paid as part of Kingwood Subdivision, Division No. 2 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor
Councilmember Hally
Councilmember Parry
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

Annexation Proceedings for Snake River Landing, Division No. 9 (Events Center) has been withdrawn by the Division Director.

There being no further business, it was moved by Councilmember Taylor, seconded by Councilmember Cornwell, that the meeting adjourn at 11:30 p.m.

CITY CLERK

MAYOR
