

SEPTEMBER 12, 2013

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 12, 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 Jared D. Fuhriman
Councilmember Sharon D. Parry
Councilmember Karen Cornwell
Councilmember Thomas Hally
Councilmember Ken Taylor
Councilmember Ida Hardcastle
Councilmember Michael Lehto

Also present:

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

Mayor Fuhriman requested Braden Lawrence to lead those present in the Pledge of Allegiance.

Mayor Fuhriman requested those to come forward who had items for the City Council.

Chris Deile, Anchorage, Alaska (now in Idaho Falls), appeared to share the following Letter to the Editor which explains his experience with a brown bear:

Portland Press Herald
Letters to the Editor: Non-Lethal Policy Favors the Bears

Regarding Matthew Dyer, the Sierra Club hiker attacked while in his tent at 1:30 a.m., July 24 in eastern Canada's Torngat Mountains when an electric fence failed to stop a polar bear:

CBC News reported July 27, "Parks Canada advises visitors of the park to hire an armed Inuit polar bear guard ... Dyer's group did not hire a bear guard."

Armed Intuit Guards – an excellent idea, by the way – were quite likely not hired because the Sierra Club seeks non-lethal means of protection in a bear attack, most notably by advocating pepper spray for bear attacks.

Although the electric fence and pepper spray are steps in the right direction in trying to co-exist peacefully with bears, they're not enough to stop a charging bear, particularly in the wee hours, when bears tend to attack people in tents. (Japanese wildlife photographer Michio Hoshino experienced a worse fate than Dyer in Kamchatka, Russia on August 8, 1996, when a bear attacked him in his tent at 4:30 a.m., dragged him out of it and killed him.)

In September, 1996, my friend Keith Benner and I were attacked by a brown bear in Alaska as pepper spray allowed a face-to-face encounter, risking mauling and death after the bear knocked me to the ground with a side-arm swipe to my chest.

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A .454-caliber Casull or .338-caliber rifle (I've since learned) could have stopped the bear in its charge instead of leaving our fate up to the bear. (Our experience is described in the article "A Can of Spray, A Lot of Luck," in the September 29, 1996 edition of the Anchorage Daily News.)

The Inuits must be shaking their heads.

Mr. Deile further commented that as a teenager, he was a heavy marijuana smoker. He did not smoke cigarettes. He now has lung cancer from the marijuana use. He wanted to warn the City Council that should marijuana be legalized to produce tax revenue, it is a bad idea. Marijuana is not safe.

Mayor Fuhriman requested Council confirmation for the Appointment of Brad Cramer to serve as Planning and Building Director. It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to appoint Brad Cramer to serve as the Planning and Building Director. Roll call as follows:

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

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council confirmation for the Appointment of Steve Cannon to serve as the Appeals Hearing Officer for Door-To-Door Sales.

The City Clerk requested approval of the Minutes from the August 8, 2013 Council Work Session, the August 8, 2013 Regular Council Meeting, the August 12, 2013 Council Work Session, and the August 22, 2013 Council Work Session.

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

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

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$ 850,210.39
Street Fund	662,193.72
Recreation Fund	30,238.51
Library Fund	122,987.36
Municipal Equipment Replacement Fund	175,132.74
Electric Light Public Purpose Fund	26,065.61
Golf Fund	55,896.33
Self-Insurance Fund	92,760.06
Sanitary Sewer Capital Improvement Fund	14,140.00
Municipal Capital Improvement Fund	60,128.15

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FUND	TOTAL EXPENDITURE
Street Capital Improvement Fund	105,668.75
Traffic Light Capital Improvement Fund	558.37
Airport Fund	82,998.42
Water and Sewer Fund	2,222,051.37
Sanitation Fund	131,018.01
Ambulance Fund	19,155.45
Electric Light Fund	2,778,078.17
Payroll Liability Fund	3,400,201.96
TOTALS	\$10,829,483.37

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

City of Idaho Falls
August 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

September 4, 2013
Date Signed

ACKNOWLEDGEMENT

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 4th day of September, 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 a BEER License to Los Albertos, 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 September 12, 2013.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: CONSENT AGENDA – ENERGYAXIS MANAGEMENT SYSTEM
CONTRACT CHANGE ORDER NO. 3

Attached is Change Order No. 3 for the contract with Elster Solutions LLC related to the EnergyAxis Management System. This Change Order will complete integration of the handheld unit we purchased and complete automation of the secure file transfer programming to integrate data into the billing system.

The net result from this Change Order is an increase in Contract cost of \$10,900.00 and an increase in annual licensing of \$3,405.00.

Idaho Falls Power respectfully requests City Council approve this Change Order and authorize the Mayor to sign the document.

s/ Jackie Flowers

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: CONSENT AGENDA – OLD LOWER PLANT CHANGE ORDER
NO. 1

Attached is Change Order Number One for the Old Lower Plant Project. This Change Order increases the total project cost by \$1,952.00 due to modify the overhead door design from a manual chain drive to an electric opener. The budget for this project is adequate to cover the additional cost.

Idaho Falls Power respectfully requests City Council ratify this Change Order.

s/ Jackie Flowers

The Municipal Services Director submitted the following memo:

SEPTEMBER 12, 2013

City of Idaho Falls
August 27, 2013

MEMORANDUM

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

Municipal Services respectfully requests authorization to advertise to receive bids for the following items approved in the 2013-2014 Budget:

1. Equipment;
2. Equipment and Materials for Electrical Generation, Transmission, Distribution, Fiber Optics, Metering and Signalization;
3. Water Pipe Fittings and Other Waterline Equipment and Materials;
4. Sewer Department Materials and Supplies;
5. Chlorine and Sodium Bisulfite (Sewer and Water Department);
6. Road Salt and Sand (Street Department);
7. Aggregate (Crushed Gravel) (Street Department);
8. Asphalt Plant Mix/Modified Crack Sealant (Street Department);
9. Traffic Striping Paint and Solvent;
10. Sanitation Refuse Containers; and,
11. Motor Fuels, Lubricants and Services; and the Fuel obtained through a computerized fuel dispensing system.

s/ S. Craig Lords

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 Hally
Councilmember Hardcastle
Councilmember Parry
Councilmember Lehto
Councilmember Taylor
Councilmember Cornwell

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Human Resources Director submitted the following memos:

SEPTEMBER 12, 2013

City of Idaho Falls
September 12, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: April Collier, Director of Human Resources
SUBJECT: FY 2013-2014 SALARY AND BENEFIT INCREASES; INSURANCE
CONTRACT AUTHORIZATION

Attached for your consideration are four memorandums:

1. Memorandum requesting that the Council authorize the Mayor to sign a new rate sheet with Blue Cross of Idaho. By signing this document, the City will be accepting the rate increases for the Active and Retiree Plans as negotiated with Blue Cross of Idaho for FY2014. The new group health insurance contract will be reviewed with legal counsel when it becomes available.
2. Memorandum requesting that the Council authorize the Mayor to sign a new rate sheet with Delta Dental of Idaho. By signing this document, the City will be accepting the rate increases as negotiated with Delta Dental for FY2014.
3. Memorandums (2) requesting the Council to approve the proposed Wage and Benefit Increases for City Employees as previously discussed.

Once the documents are signed, Human Resources will execute the documents with our insurance brokers. Please let me know if you need additional information.

s/ April Collier

City of Idaho Falls
September 12, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: April Collier, Director of Human Resources
SUBJECT: ACTIVE AND RETIREE EMPLOYEE GROUP HEALTH
INSURANCE RATES – BLUE CROSS OF IDAHO

It is respectfully requested the Council authorize the Mayor to sign the City of Idaho Falls Group Health Insurance Rate Sheets with Blue Cross of Idaho. By signing this document, the City will be accepting the proposed rates for the City's Active and Retiree Group Health Insurance Contracts for Fiscal Year 2013-2014. Attached for your consideration are the group rates which will take effect October 1, 2013. The revised Group Health Insurance Contract will be reviewed by legal counsel when it is available.

s/ April Collier

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City of Idaho Falls
September 12, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: April Collier, Director of Human Resources
SUBJECT: EMPLOYEE GROUP DENTAL INSURANCE RATES - DELTA
DENTAL OF IDAHO

It is respectfully requested the Council ratify the renewal of a Group Dental Insurance Contract with Delta Dental of Idaho, which will renew the City's existing contract for Fiscal Year 2013-2014. Attached for your consideration is a Renewal Confirmation document from Delta Dental of Idaho with no changes to contract language. This renewal is effective October 1, 2013.

s/ April Collier

City of Idaho Falls
September 12, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: April Collier, Director of Human Resources
SUBJECT: FY 2013-2014 SALARY AND BENEFIT INCREASES FOR
MUNICIPAL EMPLOYEES ASSOCIATION AND ALL OTHER NON-
REPRESENTED EMPLOYEES

It is respectfully requested that the Mayor and City Council approve the following changes in employee compensation for all Municipal Employees Association members and all other non-represented employees:

1. A 2% Cost of Living Increase to wages and longevity, effective September 22, 2013.
2. A 1.62% increase in Group Health Insurance Rates with Blue Cross of Idaho, effective October 1, 2013.

s/ April Collier

City of Idaho Falls
September 12, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: April Collier, Director of Human Resources
SUBJECT: FY 2013-2014 SALARY AND BENEFIT INCREASES FOR SWORN
POLICE OFFICERS

SEPTEMBER 12, 2013

It is respectfully requested that the Mayor and City Council approve the following changes in employee compensation for all Sworn Police Officers:

1. A 2% Cost of Living Increase to wages and longevity, effective September 22, 2013.
2. A 1.62% increase in Group Health Insurance Rates with Blue Cross of Idaho, effective October 1, 2013.

s/ April Collier

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the Fiscal Year 2013-2014 Salary and Benefit Increases and Insurance Contracts and, further, that the Mayor be authorized to execute the necessary documents. Councilmember Parry stated that she was not in favor of the employee benefit increases. She stated, further, that the City Council heard a great deal from the employees regarding their benefit packages. Councilmember Parry stated that it was nonsensical to spend more than \$134,000.00 in a Cost of Living Increase, as well as providing the more expensive insurance plan. Roll call as follows:

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

Nay: Councilmember Parry

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: ORDINANCE AMENDING SECTIONS 8-5-27 AND 8-5-30 OF THE CITY CODE OF IDAHO FALLS ADJUSTING ELECTRICAL FEES FOR CUSTOMERS OF THE ELECTRIC LIGHT DIVISION; PROVIDING EFFECTIVE DATE OF ORDINANCE

Attached for your consideration is an Ordinance amending Sections 8-5-27 and 8-5-30 of the City Code of Idaho Falls to adjust current electrical fees and recoup fixed fees associated with provisions of temporary or construction electrical service. At the August 22nd City Council Meeting, the City Council passed this Ordinance on first reading, and adopted these proposed fees in conjunction with the fee increases and the budget for Fiscal Year 2013-2014.

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The Bonneville Power Administration rate increases (9% Power, 11% Transmission) are final and go into effect October 1, 2013.

Staff respectfully requests that the Mayor and City Council pass the Ordinance with an effective date of October 1, 2013.

s/ Jackie Flowers

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

ORDINANCE NO. 2927

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING SECTIONS 8-5-27 AND 8-5-30 OF THE IDAHO FALLS CITY CODE TO ADJUST CURRENT ELECTRICAL FEES AND TO RECOUP FIXED FEES ASSOCIATED WITH PROVISION OF TEMPORARY OR CONSTRUCTION ELECTRICAL SERVICE; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

Motion Carried.

The Library Director submitted the following memo:

City of Idaho Falls
September 10, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Robert Wright, Library Director
SUBJECT: RFID BID REJECTION

SEPTEMBER 12, 2013

The Library Division respectfully requests that all bids submitted for the Radio Frequency Identification Project at the Library be rejected and the project be rebid with revised specifications to better serve the needs of the Library and its patrons.

s/ Robert Wright

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to reject all bids submitted for the Radio Frequency Identification Project at the Library and, further, give authorization to rebid with revised specifications to better serve the needs of the Library and its patrons. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
September 9, 2013

MEMORANDUM

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

Please find attached tabulation for the above subject bid.

It is the recommendation of Municipal Services to accept the low bid of Vern Clark and Sons Construction Company, Inc. in the amount of \$60,200.00. Municipal Services respectfully requests that the Mayor and Council award the bid to Vern Clark and Sons.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to accept the low bid provided by Vern Clark and Sons Construction Company, Inc. in the amount of \$60,200.00 to complete the Planning Center Remodel Project and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Lehto
Councilmember Cornwell

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Councilmember Hally
Councilmember Parry
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls
August 27, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PURCHASE OF ASPHALT MIX

The State of Idaho Transportation Department recently awarded the contract for Bituminous (Hot Asphalt) Plant Mix for 2013 to HK Contractors, Inc. Municipal Services respectfully requests authorization to purchase the City's requirements for ¾", ½", and ⅜" Hot Mix per State Contract No. 06 558 BI12-01.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to purchase the City's requirement for ¾", ½", and ⅜" Bituminous (Hot Asphalt) Plant Mix for 2013 to HK Contractors, Inc. per the State Contract No. 06558 BI12-01. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: SELF FUNDED WORKERS COMPENSATION EXCESS
INSURANCE COVERAGE, BROKER FEES, AND SURETY BOND
PLACEMENT

SEPTEMBER 12, 2013

Municipal Services respectfully requests placement of insurance contracts for the above coverage with Safety National and Travelers Surety Company. The Broker is Moreton and Company whose fee is \$36,000.00. The price for Safety National excess contract is \$107,043.00. This is an increase of \$21,473.00 over the previous year. The contract with Travelers Casualty and Surety Company is for \$7,455.00 which provides the surety bond of \$700,000.00. All three contracts will begin on October 1, 2013 and are for one year.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Parry, to place the Self-Funded Workers Compensation, Excess Insurance Coverage, Broker Fees, and Surety Bond coverage with Safety National and Travelers Surety Company, using Moreton and Company as the broker, in the amount of \$107,043.00 with Safety National and \$7,455.00 with Travelers Casualty and Surety Company and, further, give authorization for the Mayor and City Clerk to execute the necessary document. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Greg A. Weitzel, Parks and Recreation Director
SUBJECT: VETERINARY SERVICES INDEPENDENT CONTRACTOR AGREEMENT

Attached for your consideration is an Independent Contractor Agreement between the City of Idaho Falls and Dr. Rhonda Aliah for the purpose of providing veterinary services at the Tautphaus Park Zoo from October 1, 2013 through September 30, 2014.

The Division of Parks and Recreation recommends approval of the contract for the Tautphaus Park Zoo and requests authorization for the Mayor and City Clerk to sign the contract documents.

s/ Greg A. Weitzel

SEPTEMBER 12, 2013

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Independent Contractor Agreement between the City of Idaho Falls and Dr. Rhonda Aliah for the purpose of providing veterinary services at the Tautphaus Park Zoo and, further, give authorization for the Mayor and City Clerk to execute the contract documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Brad Cramer, Assistant Planning and Building Director
SUBJECT: FINAL PLAT – IFSC ADDITION

Attached is the Final Plat entitled IFSC Addition. This parcel is located on the northwest corner of 17th Street and Hoopes Avenue and is zoned R-3A and PB. The Planning Commission considered this request at its August 6, 2013 Meeting and recommended approval. The staff concurs with this recommendation. The Division respectfully requests approval of this Final Plat.

s/ Brad Cramer

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to accept the Final Plat entitled IFSC Addition and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

SEPTEMBER 12, 2013

The Police Chief submitted the following memo:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Mark McBride, Chief of Police
SUBJECT: ORDINANCE AMENDMENT REGARDING SUSPENSION OF
DRIVERS' LICENSES FOR UNPAID TICKETS

Please review the attached draft City Ordinance revoking Section 9-4-25 of the Idaho Falls City Code regarding suspension of drivers' licenses for unpaid tickets.

Chief McBride would like this discussed at the Council Work Session of the 12th day of September, 2013, at 8:30 a.m., in the City Council Chambers and then approved at the City Council Meeting that evening.

s/ Mark McBride

At the request of Councilmember Parry, the City Clerk read the following Ordinance by title only:

ORDINANCE NO. 2926

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REVOKING SECTION 9-4-25 OF THE IDAHO FALLS CITY CODE, REGARDING SUSPENSION OF DRIVERS' LICENSES FOR UNPAID TICKETS BECAUSE THE CITY ORDINANCE HAS BEEN PREEMPTED BY THE STATE CODE; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

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

Nay: None

SEPTEMBER 12, 2013

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
August 10, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: ENGINEERING DESIGN SERVICES AGREEMENT – GRANDVIEW DRIVE, SKYLINE DRIVE TO SATURN AVENUE

Attached is a proposed Engineering Design Services Agreement with URS for the Grandview Drive, Skyline Drive to Saturn Avenue Roadway Widening Project. The not-to-exceed fee proposal amount is \$264,000.00. This is a Federal Aid Project that requires the City pay a matching contribution of 7.34% of the total cost.

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

s/ Chris H. Fredericksen

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Engineering Design Services Agreement with URS for the Grandview Drive, Skyline Drive to Saturn Avenue Roadway Widening Project in a not-to-exceed proposal amount of \$264,000.00, which requires that the City pay a matching contribution of 7.34% of the total cost and, further, give authorization for the Mayor and City Clerk to execute the necessary document. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
August 10, 2013

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chris H. Fredericksen, Public Works Director
SUBJECT: IDAHO TRANSPORTATION DEPARTMENT STATE/LOCAL AGREEMENT – IDAHO FALLS TRAFFIC SIGNAL COORDINATION STUDY

SEPTEMBER 12, 2013

Attached is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution with respect to Idaho Falls Traffic Signal Coordination Study. This agreement requires City financial contribution towards the study in the amount of \$20,185.00.

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

s/ Chris H. Fredericksen

RESOLUTION NO. 2013-17

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the CITY OF IDAHO FALLS, hereafter called the CITY, for development of the Idaho Falls Traffic Signal Coordination Study; and,

WHEREAS, certain functions to be performed by the STATE involve the expenditure of funds as set forth in the Agreement; and,

WHEREAS, the STATE can only pay for work associated with the State Highway System; and,

WHEREAS, the CITY is fully responsible for its share of project costs; and,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal-Aid Highway Project A011(687) is hereby approved.

2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the CITY.

3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a Regular Meeting of the City Council, City of Idaho Falls, held on September 12, 2013.

s/ Rosemarie Anderson
City Clerk

(SEAL)

SEPTEMBER 12, 2013

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the State/Local Agreement with the Idaho Transportation Department and accompanying Resolution for the Idaho Falls Traffic Signal Coordination Study 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 Lehto
 Councilmember Parry
 Councilmember Cornwell
 Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hardcastle to conduct a public hearing for consideration of a Planned Unit Development for construction of a Family Practice and Dental Facility, located generally south of Sunnyside Road, north of the Monticello Assisted Living Center, and west and adjacent to Potomac Way and legally described as Lot 53, Block 11, 2nd Amended Plat of St. Clair Estates Addition, Division No. 13. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Assistant Planning and Building Director:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Brad Cramer, Assistant Planning and Building Director
SUBJECT: PLANNED UNIT DEVELOPMENT – LOT 53, BLOCK 11, 2ND
 AMENDED PLAT OF ST. CLAIR ESTATES ADDITION, DIVISION
 NO. 13

Attached is the site plan for the Planned Unit Development for Lot 53, Block 11, 2nd Amended Plat of St. Clair Estates Addition, Division No. 13. This plan is for a medical and dental office. The Planning Commission recommended approval of plan at its August 6, 2013 Meeting. Staff concurs with this recommendation. This request is now being submitted to the Mayor and Council for consideration.

s/ Brad Cramer

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

Slide 1 Vicinity Maps showing surrounding zoning
Slide 2 Aerial Photo showing the location of the property
Slide 3 Aerial Photo – Close Up

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Slide 4	Site Plan
Slide 5	Building Elevations
Slide 6	Site Photo looking east across the site
Slide 7	Site Photo showing adjacent residential development
Slide 8	Site Photo showing assisted living center to the south of the site
Slide 9	Site Photo showing Rosemark Building north of the site
Slide 10	Site Photo showing shared access with Rosemark site
Exhibit 1	Planning Commission Minutes dated August 6, 2013
Exhibit 2	Staff Report dated August 6, 2013
Exhibit 3	Vicinity Map
Exhibit 4	Aerial Photo
Exhibit 5	Copy of Site Plan

The Assistant Planning and Building Director explained that the Planning Commission did not want another access onto Potomac Way; therefore, this area will share an access with Rosemark. The Site Plan is in compliance with the Zoning Ordinance.

Councilmember Hardcastle stated that the Developer of this property was not in attendance.

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to approve the Planned Unit Development for Lot 53, Block 11, Second Amended Plat of St. Clair Estates Addition, Division No. 13, with the condition that there be no direct access to Potomac Way. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hardcastle to conduct Annexation Proceedings for 0.370 Acres of the Southwest Quarter of Section 26 and the Southeast Quarter of Section 27, Township 2 North, Range 37, East of the Boise Meridian – Bellin Road. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Assistant Planning and Building Director:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Brad Cramer, Assistant Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF R-3, 0.370 ACRES, SOUTHWEST QUARTER OF SECTION 26 AND THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 37, EAST OF THE BOISE MERIDIAN

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Attached is the Annexation Ordinance for 0.370 Acres of Bellin Road. The parcel includes the portion of Bellin Road owned by the City of Idaho Falls in the area recently constructed to connect Bellin Road with Outlet Boulevard. The Planning Commission recommended approval of the annexation with initial zoning of R-3 at its July 9, 2013 Meeting. Staff concurs with the recommendations of the Planning Commission. This annexation request is being submitted to the Mayor and Council for consideration.

s/ Brad Cramer

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

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Aerial Photo showing location of annexation request
- Slide 3 Aerial Photo – Close Up showing the annexation area in relation To Bellin Road connection
- Slide 4 Site Photo looking south from Bellin Road
- Slide 5 Site Photo looking north along Bellin Road
- Slide 6 Site Photo showing gravel connection between Bellin and Outlet
- Exhibit 1 Planning Commission Minutes dated July 9, 2013
- Exhibit 2 Staff Report dated July 9, 2013
- Exhibit 3 Vicinity Map
- Exhibit 4 Aerial Photo
- Exhibit 5 Comprehensive Plan Future Land Use Map

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

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

ORDINANCE NO. 2928

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

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

Aye: Councilmember Parry
Councilmember Cornwell

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Councilmember Hally
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to establish the initial zoning for 0.370 Acres in the Southwest Quarter of Section 26 and the Southeast Quarter of Section 27, Township 2 North, Range 37, East of the Boise Meridian as R-3 Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Hardcastle to conduct Annexation Proceedings Prior to Platting for 24.975 Acres of the Southwest Quarter of Section 42, Township 2 North, Range 37, East of the Boise Meridian – Willard Price Property; and, I-15/Sunnyside Road Interchange. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 9, 2013

MEMORANDUM

TO: Mayor and Council
FROM: Brad Cramer, Assistant Planning and Building Director
SUBJECT: ANNEXATION PRIOR TO PLATTING AND INITIAL ZONING OF
HC-1 – 24.975 ACRES, SOUTHWEST QUARTER, SECTION 27
AND 34, TOWNSHIP 2 NORTH, RANGE 37, EAST OF THE BOISE
MERIDIAN, WILLARD PRICE PROPERTY AND I-15/SUNNYSIDE
ROAD INTERCHANGE

Attached are the Annexation Agreement Prior to Platting and Annexation Ordinance for 24.975 Acres of the I-15 and Sunnyside Road Interchange, including 2.368 Acres of private property on the southeast corner of the

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Interchange. The Planning Commission considered the parcels separately at its May 7 and June 4, 2013 Meetings. In response to requests from the Bonneville County Zoning Administrator and nearby property owners, the two parcels have been combined into a single description and the one-half of South Bellin Road south of Idaho Transportation Department ownership was removed from the request. Immediately west and contiguous to this parcel lays Sunnyside Crossroads Regional Center which is within Idaho Falls and zoned HC-1. This parcel is contiguous for approximately 2,000 lineal feet. With this annexation, local law enforcement will be uniform in the interchange. Staff concurs with the recommendations of the Planning Commission. This annexation request is being submitted to the Mayor and Council for consideration.

s/ Brad Cramer

Councilmember Parry disclosed that she attended the Bonneville Metropolitan Planning Organization Board Meeting on the previous night. She believed that the information that she received at that meeting was general in nature and would not taint her considering this Annexation Proceeding Prior to Platting.

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

- | | |
|----------|---|
| Slide 1 | Vicinity Map showing surrounding zoning |
| Slide 2 | Aerial Photo showing the location of said request |
| Slide 3 | Aerial Photo – Close Up |
| Slide 4 | Comprehensive Plan Future Land Use Map |
| Slide 5 | City Growth and Orderly Development <ul style="list-style-type: none">• Parcel is contiguous for over 2,000 feet on the west side• Idaho Falls spent \$1.2 Million on extension of utilities on Sunnyside Road• Road connects Bellin/Pancheri Road area and Idaho Falls west of the Snake River• Area lies within comprehensive plan/area of impact• Idaho Falls presently provides snow removal• Law enforcement will be uniform from Yellowstone to I-15 Interchange• Comprehensive plan has included this area since 1967• Comprehensive Plan Policies include landscaping entryways to the City of Idaho Falls |
| Slide 6 | Site Photo looking southeast from south bound exit ramp of I-15 |
| Slide 7 | Site Photo showing development within Idaho Falls west of I-15 |
| Slide 8 | Site Photo looking south from Sunnyside Road |
| Slide 9 | Site Photo looking west from Sunnyside Road |
| Slide 10 | Site Photo looking south from Sunnyside Road |
| Slide 11 | Site Photo looking east from Sunnyside Road |
| Slide 12 | Site Photo looking northwest from the site |
| Slide 13 | Site Photo looking north along South Bellin/Pioneer Drive |
| Slide 14 | Site Photo looking south along South Bellin/Pioneer Drive |
| Slide 15 | Site Photo showing development to the east of the site |

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Exhibit 1	Planning Commission Minutes dated May 7, 2013
Exhibit 2	Planning Commission Minutes dated June 4, 2013
Exhibit 3	Staff Report dated May 7, 2013
Exhibit 4	Vicinity Map
Exhibit 5	Aerial Photo
Exhibit 6	Comprehensive Plan Future Land Use Map

The Assistant Planning and Building Director stated that the Comprehensive Plan Future Land Use Map shows the proposed annexation as commercial and that the HC-1 Zone is consistent with that plan. This annexation request is consistent with the orderly growth and development of the City.

Willard Price, 697 East 1600 North, appeared to state that this has been a six month process. He stated that he wanted to try to increase the strength of the commercial development in the area. Residential is a negative cash flow. Mr. Price stated that he appreciated the City of Idaho Falls for having a Work Session to discuss incentives for business development within the City. He determined that the decision to annex this property was a political decision and not an engineering decision. One of the proposals at the Bonneville Metropolitan Planning Organization's Board Meeting was to close the Bellin Road/Pioneer Drive roadway. If that roadway is closed, the only access he would have to his property would be through a cross-access agreement with Stafford Smith. Mr. Smith called Mr. Price this morning and requested that he not complete this annexation. Mr. Price told Mr. Smith that he would require this cross-access agreement, and Mr. Smith told Mr. Price that they could discuss this issue if Mr. Price could help him solve a few problems for him. Mr. Price stated that he has begun to work on Mr. Smith's problems. Other businesses in the area have agreed to sit down with the City to discuss their reasoning for economic development. Mr. Price stated that he appreciated the challenge that is before the City Council and hoped that the City Council could appreciate the challenge that he faces. Mr. Price stated that his assignment is working with the business community to help in developing strong commercial support. Mr. Price requested that this be tabled for 60 days to allow for a meeting of all of the entities involved. This would allow all entities to come into the City of Idaho Falls together. He stated, further, that the City needs to follow through with what incentives that the City could offer to this business community.

Following a brief discussion as to how to best handle this situation, the City Attorney stated that at this point in time, the proposed annexation was a dual annexation between City of Idaho Falls property and Willard Price property. He stated, further, that if the City wanted to move forward itself without the private property owner that could happen. There is a potential legal challenge for the City moving forward without the private property owner. The City Attorney stated that in his opinion that would be proper. If the City decides to move to table this and move it to a date certain, there is a concern on his part that the facts would change and that the decision that the City made based upon the public hearing tonight would no longer be applicable when it is brought back for a decision.

Councilmember Lehto questioned how the City Council got to this point, as it was on a Council Agenda earlier in the year.

The Assistant Planning Director appeared to provide the history of this annexation. This application was heard once by the Planning Commission and was informed that the legal notice was not correct. It was re-advertised for the Planning Commission. Then it was advertised for the City Council in August. Prior to that meeting, the applicant requested that the annexation be tabled (similar to tonight's request). Due to the fact that the next Council Meeting was the Budget Hearing, it was determined that the application should be withdrawn. At this point in time, there have been two advertisements for City Council Meetings.

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The City Attorney stated that the City is a party to this application on its own right. Decisions can be made independent from Mr. Price, relative to property under the City's trust. If the City wanted to move forward on its own application, relative to the City property, it could. He would not recommend the City tabling this for a time, several months down the road, if it was to be submitted with Mr. Price's application or under another application, the situation could change.

The Assistant Planning and Building Director re-appeared to state that it was his recommendation that it was in the City's interest to annex the Sunnyside and I-15 portion at this time. The City was developing the legal description for this annexation before Mr. Price approached the City with his application. The City no longer has the consent from Mr. Price to annex his property, therefore, the process for his annexation would have to start over.

Councilmember Hardcastle stated that the public hearing would be conducted regarding the Sunnyside Road/I-15 Interchange.

Robert Gorglione appeared to state he got the impression that when someone who owns property and wants to do something with that property needs to appear before the Mayor and City Council to get permission. In a free country, citizens should be able to do what they want. The only time that other citizens or the government have a right to intervene or interfere with that is that when there is proof that what that person is doing is harmful to another property owner. Instead of having common law, there is now administrative law which is socialized law. This is the basis for creating a Socialist state. Our laws come from God, not the State or the City Council. Rights are God-given and are sacred. The essence of ownership is control.

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

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

ORDINANCE NO.

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Cornwell, to pass this Ordinance on the first reading only, which includes the I-15/Sunnyside Road Interchange (22.607 Acres). Roll call as follows:

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

Nay: None

Motion Carried.

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Annexation Proceedings for Snake River Landing, Division No. 9 – Events Center has been withdrawn by the Applicant.

Mayor Fuhriman stated that this was the time for discussion regarding the Non-Discrimination Ordinance. He thanked those present for the e-mails, letters, and telephone calls. He and the Councilmembers have received over 200 e-mails in the past few days and have done the best they could to reply to that correspondence. Mayor Fuhriman stated that the Non-Discrimination Ordinance is one of the most important Ordinances that the City Council has addressed, and the Council wanted to be sure that it is done correctly. Mayor Fuhriman set the tone of the remainder of the meeting by requesting that there be decorum and civility. There will be no applause or cheering. The City Council should be able to listen to the testimony and make a decision.

At the request of Mayor Fuhriman, Councilmember Hardcastle led the discussion. Councilmember Hardcastle stated that there would be a time limit of three minutes set for each testimony. If there is too much testimony on one side or the other, she will stop the meeting and let the other side have a chance to voice their opinion. Mayor Fuhriman stated that it would be greatly appreciated, since there are a number of people waiting outside to testify also, that those who have testified would be gracious to give up their seat to let those who are waiting outside have their opportunity to voice their concerns.

Danielle Lundgren, 3675 North Olsen, Iona, Idaho, appeared to share the following statement:

Since coming out in social network circles in May of this year, this is only my 6th time out in public as myself. And as terrified as I am, this issue is important enough to me to face that fear and speak to you in person.

While others will address different areas and viewpoints on this Ordinance, I feel I have perspective that most do not. I am a cop, the only known openly out transsexual cop in Idaho. I have been in law enforcement for 15 years and for the last 5 years I have been a detective. And while I have investigated all types of crimes, I have specialized training and experience investigating child sex crimes, Internet crimes against children, and domestic violence.

While the opposition has been using misguided, misleading, misinformation, and fear tactics to try to scare you and the public, I can speak from personal experience. They would have you believe that if public accommodations are included in the Ordinance a flood of men will dress as women and use bathrooms to pray upon children. This is simply not the case. In reality, if someone wanted to do that they could, right now. There are no laws governing which bathroom someone can use. There are, however, laws already in place that deal with L & L, disturbing the peace, voyeurism, and indecent exposure. These laws already offer protections to our citizens and children. Excluding public accommodations from the Ordinance will do nothing to protect them further, and will do everything to encourage severe discrimination in an area of basic human necessity.

In 15 years I have investigated all types and class of people - teachers, church leaders, and members from different religions, business owners, and different races - all for committing sexual crimes against women and children. Using the logic that the opposition is trying to put in place, well then we should remove our children from all of the above in order to protect them. The fact is,

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a child is much more likely to be victimized by a family member or family friend than by a stranger.

Here is the cold hard reality. There is nothing sexual about it. All we want is to be allowed to pee and enjoy other public areas in peace, just like every other citizen. That's it. We want to be respected as human beings, as productive members of society. Are there those in the LGBT Community that bring a negative light onto the rest of us? Sure. But each and every different group regardless of who or what, has those people that give a bad name. But they are not representative of the vast majority of the LGBT Community. And, there are already laws in place to deal with them.

With the protections of the Non-Discrimination Ordinance comes a huge responsibility on those of us in the LGBT Community, especially we transsexuals, to act accordingly, to use the facilities in a respectful, proper manner. I will be the first to say that if a transgender person is intentionally disturbing the peace they should be removed from wherever they are and dealt with according to the law. People fear what they do not understand. Unfortunately, I understand the fear of having a child attacked all too well. I have seen the devastation, I've held the child's hand, and I have cried countless tears. And I will fight with all I have to put an end to crimes against women and children. I would never intentionally create a situation that would put them at even greater risk.

The opposition is intentionally skewing facts and information in an effort to make people think this Ordinance is taking away their freedoms, and that it will put women and children at greater risk of attack. This is just simply not true. In the almost 9 months since Boise city adopted their Ordinance there has not been one single incident happen. Not a single one. Nor has anything happened in Pocatello either. That is actual proof.

Please, do not fall for their fear mongering tactics. Get to know us as people, as humans. You'll be pleasantly surprised at what you find.

In closing, I will leave you with this thought...I am married, I have kids, I am a Mormon, I am a cop, and I am a transsexual. I am good enough to put my life on the line for everyone in the community, but am I not good enough to use its restrooms in peace? Please help protect me, and those like me, just as I have protected you and this community. Pass this Ordinance and provide for public accommodations to be included.

Thank you.

Samantha Gresham, 2497 South Boulevard, appeared to state that she was asked to speak to represent the youth of this community. There are people in this town who are gay, and there are people who are straight. For those that are gay, as they wake up every morning to know that there are people in this community who are fighting against them, would not want to make them stay here. She stated that as a person who wants to grow up and have a career, she did not want to stay in a place where discrimination is allowed. She stated that if this continues to be a problem, she would leave this community.

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As for her friends, they do not want to stay in a place where they are told to leave a park or to leave a business. They will leave this community rather than stay here unwanted.

Brett Wright, 2580 Desert Drive, appeared to state that government power should not be used to create a special protected class at the expense of the rights of others. This is not equal rights, it is discrimination. When we diminish the rights of anyone through the provisions of public accommodation, we are all diminished. It has been expressed by some that religion has no place in this discussion. Freedom of religion was expressly written into the First Amendment, along with free speech, shall not be prohibited or abridged. The Founders knew that the success of the nation and the survival of the constitution and basic rights had their fundamental basis in virtue of people with values, decency, integrity and high character. Mr. Wright stated that those of the Jewish or Christian faiths have as their second tenant, to love our neighbors. There is no room in that for racism, bigotry, and hatred. Community standards are important. They impact individuals, families and can provide protection and support for those that are vulnerable in our community. If we do not have reasonable and fundamental values, history has demonstrated that we will find ourselves without a society, without a civilization, without mercy, love and kindness. Because we will be completely focused and self-absorbed with anything goes, there is no right or wrong society, and in that society we will be absolutely uncaring about the needs of others. In conclusion, he quoted "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield, and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature." Let us strike a balance with this Ordinance enshrined for our fellow citizens for employment and housing.

Arantza Zabala, 245 East 23rd Street, appeared to share the following statement:

To the Idaho Falls City Council:

Discrimination is withholding basic human rights to someone because they belong to a group which is frequently stereotyped. Harassment is harming someone verbally or physically because they belong to a group which is disliked or feared because of stereotypes.

A question has come up in discussion about the ordinance about whether there is a need for it. Is there data that shows discrimination or harassment occur here? Where is the evidence? The recent post cards, sent in mass distribution; the threatening letters to the editor; are that evidence, this is how stereotypes are perpetuated, inciting fear.

We aren't plowing new ground here, non-discrimination ordinances have been passed in other Idaho Cities, the things listed by those promoting fear haven't occurred. They haven't occurred because they are based on stereotypes, rather than reality.

Reality is the Idaho Falls LGBTQ community, of which we have a good representation in the Council meetings:

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- I see small business owners, representative of my hair dresser who for 25 years has walked me to my car after an appointment, when it's dark because he fears for my safety because he happens to be gay.
- I see the parents of a gay son who lives far away, because he was uncomfortable living in the town where he grew up.
- I see parents who want the same things for their families everyone else wants: security, a home, an education, safety. Some of those parents are LGBTQ; others are parents of LGBTQ children.
- I see transgender citizens who have the need to use a restroom, just like everyone else.
- I see coworkers, neighbors, and friends.
- I see the people who came to my house last summer to cry with me when I learned of my daughter's death, caring people – who continue to help with the burden of my grief in countless ways.
- I see human beings, who want nothing special, just to live in our community free from harassment and discrimination.
- I see residents of Idaho Falls who are afraid for their safety and the safety of their loved ones because they know about the atrocities in places like Russia and Uganda, where there is no laws to protect them.

I also see the courageous people who have brought this issue forward, and I have confidence that you will not be swayed by stereotypes which perpetuate fear and discrimination. I hope that you will recognize that by leaving parts of this ordinance out, you are saying it is OK to discriminate in some instances. I respectfully ask you to think of the human beings you see represented here and pass the ordinance, all of it – including public accommodations – because all of Idaho Falls' citizens deserve the same rights.

s/ Arantza Zabala

Doug Wenzel, 1560 Mountain Rose Drive, appeared to state that he thought he would be able to have a discussion about the Non-Discrimination Ordinance. When he got here, he found that there were many changes made to the Ordinance. He stated that he did not believe that people in this room were that far apart. It is good to give people time to really study this.

MaCay Frerichs, 419 Tapitio Drive, appeared to share the following statement:

Honorable Mayor Jared Fuhriman....City Councilmembers...I want to thank you for taking the time to listen to us tonight about such an important issue.

My name is MaCay Frerichs...and I am an Idaho Falls resident.

This morning...I sat in on the City Council Work Session. Among the items on the agenda:

This – (hold up magazine) “Discover Idaho Falls”...a look at just about “everything the city has to offer to the public throughout the year.

You also heard from a design firm on how to improve signage throughout the City.

I realize these things are vital...and valuable...and can help draw attention to the City's features. And I definitely agree—Idaho Falls “needs” better signage.

But Idaho Falls doesn't just have a signage problem.

It has an IMAGE problem.

My husband and I are recent transplants to the area...and the move here almost didn't happen.

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Everything we heard and read about the City left a sour taste in our mouths...it seemed overly conservative...culturally backwards...and insular. And while we have met people whose company we enjoy...and found places we like to visit...our overall impression hasn't changed much.

We are not alone in our opinion.

Lyn Cameron, the minister at Idaho Falls' Unitarian-Universalist Church...told me she has talked with "several members of her congregation...who say their adult children do not "ever plan to return here...because the culture is so narrow-minded."

I have heard others call Idaho Falls a black hole.

A cultural dead zone.

This is just a sampling.

And thanks to the Internet...those impressions have traveled far.

Passing the non-discrimination ordinance as written – without protections for people in stores, movie theaters, and restaurants – will only make the City's image "worse"...not better.

Passing the ordinance with an outdated definition of "public accommodations" will make Idaho Falls appear stuck in the 1960s.

It will make the City Council look like it isn't brave enough to stand up and do what's right – and protect some of its most vulnerable citizens.

It might make people wonder...what else is the City Council afraid to do?

And that will result in negative growth for the City...as current residents decide to move away...and potential residents decide to pass...and look elsewhere for work...and a place to raise their families.

They might move to Pocatello...or Boise...or the four other Idaho cities that have passed full non-discrimination ordinances.

I'm sure those cities would make room for them – after all...more residents means more people paying taxes...which means more money in the City's coffers...

So this decision isn't just about bathrooms, as much as certain people would like us to think.

It's about whether or not people will feel welcome here.

It's about the City's place on the national stage – because of the Internet Age... EVERYTHING is on the national stage.

It's about the kind of future you want Idaho Falls to have – for your children...for your grandchildren...and for their grandchildren.

It's about whether you're invested in Idaho Falls having any kind of future at all.

Because if a full-non-discrimination ordinance fails to pass...it won't matter how many new signs are up...

People will only see the sign that seems to say "GO AWAY."

Thank you for your time.

Don Schanz, 302 11th Street, appeared to view this issue as a conflict between the Civil Rights of homosexuals and the Constitutional Rights of Christians. The war of intolerance is something that cuts both ways. The homosexual community is well aware of that discrimination and intolerance on their part. But what is less aware is the intolerance and discrimination against the Christian and Jewish Community. The first of all inalienable rights under the Constitution is freedom of religion. As Christians practice their religion, they have an ability to be able to do that unfettered under the Constitution. If a person is a businessman, lawyer, or doctor, and they have no ability to practice their religion because of this ordinance, it discriminates against them. Secondly, Article 6 of the

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Constitution, Paragraph 3, states, "No religious test shall ever be required as a Qualification to any Office or public Trust under the United States." This would disallow anyone that is a Christian from running and expressing his belief as a public servant. Mr. Schanz stated that there is a solution. That solution is that the First Amendment of the Constitution is the Supreme Law of the Land. Any Ordinance that is in conflict with that would have to take second place, between Civil Rights and Inalienable Constitutional Rights.

Robert Gorglione appeared to state that the Founding Fathers stated that without virtue this nation would not survive and be free. Because of all of this perversion and immorality that is going on, our nation is disintegrating. In the end, those who are looking for gay rights, abortion rights, and so forth, don't realize that if this nation collapses and disintegrates, then they will suffer the same consequences. You cannot be immoral and be free. There are laws that the God of Heaven has given us. When they are violated, then you are contributing to the destruction of this nation. The Civil Rights Bill was 95% government power and 5% civil rights, because it allowed the government to control how we interact with each other. The word "discrimination" means freedom to choose who you want to associate with, whom you do business with, and who you live with. Mr. Gorglione stated that he believed that if he owned apartments, he should be able to determine who lives there, because he is concerned for the tenants he already had. He stated that when the City Council passes laws to control non-discrimination, they violate his free agency.

Jan Nish, Pocatello, Idaho, appeared to state that she was amazed at the fear and hatred that has evolved from this. This usually happens when clarity is lost. She wanted to speak to two issues:

1. Declaration of Independence – We hold these truths to be self-evident. That line goes on to say that every man is equal and we all have the right to life, liberty and the pursuit of happiness. This would be public accommodations. The question then is - are the LGBT people who are seeking these rights human. They are human and these rights are theirs according to the founding fathers.

2. The Constitution guarantees your right to your religious beliefs. It does not guarantee your religious beliefs. You have the right to have your beliefs, but the government is not there to be sure that your beliefs are upheld. You make the choice to uphold your own beliefs when you choose your beliefs. There is a basic difference there. You have the right to believe what you believe, and take the consequences, good and bad, from that belief. But you have no right to take away other's beliefs.

Ms. Nish stated, further, that she hoped that the City Council could look past the fears, the unrest, the election, and uphold the Constitution, declare basic rights for all citizens, hold your own belief sacred, and allow all others their beliefs, and pass an Ordinance that is true.

Brenda Sene, 1470 Scorpius Drive, appeared to state that the City Council is not discussing an issue, they are discussing people and lives. Much of the opposition for this Non-Discrimination Ordinance has come from people of faith. They are hiding behind the robes of Jesus. She could not imagine Jesus ever participating and promoting fear in casting stones, in regarding children of God as issues, or discriminating against any of God's children. Instead, Jesus would tell us to error on the side of grace and to treat others in the way that we would want to be treated. I believe that religion is being used as an excuse for prejudice and hatred. Hate the sin, but love the sinner speech is inauthentic when people are being denied rights and our brothers and sisters are wounded. Mother Theresa said that when you judge people, you have no time to love them. As a woman who is an ordained minister, she has faced discrimination from some of the same Christians.

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There are times when we are called upon to stand up for what is right, even when our stand is not popular. President Monson, in 2009, said, "My earnest prayer is that you will have the courage required to refrain from judging others, the courage to be chaste and virtuous, and the courage to stand firm for truth and righteousness." Remember it may be that you have been elected to your position for such a time as this.

Dean Taylor, 3110 Hartert Drive, appeared to state that he prepared a brief contemporary prophecy. This story involved sensitivity training for a family who would not print a flyer for a film that he did not believe in. He stated that he thought that was why America was founded, so that the government could not force people to believe something that they do not believe in.

Randy Jensen, 367 West 19th Street, Apartment No. 2, appeared to state that instances of institutions and individuals claiming the right to discriminate in the right of religion are not new. In the 1960's, we saw institutions object to laws requiring integration in restaurants because of sincerely held beliefs that God wanted the races to be separate. We saw religiously affiliated universities refuse to admit students who engaged in inter-racial dating. In those cases, we recognize that requiring integration was not about violating religion, it was about insuring fairness. It is no different today. Religious freedom in America means that we all have a right to our religious beliefs, but this does not give us the right to use our religion to discriminate against or impose our beliefs on others who do not share them. She stated that she was raised Mormon. She was taught, from a very young age, that one of the most important things that Jesus taught was "As I have loved you, love one another". Jesus did not put stipulations on that commandment. Some people in this community claim that serving the LGBT members would be a massive assault on their religious freedoms. To those people, she stated that according to them all are sinners and what is it that makes this particular sin so egregious that you cannot serve them as you would serve anyone else. The public accommodations portion of this Ordinance should not have been taken out. What is the point of this if a person can have a place to live and a place to work, only to be told that their money is not welcome at a business. This is not about religion. It is not about sin. It is about fairness and decency. She would rather write another ordinance that is not full of gaping holes, and lacking any real protection for any minority (as Brett Wright's flyers have clearly shown) really needs it. Please remember the golden rule to treat others as we would like to be treated, with kindness, dignity, and respect. She requested the Mayor and City Council to pass the full Ordinance as it was originally presented or don't pass it at all. She stated, further, with all due respect, she would rather take her chances with the new Council.

Orson Johnson, 6195 East Sunnyside Road, appeared to state that it is appropriate to pass such an Ordinance. It is perfectly appropriate to protect the housing and employment portions of this Ordinance. The public accommodations section is problematic. Many businesses have personalized services. The owner's rights should have their rights protected. If serving someone violates their conscience, that right should be protected. Fair minded people on both sides of the issue can support it that way.

Michael Metzger, St. Anthony, Idaho, appeared to state that he loves Idaho Falls. He stated that the emails that have been received by the Mayor and City Council have been running 5 to 1 in opposition of the public accommodations section of the ordinance. He requested that the Mayor and City Council give the City what it wants – no public accommodations section. Mr. Metzger stated that he agreed with the housing and employment sections of the Ordinance. The public accommodations section has holes a mile wide. It is just waiting for abuse of the power of law. It is setting the stage for lawsuits against the City of Idaho Falls. A brief discussion was held regarding whether public schools were exempted from the proposed Ordinance. The City Attorney explained that they were exempted.

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Niona Seabury, 3009 Kevin Circle, appeared to share the following statement:

Hello, my name is Niona Seabury. My address is 3009 Kevin Circle, Idaho Falls. I am twelve years old and I happen to have been born inside the wrong body.

I really really hope that the Ordinance doesn't pass as it is right now. If it passed like this, my mom and I could be grocery shopping and then get kicked out of the store. I saw signs saying things like, "Do you want boys in the girls' locker room?" I am not a boy. How would you like it if you couldn't walk into a bathroom without people questioning your gender? I didn't know that grown-ups would actually try to bully me by putting up mean signs.

My mom told me she saw a letter in the newspaper today written by a man who said he would beat me up if I used the same bathroom as his daughter! I just want to be treated like everyone else. Why do the grown-ups care so much about what is under my skirt, and so little about what is in my heart?

BUT, if we had an Ordinance that prohibited discrimination, I could continue my swim lessons, use the right restroom, and shop without fear. I could feel safe! That would be awesome.

I really hope that you can please add the public accommodations section back in because it means a lot to me. Without it, I don't feel my life matters to the Councilmembers at all. Thank you for listening and letting me tell you how I feel.

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

You all probably know where I stand on the Ordinance. You know where most people in this room stand. We, for the most part, know where you all stand. We've made our points, you've made yours. I can't help but feel though that with some of you leaving the Council, that maybe there is a glimmer of hope that you will want to do something great on your way out the door. Saying that you feel that lesbians, gays, bisexuals, transgender, and those that are perceived to be so deserve equal rights, equal protections, and equal services would be a great way to leave your office. Saying that nobody deserves to be tossed out because of who they are or what gender they love would leave an excellent legacy. Imagine, 50 years down the line, when this is looked back upon, you will be remembered not as the unjust oppressor, but as the one who showed love in your heart for your fellow man. You weren't coerced by fear tactics by a single uneducated person. You weren't brow beaten into casting a vote in favor of a bully. You didn't give in. You will be remembered for doing something great. To cast a vote against public accommodations is a vote for discrimination. It says that if a gay man needs a doctor. The doctor can tell him no. It says that if a transgender woman wants a birthday cake for her daughter, the baker can tell her no. If a photographer is gay and thinks you are just too straight and icky, you will be turned away.

When I stood in Pocatello in favor of the Non-Discrimination Ordinance, we walked into that room with three votes yes and three votes no. During that meeting, Councilman Steve Brown, who was opposed to the passage of the

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Ordinance, had a change of heart. He changed his vote and voted in the Ordinance without exceptions and with public accommodations. Tonight, will you do what is right and vote for this Ordinance WITH the full original public accommodations section attached?

Thank you, Council, for your time.

Dino Lowery, 169 6th Street, appeared to state that she was certain that the Mayor and City Council have seen the glossy cards that have been put in the mail and received many emails that have been circulated. Several letters to the editor have been read, claiming to be about biblical truth or biblical inerrancy. Those are opinions that are very insightful, because she has pondered how someone could claim to believe in biblical truth or biblical inerrancy, while putting on blinders to the reality of biblical inconsistencies and contradictions. Others have written that they feel out of step with the modern world, because the Council wants to adopt a Non-Discrimination policy for its LGBT taxpaying citizens. Then they go on say how out of step they are by using the word "lifestyle" with LGBT, which means "choice". Most people know that being LGBT is far from a choice or lifestyle, just one way of being fully human. She did not understand how a Non-Discrimination Policy would present a massive assault on a person's individual freedoms. Will a Non-Discrimination Policy prohibit us from bearing arms, from practicing free speech or banning peaceful assembly? Will we still be able to practice our religion? Will the policy abridge the freedom of the press? Will a Non-Discrimination Policy allow unreasonable search and seizures? She stated that she thought not. Some opponents are also concerned with defending decency in public places, especially public restrooms. Ms. Lowery stated that her LGBT friends go into public restrooms to do one of two things, to go No. 1 or to go No. 2. Since they have doors on the stalls, defending decency will not be a problem. Many of the changes that the Bible has gone through are a result of political expediency. How convenient that a claim of biblical inerrancy absolve some people from accountability of their opinion and their political beliefs. They lay the blame for discrimination, based upon sexual orientation at God's feet. God's words justified slavery throughout most of America's history, allowed witches to be burned at the stake, and one nation used biblical truth to purge itself of 6 million Jews. A law cannot make people nice. She requested that the public accommodations section be put back into the proposed Non-Discrimination Ordinance.

Colton Hall, 2629 Eastview Drive, appeared to state that he represents the future of Idaho Falls. Others have insinuated that Idaho Falls has been given a black eye to the rest of the state and the nation. He stated that he enjoys living in Idaho Falls. He questioned, again, why he would want to stay in a place where he could be potentially fired for expressing his sexuality, or lose his housing for the same reason. With regard to the annexation that was discussed earlier, why would someone want to move their commercial industry to Idaho Falls, if they were not willing to protect the employees that they keep. With regard to the Constitution, our Founding Fathers wanted life, liberty, and the pursuit of happiness. Mr. Hall stated that by not approving the Non-Discrimination Ordinance, it infringes on his right to have life, liberty, and his pursuit of happiness.

Judene Spiel, 5493 South Tappan Falls Drive, appeared to state that just because the majority of the room is filled with matching shirts representing the LGBT community in favor of public accommodations, does not mean that the majority of the town of Idaho Falls is in favor of it. There are many people who are standing outside waiting to give their opinion. As elected officials, the Mayor and City Council have been given the responsibility of representing the majority of the citizenry of Idaho Falls to carry out their wishes. The citizenry and the City of Idaho Falls hold dear the right to choose to be able to

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have more lines and boundaries. You have the responsibility to allow them the ability to have such lines and to live within them. The language in the public accommodations is written so broadly that it allows and protects the rights of an individual to engage in certain behavior while eliminating the right of the City to protect the rest of its citizens. In representation of the tolerant, friendly people in this City, the Council needs to vote no to public accommodation and allow the citizens to continue to be tolerant and friendly and not be held hostage for their values and beliefs.

Robert Spiel, 3904 Washington Parkway, appeared to state that he supports two-thirds of the proposed Non-Discrimination Ordinance. He stated that he believed that more than two-thirds of those in attendance believe that as well. Everyone should have a roof over their head and a shot at a good job. Public accommodation is another matter. As the Post Register, the Council Work Session this morning, and the meeting tonight demonstrates, those that favor public accommodations refute the mailers and claim that they are hateful. They even berate the messenger. He challenged those that rather than attack the medium or the messenger, to refute the message. Those who oppose public accommodation need only look to Bellevue, Boston, or Bakersfield, to see real life examples of the end result of public accommodations. He has heard it said from that these things will never happen here. Laws outlast lifetimes and transcend people. Passing a section of an Ordinance with a caveat that these things will not happen here, is governance at its worst. If a door is created where none was before, it is quite reasonable to conclude that the day will come when someone will walk through it. He requested to know what will be proved by passing this section of the law. He has not had anyone answer that question. Laws are already in place to provide protections for every citizen. Allow civil rights laws to protect from discrimination regarding immutable and inalienable characteristics. Allow hate crime laws to protect against violence rooted in hate. Allow our consciences to govern behavior and attitudes. He urged the City Council to vote yes on housing and employment and no on public accommodations.

Michelle Stone, 123 South Hidden Valley Road, Rexburg, Idaho, appeared to state that she believed that everyone should be respectful and kind to each other. She stated that if this Ordinance is put in place, it provides another form of discrimination. She requested the Council to not discriminate against anyone, to use the laws that are already in place, and to be kind to one another. Further, she requested that the Non-Discrimination Ordinance be put in place for housing and employment, but not for public accommodations.

Karl Stone, 123 South Hidden Valley Road, Rexburg, Idaho, appeared to state that he was greatly impressed for the civility and decorum that has been present in the Council Chambers. He stated that he is a parent, with five children. This Ordinance could severely impact his protection of those children. The Ordinance opens the possibility that someone could violate his children. When issues arise, sometimes it is the reaction to swing the pendulum too far in the other direction. He requested the Mayor and City Council to be moderate, do the right thing, and protect all of the citizens. He requested that the Mayor and City Council to not pass the public accommodations portion of this Ordinance.

Ted Heckathorne, 3509 Nathan Place, appeared to state that a clarification needs to be made as to what "sexual orientation" is. He stated that he lived in San Francisco a number of years ago. There is a broad range of definitions and there are a number of some nasty things that are included. He expressed his concern regarding what happened in Philadelphia to bar the Boy Scouts from using facilities that they have been using for decades. Mr. Heckathorne then raised the possibility of taxing the restrooms.

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Dave Hackley, 440 La Costa Drive, appeared to state that he is a Born-Again Christian. He has never heard so many comments regarding the fact that his Bible is full of errors, that Christ tolerates sin, etc. Christ does not tolerate sin, but he is a very loving Savior. He has been taught that we must love people into Christ, not hate them into Christ. We do not hate the LGBT community. This is an important Ordinance. He approved the housing and employment portions of the Ordinance. A person needs to conform to the employer in order to keep his job. In housing, there are laws for weeds and public nuisances. Once “public accommodations” is considered, that is a can of worms. He has researched this in other communities. People have been forced to go against their beliefs to accommodate the laws. Mr. Hackley stated that he supported the proposed Non-Discrimination Ordinance, without public accommodations.

Ms. Manzanares, 2467 South Woodruff Avenue, appeared to state that she supported the original Ordinance, including public accommodations. She stated that her father taught her that God loves all of his children, whether they are gay or straight. It has not been easy to come out being gay, especially when people look at you like you are a freak. People do not choose to be gay, no matter what others think. She stated, further, that she has an older brother who is gay and has been bullied for that. She said that her best friend took his own life because he was bullied for being gay. No one should be bullied for being their true self.

Boyd Baggett, 2085 East Moody Road, Sugar City, Idaho, appeared to state that his family has lived in the area for three generations. He loves Idaho Falls. We don't need more laws. We have plenty of laws on the books. We need to spend our time and efforts in teaching how to be respectful to each other. Laws are not always the answer. Oftentimes, they open more problems, suck up more money, and require more bureaucracy. If we would spend our time teaching love, civility and respect, we could accomplish the same goal with a lot less hurt. Mr. Baggett requested that the Mayor and City Council not pass the “public accommodations” portion of the Ordinance.

Marcareo Leal, 1106 Moonstone Drive, appeared to state that he is a student at Idaho Falls High School. He stated that passing the Ordinance with “public accommodations” will not only change the way people think of living in Idaho Falls, but it will also change the way others think of Idaho Falls. This Ordinance should be passed with the “public accommodations” section would be the most respectful thing to do. God says that you should love your neighbor as yourself. No one should be treated differently, no matter who you love. He did not choose to be gay. He would not have chosen a lifestyle where he gets bullied. He stated that “gay” used to mean happy, and he wanted that meaning restored.

Jerrica Hall, 1775 South Higbee Avenue, appeared to state that she was a Senior at Idaho Falls High School. She stated that she was baptized LDS when she was 8 years old. At that time, she had the opportunity to choose whether to be raised LDS or not. She stated that she chose to learn. She understood that being “gay” is not a sin, but acting on it is a sin. She stated that she is gay. She stated that she goes to Seminary and she is going to graduate from Seminary. The issue that she has with the Non-Discrimination Ordinance, is not including public accommodations. Restrooms have stalls for privacy and people are not going to restrooms to make someone uncomfortable. The Ordinance should be passed with public accommodations.

Julie Staley, 5440 South Marbrisa, appeared to state that her husband's office was called by a woman. The woman stated that she would never use her husband's office. Further, she would spread the word that his business was one that supports bigotry. The woman called Ms. Staley a “bigot”, all because she wrote her opinion in a letter to the editor. She stated that she disagreed with the need for public accommodations in the Ordinance. Ms. Staley explained that she felt that a person would have the grounds to sue if they did not feel welcome in a business. Neither she nor her husband would deny anyone service

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because of their beliefs. Her husband serves many from the LGBT community and the woman's claims were unfounded. Ms. Staley stated that should a person come into her husband's business and become rude or obnoxious, and be asked to leave, this should not be misinterpreted and open the doors for litigation against them. The Staleys welcome everyone to their business. She stated that she supported the Non-Discrimination Ordinance without the public accommodations portion.

Gerald Sehlke, 2730 Plommon Street, appeared to state that he supports the LGBT community. He is a member of the Idaho Falls, Idaho community. He never expects to have people discriminate against him. He does not expect to discriminate against others. He did not expect anyone in this community to expect anything less. He does not like what he hears about discrimination to this particular community. He cited an example of a television show that he watched, "What Would You Do?" There was a soldier in this program that defended a Muslim man in his place of business. The soldier stated that this was about being an American, and he defended the rights of Americans, stating that "Americans are Americans – period." People should not be classified. Mr. Sehlke requested that the Mayor and City Council pass the full Ordinance, not two-thirds of their rights.

Ralph Baker, Pocatello, Idaho, appeared to state that he was very much involved in the Pocatello Non-Discrimination Ordinance. When this process was begun last fall, false information was given. The false information was with regard to housing. He stated that he is a landlord and all of the information provided regarding housing was already illegal. If a particular group of people are given a set of rights, they are now given preferential treatment.

Dennis Sutton, 1517 Fairmont Drive, appeared to state that when he was raising his children, he tried to teach them not to bully, to play fair, treat others equally, and to respect each other. He suggested that the Non-Discrimination be passed in total with no restrictions.

Todd Wood stated that he is a father, husband and pastor in Idaho Falls. He stated that he had a family member who was gay who died of AIDS. In college, he had a roommate who had same sex attractions. Just because there are some in attendance who have concerns regarding the Non-Discrimination Ordinance does not mean that they do not have common sense, compassion, and respect for other humans in this City. He stated that he has no problem in sharing food, clothes, and shelter with anyone because in a like manner those opportunities are given to him. Mr. Wood stated that he is probably one of the worst sinners. He was not standing any higher than anyone else. He stated that he knows what Jesus says about marriage. He was concerned that the government would expect him to accept as normal and as moral, what he knows is against God's law. He thanked the Mayor and City Council for removing the public accommodations portion of the Ordinance. Further, he stated that the Mayor and City Council are in his prayers.

Rachel Boots, 1920 Sequoia Drive, appeared to state that she has friends in the LGBT community. She wanted them to enjoy the same rights that she enjoys.

Melanie Howsenoff, 5433 Hanson, Iona, appeared to state that she has been a member of this community for most of her life. She said that she stands firmly in support of the Non-Discrimination Ordinance with the inclusion of the public accommodations clause. For the majority of her life, she lived in total ignorance of the importance of equality. She is white, educated, middle class, Christian, and a citizen of the United States, and she felt that her rights were protected along with everyone else's. In 2002, she had a major wake-up call. She is a member of the Actors Reparatory Theater. At that time, her actors group decided to produce "The Laramie Project", which is the true story of the beating and story of Matthew Sheppard in Laramie, Wyoming. As part of the preparation for that play, they went to Laramie, Wyoming to learn of Matthew Sheppard. They went to the cold, windy hill where he was tied to a tree, brutally beaten, and left to die. At that

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time, she realized that a large segment of the population is hated, ignored and treated as less than human. She has learned and continues to learn so much about the LGBT community. She has made life-long friends within that community. They have become part of her family and she has become a better person because of them. Equal rights are only equal when they apply to everyone. Idaho Falls has an opportunity to be at the forefront of a civil rights battle that has been long in coming. To turn away now, to gut the Ordinance just to satisfy a group of frightened people waving a religious freedom flag, is horrifying. The City of Idaho Falls has the chance to be on the right side of history, to make a difference in the lives of so many people who deserve a chance, who have the right to be treated as equal. To walk away from this important decision, to compromise, is unreasonable. The LGBT people are just people, the way God made them. She requested that the Mayor and City Council approve the Non-Discrimination Ordinance with the public accommodations clause.

Lailani Baird appeared to state that she has been a resident of this area her whole life. She agreed with the person who spoke before her. She is a straight woman raising two children. She is not part of the LGBT community, but she is part of this community. She stated that she was a Girl Scout Leader for more than five years. It is important, as a leader, to set an example. By removing the public accommodations portion from the Non-Discrimination Ordinance, the Mayor and City Council have decided to remain silent. Religion should be left out of this. It is not about religion and moral values. There are some people that will use that as a reason to discriminate. Ms. Baird requested that the Non-Discrimination Ordinance be passed entirely, including the public accommodations portion. Martin Luther King stated, "Our lives begin to end, the day we become silent about things that matter."

Vahiatua Carlson, 2950 Lilac Circle, appeared to state that he moved here from Tahiti. He came here to embrace the United States and its values. The gay lifestyle has been embraced in Tahiti. Religion has no place in the passage of this Ordinance. He stated, further, that he is against the passage of this Ordinance. The conflict is between religious liberties versus sexual orientation.

Braden Lawrence, 742 9th Street, appeared to state that at one time women did not have the right to vote. There was a time when African Americans could not use the same restrooms, drinking fountains, or schools as Caucasians. Rights for people have evolved.

Brian Holverson, appeared and delivered a letter, as follows, to Councilmember Sharon D. Parry:

Be the change you seek in the world. It has to start somewhere. Let it begin with me.

It boils down to a few things. What is this Ordinance about? It is about the City making a public statement that we feel all our citizens should be treated equally. If you buy that, then you have to accept that I already have the rights stated in the Ordinance.

They talk about compromise. Compromise in this circumstance is NOT charity. Compromise is a conservative majority coming to this minority that already has these rights and saying, "We are uncomfortable, can you give us X, and in exchange, we will give you Y." That's the problem. They don't get to count tolerating my existence as a compromise. They don't have the right to prevent me from living (murder/euthanasia). Why then should they have the right to prevent me from buying groceries, using restaurants, seeking

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healthcare? The list goes on and on. A scare over who uses what bathroom is silly. I will continue to use the bathroom whether or not this Ordinance is passed. It has been happening for 33 years and it won't stop until I die. That is ludicrous and arguing that a predatory situation is going to happen when it hasn't yet in my 33 years of life, is just fear-mongering and nothing more.

Kim Lewis, 998 Ada Avenue, appeared to state she grew up differently than most people here. She was raised by gay people. She loves Idaho Falls and wants to make it better for everyone. She requested that the Non-Discrimination Ordinance be passed fully.

Dan Henry, 7611 South 8th West, appeared to state that 4 weeks ago he heard a 12-year old girl do the most courageous thing that he has ever seen. Danielle Lundgren and Sierra Gormsen have done the same thing. They have shown more courage than the rest of us all put together. That has taken more courage than those that have spent a large amount of money on flyers showing scare tactics. The City Council is considering an Ordinance which provides 2/3 protection to the LGBT community. For some reason the LGBT community does not deserve the same equality as the blacks, Mormons, etc. In The Post Register this morning, there was a physical threat to transgender people. The City Council still feels that public accommodations need to be removed from the Non-Discrimination Ordinance. This portion of the Ordinance is being removed based upon fear. If the City Council moves forward with the proposed Non-Discrimination Ordinance, excluding public accommodations, Mr. Henry requested that the Mayor and City Council look Niona in the face and explain to her why she does not get the same protections as everyone else. The Mayor and City Council get to tell Niona why her protections are not as important as those people of privilege on the other side of this issue. He requested that the Mayor and City Council pass the Non-Discrimination Ordinance with all components. Mr. Henry provided the following letters as part of the discussion:

Vote Yes on Anti-Discrimination Ordinance:

Here are some reasons why I would encourage my City, Idaho Falls, to pass the Anti-Discrimination Ordinance:

- It advances civil rights. Today, only the most extreme right fringe dismisses civil rights as a bad idea. The majority of us applaud "liberty and justice for all." I would like to think that if I were alive at the time of the Underground Railroad, I would have volunteered to help the slaves, though I am not a slave. I would like to think that if I were alive at the time, I would have campaigned for women's suffrage, though I am not a woman. I would like to think that if I were an adult at the time, I would have marched on Washington with Martin Luther King, though I am not black. Today, the front line is LGBT equality. I don't have to be LGBT to advocate for their equal protection under the law, and I am proud to help and advance their civil rights. I would like to take pride in Idaho Falls for passing the Ordinance.
- I have yet to hear a cogent argument for defeating the Ordinance. The unreasonable arguments are too numerous to list here. One example, though, is a mailing which claims that men would be able, at a whim, to enter women's restrooms. That is either a slippery slope or a non-

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sequitur. Either way, it's a logical fallacy, and it is only with a great deal of twisted thinking that such a result can come from the Ordinance. If it will allay irrational fears, though, language can always be added to the Ordinance to preclude such a result.

- It is the Christian thing to do. Having a deep respect for, and a personal commitment to follow the teachings of Jesus Christ, I would like to live in a civilized society where neighborly love is the norm. It is anti-Christian and hypocritical to use out-of-context passages from the Bible as an excuse for denying equal rights to LGBT people. Some have disingenuously cried that the Ordinance would violate the practice of their religion. Unless bigotry and persecution are legitimate Christian practices, such an argument is nonsense. There is nothing in the Ordinance to prevent people from practicing religion. To the contrary, the Ordinance will support the most basic Christian value: "Love your neighbor as yourself" (Galatians 5:14).

I trust that Idaho Falls will do the right thing, follow the American ideal, consistent with true Christian value, and pass the Anti-Discrimination Ordinance.

Thank you,

Kyle Williams
1066 Sahara Street
Idaho Falls, ID 83404
(208) 709-2057
kyle.d.williams.1959@gmail.com

To the Idaho Falls Mayor and City Council,

I am writing this to voice my full support for an unabridged version of a Non-Discrimination Ordinance for the City of Idaho Falls.

While I do not agree with the religious organizations who wish to continue their discriminatory practices, I understand the City should not, indeed cannot, legislate change in that arena. Exemptions in other areas such as employment, public accommodation, or housing are another matter entirely.

One need only substitute a term describing any other historically discriminated against group in lieu of LGBTQ to see that these other exceptions are nothing short of an endorsement of continued discrimination. Would an Ordinance barring discrimination against blacks, Mormons, or Jews be acceptable with these exemptions? No, it plainly would not. In fact, these exemptions reinforce the idea that discrimination against those within the group in question remains acceptable. This is not a message our City should be sending.

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I believe the time has come for the City's representatives to wholeheartedly embrace full equality for all citizens in every aspect of life our laws regulate. There is no reason but fear to say plainly to the world that Idaho Falls does not and will not tolerate or enable discrimination against any person.

Sincerely,

s/ Victor Allen
Victor Allen
1240 Washburn
Idaho Falls, ID
83402

Imagine if you will, you wake up one day in a City that says, if you have blonde hair you are no longer safe from discrimination. It's "ok" to have blonde hair, after all, most of you "Blondie's" were born that way and we love you, in spite of your short comings. We (the normal citizens...those without blonde hair) would prefer if you dyed your hair and pretend you are not blonde. This would go a long way in making the rest of us feel more comfortable around you in the work place, as well as if we have to rent homes to you and your families. We will go a step further and put it on the books that you are protected from being fired from your job as well as protect you from being denied housing, even if you want to flaunt your blonde hair and throw it in our faces. However, this is as far as we can go as a City. No one is really that comfortable with you "Blondie's". No one really wants to eat next to you, sell you groceries, cut your hair, share a public restroom, or sit next to you in a movie theater. Some doctors may turn you away and business owners may not want to cater your event, because you are Blonde and that makes people uncomfortable...and this is their right. You should just keep looking around town, we are sure not all businesses will discriminate against you because you are Blonde. One more thing, don't even think about taking your dog for a walk around the greenbelt or celebrating your child's birthday at a community park. You are not really welcome there either and if your presence makes someone uncomfortable, you can and most likely will be asked to leave. We, as a City are certain you will be satisfied with our efforts at this half Ordinance. We are happy to protect your right to a roof over your head and happy to protect your right to work in our community...but we don't want you to be able to spend your money here...with the rest of us.

This is what it feels like to be an LGBT citizen in Idaho Falls. This is what you are asking us to settle for.

Less than equal is not equal.

s/ Johanna
J. Thompson
1104 East 21st Street
83404

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Marsha Nipper, 3031 South Boulevard, appeared to request that the Non-Discrimination Ordinance be passed with the public accommodations section. She stated that there are gay business owners, gay professionals, gay surgeons. That does not necessarily mean that they have a perversion. Perversion is not the main identity for the LGBT community. When you read the newspaper, you can find those with perversions in all walks of life.

Darlene Rydalch, 5477 South 239th Drive, Buckeye, Arizona, appeared to state that she and her husband lived in Idaho Falls until three years ago. She raised her children here. She stated, further, that she did not want the City Council to pass an Ordinance unless it was a full Ordinance including public accommodations. No civil rights laws have ever been passed without strong opposition.

Reverend Lyn Stangland Cameron, 245 West 13th Street, appeared to share the following statement:

9-12-2013 “**Thinking**” Points in Support of our Silent Presence:

1. The = sign reminds the City Council that a Non-Discrimination Ordinance is not a request for “special rights” but states that in Idaho Falls we desire that all will be equal under the law. We desire a community where all feel welcome. ***A Non-Discrimination Ordinance will tell the world that in Idaho Falls it is not legal for anyone to be refused employment, housing or service in public places because they are LGBTQ.***
2. Non-Discrimination Ordinances have already become law in Boise, Sandpoint, Coeur D’Alene, Ketchum, Moscow, and Pocatello and in many other cities across the nation. Some of the ordinances are 40 years old!
3. We have spoken with many voices and continue to provide our City Council with the testimony of real people, members of our community whose lives and futures are at risk. We are silent now as we hope our City Councilmembers will listen with their hearts. We are silent now as we await the courageous action of a City Council prepared to do what is right. We are silent now as we hope that our Councilmembers will pass an Ordinance that includes the very important “Public Accommodations” section. We are silent now as we hope they will remove the discriminatory exemptions to the sections on housing and employment.
4. We are also silent now to protest the outrageously negative and false accusations that have been mailed indiscriminately to Idaho Falls citizens, and the signs that have been displayed to incite fear against LGBTQ people. We stand in silence and in solidarity. *“We are together in spirit, for discrimination against anyone for their particular sexual orientation and/or gender identity is discrimination against all.”*
5. Though we might face hecklers and verbal put downs, we will remain calm and focused. We will use care in our speech and demeanor. We will provide silent witness to protest those who would engage in outrageous accusations and unfounded fear mongering. We believe that the more we are in control and well informed, the more we can reflect sincerity, empathy, and solidarity. We believe that our very presence and witness will provide a visible protest to those who would advocate discrimination in the name of the freedom of religion, and those who wrongly attempt to equate LGBTQ with perversion and pedophilia.

6. ***We represent the usually silent law-abiding majority of people who stand for fairness and liberty and who believe that everyone should be equal under the law.***

7. We believe many still do not understand, perhaps even members of our Idaho Falls City Council. We believe that they can best learn when they encounter real people who share the same values, hopes, and dreams as they do; real people who happen to have been born LGBTQ or people who are allies (family and friends of LGBTQ). We wish to, with care and compassion help them to open their hearts and minds.

Reverend Lyn Standland Cameron
245 West 13th Street
Idaho Falls 83402

Zandy Kilzer, Pocatello, Idaho, stated that she was not concerned about housing and employment, but that she was concerned about public accommodations. She moved to Pocatello because she did not believe that Idaho Falls was as welcoming as she wanted it to be. She stated that she was in support of a full Ordinance, including public accommodations.

Jay Larsen, 300 East 13th Street, appeared to state that approximately one month ago, he and his partner were walking around the Greenbelt. Someone riding a bike passed them and called them “fags”. Mr. Larsen stated that it would be easier to move to Seattle where the environment is different, but there are many things that he loves about Idaho Falls. He stated, further, that he wanted to feel safe and be respected in Idaho Falls. Passing the full Non-Discrimination Ordinance will help create the culture change that this town needs.

Daniel Staff, 140 East 13th Street, appeared to state that he is a straight, married man with no children. He is a recent transplant to the City. In many ways, the Ordinance does not affect him. When rights for some are limited, rights for all are limited. He stated that he is a teacher at Idaho Falls High School and is the Alliance Advisor for School District No. 91. In the last two years, the Gay-Straight Alliance has tripled in size. They will not stay in a place where they are not respected. Many of the young people are the most driven, articulate young people that Idaho Falls has. He challenged the Mayor and City Council to leave fear mongering behind. Public accommodations needs to be included in the Non-Discrimination Ordinance. Many of his young people are calling the proposed Ordinance the “Discrimination Ordinance”. As a nation based on secular values, he challenged the Mayor and City Council to respect the rights of all people and pass the full Non-Discrimination Ordinance.

Aaron Hawkins, 1920 Joan Avenue, appeared to state that he attended Skyline High School and never used the restroom there. As soon as he graduated from high school, he left Idaho Falls. He stated that he is transgender, and under the proposed Ordinance, he would be forced to use the girls’ restroom. He believed that would be uncomfortable for all.

Joseph Ahlstrom, 357 Homestead Lane, appeared to state that his children are fifth generation residents of Bonneville County. He stated that he has learned a lot by being in attendance this evening. He shared an experience that his wife had at Skyline High School. His wife and his daughter went into the restroom, his daughter finished, and his wife was alone in the restroom. A man came into the restroom. Mr. Ahlstrom stated that his wife will never be able to forget that impression. He requested that the Mayor and City Council move forward with the Non-Discrimination Ordinance without the public accommodations section. He stated that he wanted all to be aware of the virtue “tolerance”, but did not want to get caught in the tolerance trap.

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Theron McGriff, 3932 Silverado Drive, appeared to make three points. Six other City Councils had the courage to pass full protection ordinances in their cities. He stated that he has not read any reports of rampant crime or that the sun is no longer shining on those cities. He requested the Mayor and City Council to have the courage to pass the full Ordinance. Secondly, Sierra Gormsen made a point that the LGBT community understands where each Councilmember stands on this issue. He stated that a few months ago, seven of the LGBT community met with Councilmember Parry regarding this Ordinance. At that time, she stated that she wanted this Ordinance to be passed proudly, openly and wanted this Council to pass it unanimously so that she could make a statement in this community that she fully supported it. He reminded Councilmember Parry of that conversation and hoped that she stood to her word that this was her true intent for this Ordinance. Thirdly, his partner and him have been together for 13 years, and have raised two daughters. Both daughters are away at college at this time. Early on in this process, both daughters have told him that they do not want to live in this community when they get older. He stated that he has argued with them against that point, stating that he has not felt discrimination in this City. Mr. McGriff stated that he leaves this meeting full of regret for attending this meeting because he has been called a pig, immoral, and a sinner. He felt that he has lost every foundation for an argument to his daughters that this is a welcoming community. He requested that the Mayor and City Council to pass the full Ordinance including public accommodations. He requested that Councilmember Parry stand true to her word.

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

Testimony for Non-Discrimination Ordinance 9-12-13:

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

I am speaking in support of a comprehensive Non-Discrimination Ordinance for Idaho Falls – one that includes public accommodations and removes exemptions in the housing and employment sections related to businesses employing fewer than five people and housing rentals or sales for owners of four or less houses or landlords who live in a unit with up to four units in total.

Passing a Non-Discrimination Ordinance that eliminates public accommodations and includes these exemptions will truly result in an Ordinance that enshrines and legalizes discrimination in our community. I honestly do not believe that is the intent of this Council and Mayor.

I am blessed to be the parent of a son who happens to be gay. I want all of my children and grandchildren to have the same rights, not special rights but equal rights. Chris, our son who is gay, is a successful speech pathologist who is the manager of the Hearing and Speech Department at Children's Hospital Los Angeles. He would be an asset to our community but there is no chance that he will move back here primarily because he does not consider this to be an open and welcoming community. That is true of the majority of the young lesbian, gay, bisexual, and transgender young people that we have had the joy of knowing over the years. We are losing wonderful young adults to communities that are perceived to be more welcoming and inclusive. I do not believe that is what the Idaho Falls City Council and Mayor or the citizens of Idaho Falls want.

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Our family was proud and happy that our City was ready to pass and implement a Non-Discrimination Ordinance that would protect all of its citizens, of whatever sexual orientation or gender identity, from discrimination. We are now saddened and heartsick that a weak and ineffectual Ordinance is being proposed.

I implore you to do the right thing and pass an inclusive ordinance. The time for justice and equal rights for all citizens in our community is now. Please do not sacrifice vulnerable citizens in the name of compromise or religious freedom. Religious freedom does not mean there is a right to discriminate.

Becky Ray, 4523 East Ririe Highway, appeared to state that she was raised in Idaho Falls. Her husband is a soldier and they have moved around the world. She stated that Idaho Falls has a lot going for it. She is now a student at the University. She sees Idaho Falls as progressive. It was troubling that the "public accommodations" portion was being removed from the Non-Discrimination Ordinance. She stated that Idaho Falls has a great cultural community. She sees that Idaho Falls has a community that is reaching out and being shut down. Passing the Non-Discrimination Ordinance without public accommodations is taking things away from people. Her husband, who is still in the military, told her this evening that, "it seems that Idaho Falls can pass this Ordinance, the military did it."

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

Testimony for Non-Discrimination Ordinance 9-12-13:

My name is Wayne Stevens and I live at 5378 South 45th West, Idaho Falls, 83402. I am speaking in favor of the original Non-Discrimination Ordinance without the exceptions. I would like to have Idaho Falls be a safe place for all people to live not just the privileged. I am in the privileged class being straight, white, retired engineer, and male. I would like all people regardless of social standing, sexual orientation or gender identity to feel as safe in Idaho Falls as I feel.

Removing public accommodations will make the Non-Discrimination Ordinance a weak law. It tells people that Idaho Falls does not care for the safety of anyone not in the privileged class. Would you take out the public accommodations section if the Non-Discrimination Ordinance was to protect people who are not white. I would think not.

There should not be any exceptions in a Non-Discrimination Ordinance. Having exceptions is saying discrimination is authorized by law for certain privileged businesses or landlords. I have a friend who like me has a gay son that he is very proud of. His son worked for a small business and the owner said to my friend that his son was the best employee he had working. Then the employer found out that his great employee was gay and fired him. Not only did he fire him but he started a lawsuit against this young man who at the time of the lawsuit had just received a degree in secondary education from ISU. There was no fact in the lawsuit and it was later dropped but my friend's son moved to South Carolina, he does not teach, and does not feel safe when he visits his parents. This is what the current proposed Ordinance will allow.

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Christie Brower, 1386 St. Clair Road, appeared to state that she was a lesbian, an adopted parent, a business owner, and a landlord in Idaho Falls. The proposed Ordinance affects her family coming and going. She does not discriminate when it comes to renting her townhouse. She does not discriminate at her business. She wants to live in Idaho Falls. She is one of a long line of Idaho girls. She wants to make Idaho Falls better every day that she is here. Everyone has the right to equal protection and that includes the public accommodations section of this Ordinance. Without it, it is like a dog with three legs. It does not protect her family. She wants every family in this town to feel safe and protected. Ms. Bower stated that she has heard hate this evening. That was directed at her and her family. She could not stand for that.

Lori Lundgren, 3675 North Olsen, appeared to state that she was married to Danielle Lundgren who spoke earlier. She stated that bullying has been allowed into this meeting. She could not allow that for her family. She stated that she could not let her children go anywhere, because she feared that they would be beat up due to who her husband is. Further, she struggles with who her husband is. She chooses her own eternity.

Sandra Brow, 2269 Calkins Avenue, appeared to state that she heard many comments based upon supposition. The stories that have been heard from those who have experienced discrimination have actually happened. She requested the Mayor and City Council to pass this Ordinance with public accommodations included. When someone applies for a business license with the City of Idaho Falls, there is a supposition that they will serve the citizens of this community. This Ordinance should also be passed without exceptions.

John Schrader, 1200 First Street, appeared to state that within the Civil Rights Law, there is a religious right to discriminate but it is very limited. It is limited to institutions and it is limited to those roles where someone is going to teach and preach the philosophy of that religion. There is not a religious right to discriminate against black people or against women. There is no personal religious right to discriminate. When public accommodations is dropped from the Ordinance because people are telling you that they are losing religious right, they are not losing a religious right that is recognized in this Country.

Adam Lamb, 367 West 19th Street, appeared to state that they have heard every argument from every stance. If everyone lived strictly by the Bible, then a man who works on Sunday should be put to death. Religious rights have always been tempered with reason and fundamental logic. The provision for public accommodations needs to be revisited.

Councilmember Hally stated that approximately a year and half ago, he began to watch as cities adopted Non-Discrimination Ordinances. This issue was brought up by one of the Councilmembers in November of 2012. He attended a public meeting in Pocatello when the City of Pocatello was considering their Non-Discrimination Ordinance. He gave several examples of the discussion that was had at that meeting. Fear seems to be the common denominator among the homosexual community. Councilmember Hally visited with people who were involved with adopting the Non-Discrimination Ordinance in Boise, Idaho. He explained that his first wife passed away from cancer. During her life, she struggled with stuttering. She was discriminated against. When she found out that she had cancer, she determined that she would do something about the stuttering. She went for treatment in Virginia and in two and one-half weeks, she was cured of stuttering. She had many well-wishers, but none as strong as Danny. Danny was gay and the nicest person that she had ever met. She even included Danny in her talks. Councilmember Hally stated that he believed that he put a lot of sincere effort into this Non-Discrimination Ordinance. He is against discrimination. He stated that he appreciated all in attendance for their comments.

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Councilmember Hardcastle stated that she was impressed by the decorum of the people in attendance. Even before those hateful mailings came out, Councilmember Hardcastle stated that the City Council would have to rework the public accommodations portion of the Non-Discrimination Ordinance. That was because there was so much confusion that needed to be sorted out. Through the e-mails and telephone calls, the tally was 10-1 in favor of the housing and employment and leaving out the public accommodations. Further, Councilmember Hardcastle encouraged the City Council to put together a task force to work through the public accommodations portion of the Non-Discrimination Ordinance.

Councilmember Taylor stated that he had a great amount of affection for everyone in attendance, on both sides of the issue. He stated that he tries to treat everyone with respect. He has tried to teach the same to his children and grandchildren. From the beginning, the City Council has stated that they want a lot of input and they have received that. Unfortunately, during this process, there have been some hateful words spoken and he felt bad about that. Councilmember Taylor stated that he was appreciative of everyone that has worked through this process. He requested those in attendance to consider the following. He was in favor of the employment and housing portions of the Non-Discrimination Ordinance, but not for the public accommodations. He stated that the public accommodations portion is too subjective and subject to interpretation abuse. The flyers did not influence his decision as he had made up his mind before that. It was not based upon the number of e-mails or telephone calls that he received. Further, he stated that there were some conversations that it would be cowardess on the City Council's part to not vote on the whole thing. It takes a certain amount of courage to stand up for what he believes in. He stated that he did not want the audience to interpret that if he votes against the public accommodations portion of the Non-Discrimination Ordinance that he was against the LGBT community. Laws are not the only tool that can be used to achieve a means to an end. He will do everything he can to encourage respect and acceptance.

Councilmember Lehto stated that he would not be making comments at this time, but would wait until motions have been made. He might be coming at this from a differing angle, a nuts and bolts type of angle. The City Council should be passing laws that make sense to everyone. Through that process, everyone works through their differences. He gave the example of the Sexually Oriented Business Ordinance and the Open Container Ordinance that took many months to pass. Councilmember Lehto stated that some good work has been done, but that the Council is only about 70% to the end. He had hoped that the City Council could have reached the end of their job before they took a vote on the Non-Discrimination Ordinance. Lukas and Annes put together a comparison of all of the Non-Discrimination Ordinances that have been approved by the other cities in the State. He has been studying that information. He also expressed his concern that the housing and employment sections of the proposed Ordinance with the exceptions actually promote a form of discrimination. The Non-Discrimination Ordinance was originally considered in June 2013. Unfortunately, Councilmember Lehto missed the July 25, 2013 Council Work Session and Council Meeting where the "public accommodations" section was redacted. The City Council needs to provide laws that do not provide undue consequences.

Councilmember Parry stated that she could not recall a time where there has been a more enlightening process. Almost without exception, there has been civil discourse. It has been great to watch the community come together, except for the last two weeks, to do the right thing. The e-mails have not been all positive, but they have been positively enlightening. She stated that she has not experienced discrimination in her life. She shared the experience of her sick son, who many provided accommodations for. When the City Council began this process on December 16, 2012, she told the City Council that it has been recommended by some friends to look at a Non-Discrimination Ordinance. Councilmember Hally and Councilmember Cornwell stated that they had also been looking

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at such an Ordinance. Councilmember Parry stated that she wants a safe place, where people are not bullied and a place where people are treated fair. When she was challenged this evening regarding the public accommodations portion of the Non-Discrimination Ordinance, she explained that she did not know that there was “public accommodations” included in the Ordinance. She stated that when the seven people met her at D’Railed to discuss this matter, she could only be convicted of enthusiasm and optimism to come up with something unique in Idaho Falls. There are many court cases emerging regarding public accommodations, that she was unable to go there now. If the community is not on the same page, why would the Councilmembers be. She was only supporting the housing and employment portions of the Non-Discrimination Ordinance at this time.

Councilmember Cornwell stated that she loves people and treats people as she wants to be treated. She explained that she regrets having approved of the Non-Discrimination Ordinance without public accommodations. She spent all afternoon after the Council Work Session where it was originally discussed, being upset with herself for having backed down from keeping the public accommodations in the proposed Ordinance.

At the request of Councilmember Cornwell, the City Clerk read the following Ordinance by title only:

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO CODE TITLE 5, BY THE ADDITION OF CHAPTER 33; TO PROHIBIT DISCRIMINATORY ACTS IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND/OR GENDER EXPRESSION/IDENTITY, AS DEFINED; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Cornwell, seconded by Councilmember Hally, to pass the Non-Discrimination Ordinance that was passed on the First Reading Only on July 25, 2013 Regular Council Meeting, which was the version that included housing, employment and public accommodations. As part of her motion, she moved that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be waived, that the Ordinance be passed on the second and third readings and be published by summary; and, further, give authorization for the Mayor and City Clerk to sign the necessary documents.

Councilmember Lehto requested to know what the compelling issue was that caused the City Council to red-line strike out public accommodations from the proposed Ordinance.

Councilmember Hardcastle stated that there was so much confusion regarding the business exemption, as well as the bathroom issue. At that point in the discussion, Councilmember Hardcastle stated that she requested the Mayor and City Council to go back and re-work the public accommodations portion of the Ordinance.

Councilmember Lehto stated that there has been no work done since that time on the Ordinance.

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Councilmember Hardcastle explained that the Ordinance was tabled on the August 8, 2013 Meeting, to be able to finish the Fiscal Year 2013-2014 Budget and because Councilmember Hally (who was out of town) wanted to be present for that discussion.

Councilmember Lehto stated that he would not be voting in favor of this Ordinance as no work has been done on this since the July 25, 2013 Meeting. The problems that caused the red-line strike-outs still exist.

Councilmember Hardcastle stated that she believed that moving forward with the housing and employment portions of the Non-Discrimination Ordinance was better than not having anything. The City Council became afraid of the unintended consequences should the public accommodations remain in the Ordinance. She suggested that the City Council re-work the public accommodations portion of the Ordinance at a later date.

Councilmember Lehto stated that the motion that Councilmember Cornwell has brought forward has not been worked on since the August 8, 2013 Meeting, where public accommodations was removed.

Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hally

Nay: Councilmember Parry
Councilmember Taylor
Councilmember Hardcastle
Councilmember Lehto

Motion Failed.

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

ORDINANCE NO. 2929

AN ORDINANCE OF THE CITY OF IDAHO FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE TITLE 5, BY THE ADDITION OF CHAPTER 33; TO PROHIBIT DISCRIMINATORY ACTS IN EMPLOYMENT AND HOUSING BASED UPON SEXUAL ORIENTATION AND/OR GENDER EXPRESSION/IDENTITY, AS DEFINED; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Taylor seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be waived, that the Ordinance be passed on all three readings and published by summary; and, further, give authorization for the Mayor and City Clerk to sign the necessary documents.

Councilmember Lehto expressed his concern regarding the exceptions to housing and employment. The exceptions seemed, by their very nature, to be discriminatory when the City Council set those parameters. Through his research, he did

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not believe that the other cities in Idaho, who have adopted Non-Discrimination Ordinances, had any exceptions. He requested to know how the exceptions came about.

Councilmember Parry stated that the exceptions made sense to her. She stated that those exceptions are more uniquely Idaho Falls than not.

Again, Councilmember Lehto requested to know how the exceptions for housing and employment were placed into the Non-Discrimination Ordinance.

Councilmember Parry requested the City Attorney to enumerate those reasons.

Councilmember Lehto stated that he was asking the City Council for their response.

Councilmember Parry stated that she would defer to the City Attorney to respond for her regarding the reasoning for placing the exceptions.

Councilmember Lehto stated that therein lays the problem with him. Three Councilmembers have been working with the City Attorney to write the Ordinance. The work was done and exceptions were set for the housing and employment sections of the Ordinance. He did not understand why the work was not done to complete the public accommodations portion of the Ordinance.

Councilmember Taylor stated that Idaho law provided exceptions under employment regarding those that operate with fewer than five employees. That is why he agreed to that exception.

Councilmember Lehto requested to know how the line got drawn for dwellings, how the line got drawn for the number of employees, and why 5 years was the established time for infraction to misdemeanor under the appeals process.

Councilmember Parry stated that the City Attorney put that information into the proposed Ordinance, as a starting point. She stated that if Councilmember Lehto is not settled with the proposed Ordinance, maybe the City Council should not rush into approving this Ordinance.

Councilmember Lehto stated that was his point exactly. No additional work has been done since August 8, 2013. There are many good questions on the table and nothing has been done to answer those questions. If there is a true desire to have an Ordinance that works, the City Council will have to listen to everyone who provided input and work to solve those problems. He stated that he has been asking the same questions for the last month.

Councilmember Parry stated that she did not like for a Councilmember to be put in a position where they feel like something as important as this is not vetted in their mind. She stated, further, that three Councilmembers were commissioned with the responsibility of working with the City Attorney to come forward with their best work draft. That draft included the public accommodations, which she was not for from the start.

Councilmember Taylor stated that he was comfortable with voting on the proposed Non-Discrimination Ordinance without the public accommodations portion included. He stated that the City Council has done their due diligence regarding this Ordinance.

Councilmember Lehto stated that he appreciated all of the testimony this evening, but felt that this Ordinance should be tabled and continue to work on it if the City Council is sincere about getting an Ordinance that works in the community.

Roll call as follows:

Aye: Councilmember Taylor
 Councilmember Parry
 Councilmember Hardcastle

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Nay: Councilmember Hally
Councilmember Lehto
Councilmember Cornwell

Motion Tied.

Mayor Fuhriman stated that he was not in favor of the public accommodations portion of the Non-Discrimination Ordinance. He stated that he voted in favor of the Ordinance not including the public accommodations. The City Council is willing to move forward with working on the public accommodations portion to provide protections to the citizenry. There is a protection now on the books for housing and employment for the LGBT community.

There being no further business, it was moved by Councilmember Hardcastle, seconded by Councilmember Hally, that the meeting adjourn at 12:15 a.m.

CITY CLERK

MAYOR
