

SEPTEMBER 13, 2001

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 13, 2001, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Joe Groberg
Councilmember Bruce Rose
Councilmember Mary Klingler
Councilmember Ida Hardcastle
Councilmember Mike Lehto (Due to a conflict, arrived a few minutes late)

Absent was:

Councilmember Brad Eldredge

Also present:

Shan Perry, Assistant City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

The City Clerk read a summary of the minutes for the August 23, 2001 Regular Council Meeting. It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, that the minutes be approved as printed. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Hardcastle
Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

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 several license applications, including BARTENDER PERMITS to April Cardona, Sandra Charboneau, Elizabeth A. Ellsworth, Troy L. Hansen, Paul M. Ledvina, Rebecca L. Longacre, Mark M. Moorefield, LaNae Lee Parsons, Mary L. Price, Maria Sato, Toni L. Schott, and Wendy S. Torres, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on September 13, 2001.

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

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Aye: Councilmember Hardcastle
Councilmember Klingler
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated August 1, 2001 through August 31, 2001, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$689,098.58
Street Fund	378,641.06
Recreation Fund	9,208.08
Library Fund	52,784.35
Municipal Equipment Replacement Fund	73,289.10
Electric Light Public Purpose Fund	96,844.09
Business Improvement District	11,400.00
Municipal Capital Improvement Fund	44,247.83
Street Capital Improvement Fund	1,050.00
Airport Fund	104,127.44
Water and Sewer Fund	488,788.34
Sanitation Fund	4,285.18
Ambulance Fund	3,545.62
Electric Light Fund	1,601,332.59
Payroll Liability Fund	1,747,824.84
TOTALS	\$6,306,467.10

It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, to ratify the payment of Check No. 22112 in the amount of \$1,204.22 and Check No. 62472 in the amount of \$48.00, both made payable to the American Red Cross. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Abstain: Councilmember Rose (As he is employed by the Red Cross)

Motion Carried.

It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, to ratify the payment of the remainder of the expenditures for the month of August, 2001. Roll call as follows:

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Aye: Councilmember Rose
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

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

City of Idaho Falls
September 10, 2001

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: GALASAD ADDITION, DIVISION NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Galasad Addition, Division No. 1. Galasad Addition is one lot of 4.87 acres located north of and immediately adjacent to Township Road, west of Holmes Avenue, and south of Taylorview Junior High School. The requested initial zoning is R-1 (Single-Family Residential). On March 13, 2001, the Planning Commission recommended in an eight to one vote the approval of the annexation, final plat, and initial zoning of R-1. The annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. The following exhibits were presented in connection with this Annexation request:

Slide 1	Vicinity Map, Galasad Addition, Division No. 1
Slide 2	Vicinity Map, Galasad Addition, 1" = 500' (Zoning)
Slide 3	Comprehensive Plan
Slide 4	Aerial Photo, Land Uses and Zoning
Slide 5	Graphic illustration of existing land uses
Slide 6	Final Plat under consideration
Slide 7	Photo of site (southwest corner)
Slide 8	Photo of site (southeast corner)
Slide 9	Photo of Township Road west of property under consideration
Slide 10	Approval of improvement drawings, City Staff, City Engineer
Slide 11	Slide A, City Council legal description on notice
Slide 12	Slide B, Planning Commission legal description on notice
Slide 13	Slide C, Difference in area covered on ground

Slide 14 4.45 foot area in notice for July Council Meeting (not used in presentation)

Exhibit 1 Planning Commission Minutes dated March 13, 2001

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- Exhibit 2 Staff Report, March 13, 2001
Exhibit 3 Statement from Marsha and Charles Keister, March 13, 2001, as follows:

**July 26, 2001 – Marsha and Charles Keister Statement
(Submitted in writing for City consideration as we are out of
town on July 26th, 2001)
Regarding 4.91Acre “Galasad Addition” annexation to the City
of Idaho Falls**

We own the 5-acre parcel bordering the west side of the proposed addition. Approximately 1345 feet of our east border attaches to the “Galasad Addition” therefore, this annexation significantly affects our family. Our testimony on October 14, 1997, when annexation of this parcel was originally considered, has been entered into the record. Our concerns remain substantially the same. To summarize I would like to reiterate:

1. We purchased our land in 1984 and developed a single family residence under strict guidelines which led us to believe orderly development would continue and surrounding parcels would reflect the small acreage single family concept.
2. Historical use of surrounding property includes: farming, livestock grazing, and recreational use. We would like to note for the record that the “Galasad Addition” has also historically been used for farming, recreation and livestock grazing. This grazing has occurred on a significant piece of the referred to “Galasad Addition” which has for the last 16.5 years been uncontested and without our existing fence line.
3. Our property has a 16.5 year history of livestock use which equates to manure smells, flies, dust, noise and general commotion, as well as, use of an indoor arena which may emit lights late into the night with accompanying noise, dust, and general distractions. The prevailing winds would carry all of the above to any residences immediately to the east of us.
4. Our concerns center around the City Staff’s recommendations to modify the annexation to multiple lots along our fence line. Personal liability tops the list of our concerns. Opportunities for accidents present themselves when children try to pet the horses or even try to ride them without permission. We firmly believe that if the City insists on multiple families along our fence line then the City is showing blatant disregard for the safety of their future residents. Safety issues increase exponentially when you add multiple houses and many small fingers which can be nipped, or trespassing youngsters who can be kicked by livestock. We cannot afford fencing substantial enough to prevent human/horse interaction. If the City insists on a multi-lot subdivision with

multiple families along a 16.5 year horse facility, we want to know how they propose to protect their City residents. In addition, any approval of bike trails, roads or other paths which

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encourage youth to travel our fence line only increases the potential for human/animal accidents and encourages kids to travel on an already dangerous road (49th South) to get to the path.

5. Multiple families also increase opportunities for health and vet problems experienced by our livestock, as misguided individuals try to feed the animals cut grass or other “treats”. The market will target families with small children who want to “raise their kids in the country while maintaining City benefits”. This leads to more noise, more traffic, more commotion and confusion, rocks thrown at livestock, livestock chasing cats, dogs, kids or anything else that gets close, trespassing (since as have the open acreage for flying kites, chasing horses, or walking dogs), theft and vandalism, and ultimately ends in bickering with neighbors.

6. In future years when new City residents complain of flies, dust, and the general barnyard smells blowing into their homes by the prevailing winds, we would like entered into record that our horse operation will continue to function and their moving in was with full knowledge of the surrounding facilities. We will not adhere to their new City expectations of peace and quiet and the lovely smells of cut hay and wildflowers.

7. We continue to vehemently object to the City Staff’s recommendations to modify the annexation to include roads/sidewalks and any subdivision into multiple lots for multiple residences, thus allowing for increased human/livestock interaction.

8. A single lot though acceptable does pose substantial issues, including:

- In order to ensure that the single lot is maintained current irrigation rights must be allowed to be retained with the lot. The cost and logistics of providing City water to maintain 4.91 acres is prohibitive, and would most likely substantially decrease the prospective buyer market, thus allowing for the acreage to sit un-maintained, creating both a hazard and an eyesore for the community.
- Subdividing into multiple lots mandates construction of a road, sidewalks and utility installation. The Galasad parcel is 160 feet wide. With allowances for road, sidewalks, pathways and utilities the lot depth would be severely limited and detract from surrounding development.
- The City recommends adding a road to provide egress from Taylorview Junior High School. A minimal number of Junior High students drive,

therefore, keeping traffic reasonable, with peaks during parental pick-ups and drop-offs. I have had recent conversations with the District 91

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Superintendent during which Mr. Manning indicated that the District is not interested in an exit road onto Township and that the narrow hallways prohibited turning Taylorview into a High School with all students being potential drivers. Taylorview Junior High School was constructed with efforts to minimize costs which included eliminating approximately 4 feet from the hallways. That in itself prevents or inhibits building onto the school and therefore makes it extremely unsuitable for expansion or transition to a High School.

Summary

As you can see I am concerned for my family's future and freedom to enjoy our hobbies and recreational pursuits. In the case of City annexation revising the addition from a single lot to multiple lots, I sincerely believe that significant safety issues will arise thus showing negligent City planning and disrespect for the citizens of the City and County. The City recommendations are the opinion of only a few individuals, and from conversations I have had with other potentially interested parties, those recommendations are not requested or needed. Personally, approval of the multi-lot annexation will impact significantly our resale value. Moving and rebuilding is prohibitive both in terms of cost and labor. With more houses and more kids looking for a place to hide to smoke, our facilities would become targets for vandalism and theft. Things as simple as grass clippings over the fence can have adverse health effects and end up in huge vet bills and dead animals. We have our entire economic future wrapped around our current residence and lifestyle. Changing locations is not feasible nor will there be a likely market willing to purchase a "rural" residence bordered by multiple housing developments. Economically, we are bound here. If you add the burden of new fencing and the liability issues I have discussed, any action which results in increasing human traffic along our property line will likely force us into moving at a great loss to us financially. We are only one family, but we have the most at stake as the impact of this development poses unreasonable burden to us.

Please carefully consider what is being proposed for your approval and do not add any additional lot subdivisions, roads, sidewalks, or other restrictions. It is not prudent nor wise to jeopardize the safety and health of current and new residents just to provide for overuse of the land.

s/ Marsha and Charles

Keister
275 East 49th South
Idaho Falls, Idaho 83404

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Exhibit 4 Statement from Dorothy Behunin entitled "Comments noted from City Surveyor", as follows:

COMMENTS NOTED FROM CITY SURVEYOR ON THE
DIVISION PLAT ON THIS PROPERTY

- Is this property going to connect to sewer and water?
- Strip annexation?
- Can this property be served by water, sewer and electricity?
- Residential lots must have reverse frontage.
- Does the legal description (annexation) include the street right-of-way?
- Orderly urban growth?
- The lot size, etc., will make this difficult to develop in accordance with City standards. Therefore, I would like to see plans for storm drains, access, and utilities to verify that if we annex it will be developed in accordance with City standards.
- Will be a 4.5' gap to Traditions – Legal?

Submitted by Dorothy
Behunin

The Planning and Building Director stated that the Final Plat for Galasad Addition, Division No. 1 is in compliance with the Subdivision Ordinance, with one exception of "no access from a residential lot to an arterial street". Under the Subdivision Ordinance, it states that if residential lots are on an arterial street, there will be no direct access to the arterial street, and the residential lots will have reverse frontage. The Planning Commission is recommending to the City Council that a variance be granted on this particular lot. When this parcel came before the Planning Commission at a public hearing, the Staff made a recommendation to address two issues. One of the issues was orderly development and growth of the City. The second issue was the Subdivision Ordinance requiring that no residential lot shall have direct access to an arterial street. With the lot being 160 feet in width and approximately 1,350 feet in depth, it was recommended that it be subdivided into a road, most likely on the eastern part of the property, and single-family residential lots. The Planning Commission considered that recommendation and found that the existing pattern of growth south of Taylorview Junior High School is essentially homes on large lots. To follow the Staff recommendations by splitting this parcel into a road and smaller lots would be disruptive to the neighbors. The Planning Commission recommended a variance to allow the parcel to be platted as a single home lot and zoned R-1 to have direct access to Township Road. The Planning Commission found in Section 10-1-18-c of the Subdivision Ordinance, this parcel of property is too narrow and does not realistically or practically accommodate a road right-of-way of 60-feet, along with lots that could only be 100 feet in depth. The Planning Commission also found this lot to be unique in that this parcel is the last vacant parcel that can be developed as a single-family home in this area as presently deeded. The Planning Commission found that this parcel of ground is in the Area of Impact, is contiguous to the City through Taylorview Junior High School, and is considered to be orderly development in this particular situation. The Planning and Building Director addressed the legal descriptions used for the Planning Commission and the City Council Meetings regarding

this parcel of land. Public Hearings are not required for annexation requests; however, public hearings are required for zoning amendments and initial zoning. Under the Planning

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Commission public hearing, one legal description was used and another legal description was used for the City Council public hearing. The difference between the two legal descriptions is approximately 6 square inches total to the legal description in the right-of-way area. The Planning and Building Director stated that this small portion could not be zoned at this time. She did not believe that this small portion is a material change or difference that would significantly affect whether people could identify the property by the public hearing notice. This annexation request is being submitted to the Mayor and City Council based upon that information. Reasonable notice has been served to the residents in this area. The Planning and Building Director submitted the following letter from Dorothy Behunin and Shelley Turnbow regarding the legal descriptions for this parcel of land:

September 11, 2001

Mayor Linda Milam
308 Constitution Way
P. O. Box 50220
Idaho Falls, Idaho 83405-0220

Dear Mayor Milam:

We are writing this letter to address said Galasad Addition, which is being considered for annexation to the City of Idaho Falls on the September 13, 2001, City Council Agenda.

Enclosed herewith you will find two legal descriptions for this Galasad Addition. One description was published for the City Planning Commission Meeting which was held on March 13, 2001. The second description was published for the City Council Meeting to be held this Thursday, September 13, 2001.

The Idaho Code plainly states that both of these legal descriptions should be exactly the same; they are not. The west property line is different. The City Council publication shows "N. 0° 43' 35" W." while the City Planning Commission publication shows "N. 0° 43' 25" W." Also, the total acreage differs from 5.15 acres for the City Planning Commission publication to 5.20 acres for the City Council publication. The law plainly states that there can be a decrease in total amount of land from the Planning Commission Meeting to the City Council Meeting, but not increase in size.

Since this would be illegal to have this done before the City Council at this time with these discrepancies, we request that this said Galasad Addition be removed from the September 13, 2001 City Council Agenda.

Sincerely,

s/ Dorothy K. Behunin
s/ Shelley Turnbow
Dorothy Behunin
Shelley Turnbow

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that his office made the error that is essentially a typographical error. This amounts to a bad bearing. Following a brief description as to how a legal description is measured and

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written, Mr. Kofoed stated that there is a large market for large lot developments. The best solution for water and sewer, is to team up with any City. He stated, further, that he has remedied the problems that Bonneville County had regarding road right-of-way and property line issues.

Dorothy Behunin, 223 East 49 South, appeared to express her concern over how her confidence has been shaken in the Planning Commission and City Staff regarding how laws are applied. She shared the following quote:

This site has been submitted to the Planning Commission in the past as a portion of the Hallmark Addition. The major focus of the public hearing centered around:

1. The only purpose of the annexation of this five-acre parcel was to make the 160 acres to the south contiguous with the City.
2. The five-acre lot does not line up straight across from the parcel south of 49th South.

Mrs. Behunin went on to share the following quote from the City Planning Office:

The proposed five-acre single-family lot reflects the existing land use pattern in this quarter section. A single home on one large lot would be compatible with neighbors to the east and west. Therefore, Staff recommends this parcel be subdivided into residential lots with a local street and utilities.

Mrs. Behunin stated, however, one large lot will not further the growth of the City or encourage urban development as they were promised. She, further, addressed her concerns regarding the differing legal descriptions between the one that was published as a legal notice for the Planning Commission and the one published as a legal notice for the City Council. The legal description published for the City Council was a larger parcel than the one used for the Planning Commission. She has discussed this issue with other officials around the State and has been told that the acreage before the City Council cannot be larger than was discussed before the Planning Commission. The land is not contiguous, in that it lacks 4.43 feet. Mrs. Behunin read from the minutes of a Planning Commission meeting held November 11, 1997, as follows:

If Hallmark wishes to appeal, they actually will be bringing in the five-acre lot or they may replat it into 12 single lots. But I mean it is an alternative that they have been looking at and bouncing back and forth and they have not done it. They know if the neighbors were upset before, what are they going to be if there is this five acres developed in this City-density single-family lots. They may come back with a final plat with a division of that and that's why they would be doing that, because that is the only way in which they can get the issue before City Council.

Mrs. Behunin questioned whether the City needed this annexation bad enough to be dishonest with its citizens. She read a portion of a letter from Dale Storer, City Attorney, dated August 5, 1997, as follows:

Considering all the foregoing factors of the whole in my judgment, it is unlikely that the court would approve this annexation. In particular, we are dealing with a strip of property approximately one-quarter of a mile long and 150 feet

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wide, which presumably would be nothing more than a parcel of unplatted, vacant property through which no road, sewer or water would be constructed. Patently, it appears to be nothing more than an effort to bring contiguously for the division located to the south. Additionally, the tract is relatively isolated from other annexed area of the City, thereby, making it more difficult to provide City services without overextending existing capabilities. Certainly an argument could be made that City services can be provided, however, on the whole, I believe a court would view such agreement with a healthy amount of skepticism.

Mrs. Behunin stated that the Planning and Building Director told her this afternoon that the annexation could take place without an initial zoning. She has checked into this information, and everyone has told her that when an annexation takes place, an initial zoning needs to take place. She requested the Mayor and City Council to restore her faith in City government and not let underhanded people take over and skirt the issues. This is a strip annexation and nothing will be accomplished by annexing this. From the time of the Planning Commission to the time of the July Council Meeting, the legal description was changed to include the 4.43 acres that were missing from the original legal description. This annexation should be rejected.

Oral Behunin, 223 East 49 South, appeared to state that they have seen on the slides the nature and surrounding area of the homes and the acreages. He expressed his concern that this single residential lot will be developed into twelve residential lots. This is a strip annexation to be able to access a larger piece of land for annexation. Before this annexation is approved, the legal description needs to be checked to be sure that it is indeed contiguous to the City. If there is not an issue with the legal description, the whole area needs to be annexed at one time. This parcel can be developed for one home in the County, instead of being annexed into the City. Mr. Behunin stated that he believed that there must be an ulterior motive to annexing more land to the south of this parcel. This issue should be tabled until such time that it is determined that it is legal. Normal growth in the area has been one house to five acres. This annexation is not in keeping with the surrounding area. There is orderly development taking place south of Castlerock Addition and Southpoint Addition. The City should take a serious look at this strip annexation and if more than one home is allowed on this five-acre parcel, it will become too crowded.

Shelley Turnbow, 150 East 49 South, appeared to discuss the discrepancy in the legal descriptions between the Planning Commission public hearing and the City Council public hearing. According to State Statutes regarding zoning changes, it states that the same notice as used by the Planning Commission is to be used for the City Council Meeting. That did not happen. Law needs to be followed. Court cases cited in the Idaho Code book have shown that the notice requirements are satisfied if the notices are accurately described. She stated that she has five different legal descriptions of this property that have been noticed. Not one of them has been the same. Under Idaho Code, it states that any person that is engaged or about to engage in an act against Idaho Ordinances will be prosecuted as the court seemed appropriate. Idaho Code Section 50-222 allows the City to annex contiguous land under two qualifications, that the areas being considered for annexation can be reasonably assumed to be used for the orderly development of the City and the lands are not connected to the City by a shoestring or a strip of land. By annexing this piece of property to the City, a strip of unplatted land is being created that has no place to go for further development. Mrs. Turnbow stated that this land is nothing more than a parcel of unplatted, vacant property through which no road, sewer or water are being considered at this time.

There is no place for this development to progress, no specifications on how this property is going to be developed, and once it is annexed to the City the Developer can make changes without notification to the surrounding neighbors. Mrs. Turnbow shared a statement from

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the City Surveyor, which states "New law that states contiguous and adjacent to", which means that this must touch. The Developer has been promising the residents of this area that he will only build a single-family residence on this five acres. This does not fit into the City's Comprehensive Plan, it is not cost effective for the Developer to put in one City lot, and it is not cost effective for the City to extend services for one City lot. Because this property has no where to go for future development, it does not fit the requirement for annexation of an area that can be reasonably assumed to be used for the orderly development of the City as stated in Idaho Code Section 50-222. The City Staff recommended that this parcel be divided into residential lots, which was not the recommendation given to the City Council from the Planning Commission. She stated that she believed the Developer is slipping in this strip annexation to be able to annex 160 acres further to the south of this development. As other developments have come into the City, rules and laws have been followed. That has not been the case with this property. Mrs. Turnbow proposed that this annexation be denied based on the facts she presented.

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

Councilmember Groberg requested to know if the Assistant City Attorney had any comments on any of the representations that have been made. The Assistant City Attorney stated that the Planning and Building Director addressed most of the issues. He stated that under Idaho Code where the notice needs to be exact, it says that notice procedures must be followed the same way, not the exact same notice. It was further stated that the notice does not need to include a legal description.

Councilmember Groberg stated that he understood that those testifying were concerned that the notice of public hearings were technically correct, but he did not understand why they objected to this annexation. The other concern that he understood was that this area could be subdivided at a later date. Councilmember Groberg stated that this is an orderly development of the City and is a reasonable objective of the City to attempt to annex property if the owners are willing and interested, so that the City could grow into the urban area that is within the Area of Impact. He understood that it is desirable to have a single-family residence on this location as opposed to several single-family residences.

Councilmember Hardcastle stated that in order to develop more than one home in this location, this land would have to be replatted and would come before the City Council again.

Councilmember Klingler stated that she agreed with Councilmember Groberg, in that she hoped this would create annexations to create orderly development and allow for connections to water service and sewer service from the City. This will also lead to more discussion on the Estate Zone that is being developed for the City of Idaho Falls.

Councilmember Rose stated that the Planning Department is working on the Estate Zone at this time. He stated that he appreciated the comments that were presented. This is orderly development, although it is unique and it is in compliance with the Zoning Ordinance.

Councilmember Hardcastle stated that this annexation complies with the Comprehensive Plan.

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

Aye: Councilmember Groberg
 Councilmember Hardcastle

Councilmember Rose
Councilmember Klingler

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Nay: None

Motion Carried.

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

ORDINANCE NO. 2426

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

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

Aye: Councilmember Hardcastle
Councilmember Klingler
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Groberg, to accept the Final Plat for Galasad Addition, Division No. 1, to grant the variance to allow for one access to Township Road and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Klingler
Councilmember Hardcastle
Councilmember Rose
Councilmember Groberg

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 Rose, seconded

by Councilmember Groberg, to establish the initial zoning of Galasad Addition, Division No. 1 as R-1 (Single-Family Residential) as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to

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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 Groberg
Councilmember Rose
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam indicated that Councilmember Lehto had joined the City Council at the Council Table.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for The Meadows, Division No. 2. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 10, 2001

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: THE MEADOWS, DIVISION NO. 2

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for The Meadows, Division No. 2. This Final Plat of 31 single-family lots is south of Sunnyside Road and west of St. Clair Road. On July 17, 2001, the Planning Commission considered this annexation request and recommended approval of the annexation, final plat and initial zoning of R-1. The annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat under consideration
Slide 4	Site Photo looking northeast at the site
Slide 5	Proposed Preliminary Plat
Exhibit 1	Planning Commission Minutes dated July 17, 2001 (Preliminary and Final Plat discussion)
Exhibit 2	Staff Report
Exhibit 3	Final Plat

The Planning Commission considered this Final Plat after extensive discussion on both the Preliminary Plat and Final Plat, and has recommended that it be approved as submitted.

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This Final Plat has been found by the City Engineer and Planning Staff to be in accordance with the Subdivision Ordinance.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this area has a lively history. He stated that this is a lovely development and invited the Mayor and Council to visit the site.

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

It was moved by Councilmember Rose, seconded by Councilmember Groberg, to approve the Annexation Agreement for The Meadows, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Klingler
 Councilmember Hardcastle
 Councilmember Rose
 Councilmember Lehto
 Councilmember Groberg

Nay: None

Motion Carried.

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

ORDINANCE NO. 2427

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

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

Aye: Councilmember Groberg
 Councilmember Rose
 Councilmember Klingler
 Councilmember Hardcastle
 Councilmember Lehto

Nay: None

Motion Carried.

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It was moved by Councilmember Rose, seconded by Councilmember Groberg, to accept the Final Plat for The Meadows, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Rose
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Groberg, to establish the initial zoning of The Meadows, Division No. 2 as R-1 (Single-Family Residential) as requested and, 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 Rose
Councilmember Groberg
Councilmember Lehto
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for McNeil Business Park, Division No. 3. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 10, 2001

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: MCNEIL BUSINESS PARK, DIVISION NO. 3

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for McNeil Business Park, Division No. 3. Division No. 3 consists of two lots. Lot 7 is 1.31 acres and C-1 zoning is requested. R3-A zoning is requested for Lot 8, which is 0.19 acres. On August 7, 2001, the Planning Commission considered this annexation and recommended approval of the annexation, final plat, and initial zoning of C-1 and R3-A rather than the I & M-1 and R3-A

originally requested. The annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat under consideration
Slide 4	Preliminary Plat
Slide 5	Comprehensive Plan Land Use Map
Slide 6	Site Photo looking north across middle of site from south side of site
Slide 7	Site Photo looking east across the site at Tautphaus Park
Slide 8	Site Photo looking south across the site from north of the site
Exhibit 1	Planning Commission Minutes dated August 7, 2001
Exhibit 2	Staff Report
Exhibit 3	Final Plat

The Planning and Building Director stated that the access road entering onto Rollandet Drive is a private drive. Councilmember Lehto commented that if this is a private drive, why is City signage at this location, such as the stop sign. The Planning and Building Director stated that the stop sign is posted to keep the traffic safe at this location. Councilmember Lehto questioned whether this private drive was the emergency access road that was discussed at the previous annexation for McNeil Business Park, Division No. 2. The Planning and Building Director stated that was correct, noting that the private drive was developed in Bonneville County. The Planning Commission discussed whether the roadway could be used only as an emergency access or whether it could be developed as a private drive, and decided that it could be a private drive at this point in time until and if McNeil Drive is extended to the north to Leslie Avenue or McNeil Drive is turned to the west to Gallatin Avenue. When this was addressed by Council previously, it was noted that this access was not just for emergency vehicles and was written as a private drive at that time. Under Division No. 3, the present developments would close this private drive, with access only to emergency vehicles, until McNeil Drive is extended to the north. The Planning Commission discussed this issue extensively and recommended the Final Plat and Development primarily because this area is zoned I & M-1 in the County and could be developed in Bonneville County without a plat. The Developer built the private drive in the County and in the center area of the lots for the development that he is bringing into the City.

Councilmember Lehto requested to know whether the signs were placed on the private drive by the City of Idaho Falls. The Planning and Building Director stated that the signs were not placed by the City. Councilmember Groberg stated that even if the roadway was constructed in the City, the Developer would pay for any signage. Councilmember Lehto stated that the Council is discussing the orderly development of the City and the Comprehensive Plan. This private drive violates that trust. The private drive is being used as a thoroughfare to avoid Sunnyside Road. The Planning Division has the Access Management Plan for traffic movement and that plan has been circumvented with this private drive.

Councilmember Groberg questioned the Planning and Building Director as to what landscaping is being provided between the commercial development and Thayer Bridge development. The Planning and Building Director stated that the Annexation Agreement provides that the Developer shall construct a wall a minimum of 6 feet in height or a building or a 7-foot wide landscape buffer strip along the south property line adjacent to Thayer Bridge Subdivision. The City Council approved the 7-foot wide landscape buffer strip.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that the Developer has been negotiating for Leslie Avenue to go through Arco Electric's property and through property currently owned by Melaleuca. Mr. Kofoed explained that

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there is an electrical community north of Burns Brothers Concrete and the Developer feels that his development will depend upon that community. The Developer does not want to use Rollandet Drive for access to that community and would prefer the extension of McNeil Drive to Leslie Avenue. The Developer wanted to place the asphalt for the private drive in an area that would accommodate mini-storage units. He has worked closely with Thayer Bridge residents to accomplish this.

Greg Ehardt, 803 Pescadero, appeared to state that he represented Rollie Walker as his Attorney. Considerable work has been put into extending McNeil Drive to Leslie Avenue. Councilmember Hardcastle requested to know what the buffer would be between the commercial development and the Thayer Bridge Subdivision. Mr. Ehardt stated that the buffer would be trees.

Hal Monson, 1110 Norton Avenue, appeared to state that he is the Developer of the storage units that will be adjacent to Thayer Bridge Subdivision. Prior to the Planning Commission Meeting, he held a meeting with the people from Thayer Bridge to discuss the possible zonings for his development. His storage units would be an up-scale, state of the art facility. The private drive would have a gate on both ends of the storage unit facility, which would not allow for through traffic.

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

Councilmember Lehto stated that this area, according to the Comprehensive Plan, would be developed as residential along Rollandet Avenue. He has heard from numerous residents of the Thayer Bridge Subdivision that are not satisfied with the private drive and its usage.

It was moved by Councilmember Rose, seconded by Councilmember Groberg, to approve the Annexation Agreement for McNeil Business Park, Division No. 3 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Hardcastle
 Councilmember Klingler
 Councilmember Groberg
 Councilmember Rose

Nay: Councilmember Lehto

Motion Carried.

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

ORDINANCE NO. 2428

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

The foregoing Ordinance was presented by title only. Councilmember Rose moved, and Councilmember Groberg seconded, that the provisions of Idaho Code Section 50-902

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requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Klingler
Councilmember Hardcastle
Councilmember Rose
Councilmember Groberg

Nay: Councilmember Lehto

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Groberg, to accept the Final Plat for McNeil Business Park, Division No. 3 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose
Councilmember Klingler
Councilmember Hardcastle

Nay: Councilmember Lehto

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 Rose, seconded by Councilmember Groberg, to establish the initial zoning of McNeil Business Park, Division No. 3 as C-1 (Limited Commercial) on Lot 7 and R3-A (Apartments and Professional Offices) on Lot 8 as requested and, 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 Rose
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

Nay: Councilmember Lehto

Motion Carried.

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

City of Idaho Falls
September 4, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: HANGAR LEASE AGREEMENT FOR SUNGATE ENTERPRISES

SEPTEMBER 13, 2001

Attached for City Council approval is the Hangar Lease Agreement for Sungate Enterprises. This Lease Agreement is for 20 years.

The City Attorney has reviewed this document.

The Airport Division requests approval of the Hangar Lease Agreement and authorization for the Mayor to execute it.

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Hangar Lease Agreement with Sungate Enterprises and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

City of Idaho Falls
September 10, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: RYAN'S GREATER MONTANA LEASING CORPORATION DBA
THRIFTY RENT-A-CAR OFF-AIRPORT RENTAL AGREEMENT

Attached for City Council approval is the Ryan's Greater Montana Leasing Corporation, dba Thrifty Rent-A-Car Off-Airport Rental Agreement. The term of this Lease is 3 years.

The City Attorney has reviewed this document.

The Airport Division requests approval of the Off-Airport Lease Agreement and authorization for the Mayor to execute it.

s/ Mike Humberd

Councilmember Groberg explained that this Off-Airport Rental Agreement would provide payment of 8% of their revenue to the Airport. On-Airport facilities pay 10% of their revenue. It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Off-Airport Rental Agreement with Ryan's Greater Montana Leasing Corporation

dba Thrifty Rent-A-Car subject to having the Agreement returned signed by Thrifty Rent-A-Car and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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Aye: Councilmember Hardcastle
Councilmember Klingler
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
September 6, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: AMENDMENT NO. 1 TO BONNEVILLE POWER ADMINISTRATION
CONTRACT REVISING TERM OF THE AGREEMENT

Attached for your consideration is Amendment No. 1 to Contract No. 98ES-10113 between the City of Idaho Falls and the Bonneville Power Administration extending the term of the Agreement to September 30, 2006.

Idaho Falls Power respectfully requests Council approval of this Agreement and authorization for the Mayor to sign.

s/ Mark Gendron

It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, to approve Amendment No. 1 to Contract No. 98ES-10113 between the City of Idaho Falls and Bonneville Power Administration extending the term of the Agreement to September 30, 2006 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Klingler
Councilmember Hardcastle
Councilmember Rose
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: REVISION NO. 1 TO EXHIBIT A, SLICE CONTRACT

SEPTEMBER 13, 2001

Attached for your consideration is Revision No. 1 to Exhibit A of the Slice Contract with Bonneville Power Administration for the purchase of ½ megawatt of Environmentally Preferred Power for the term of one year.

Idaho Falls Power respectfully requests Council approval of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, to approve Revision No. 1 to Exhibit A of the Slice Contract with Bonneville Power Administration and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose
Councilmember Klingler
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: BONNEVILLE POWER ADMINISTRATION POINT-TO-POINT
TRANSMISSION SERVICE AGREEMENT

Attached for your consideration is an Agreement for Point-to-Point Transmission Service with Bonneville Power Administration. The City Attorney has reviewed the Agreement.

Idaho Falls Power respectfully requests Council approval of this Agreement.

s/ Mark Gendron

It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, to approve the Point-to-Point Transmission Service Agreement with Bonneville Power Administration and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Rose
Councilmember Groberg
Councilmember Klingler

Councilmember Hardcastle

Nay: None

SEPTEMBER 13, 2001

Motion Carried.

City of Idaho Falls
September 7, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: MEMBER SERVICES AGREEMENT BETWEEN IDAHO FALLS
POWER AND IDAHO ENERGY AUTHORITY

Attached for your consideration is an Amendment to the Idaho Energy Authority Member Services Agreement extending the term of the Agreement to 30 years.

Idaho Falls Power respectfully requests Council approval of this Amendment.

s/ Mark Gendron

It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, to approve the Amendment to the Idaho Energy Authority Member Services Agreement extending the term of the Agreement to 30 years and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Rose
Councilmember Groberg
Councilmember Lehto
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
September 6, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: NETWORK TRANSMISSION SERVICE AGREEMENT BETWEEN
BONNEVILLE POWER ADMINISTRATION AND IDAHO ENERGY
AUTHORITY (IDEA)

Attached for your consideration is a Network Transmission Service Agreement between Bonneville Power Administration, Idaho Energy Authority, and Idaho Falls Power. The Service Agreement has been reviewed by the City Attorney.

Idaho Falls Power respectfully requests Council approval of this Agreement.

s/ Mark Gendron

SEPTEMBER 13, 2001

It was moved by Councilmember Klingler, seconded by Councilmember Hardcastle, to approve the Network Transmission Service Agreement between Bonneville Power Administration, Idaho Energy Authority and Idaho Falls Power and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
September 7, 2001

MEMORANDUM

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

Municipal Services respectfully requests ratification to advertise and receive bids for two (2) new Cardiac Monitor/Defibrillators.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the advertisement to receive bids for two (2) new Cardiac Monitor/Defibrillators. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Klingler
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

City of Idaho Falls
August 29, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 2001-2002 LEGAL SERVICES CONTRACT

SEPTEMBER 13, 2001

Attached for your consideration are the proposals for the City Attorney Retainer and the General Legal Services Retainer for Fiscal Year 2001-2002.

It is the recommendation of Municipal Services that said proposal be approved by the City Council and the Mayor be authorized to sign the Agreement.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to approve the proposals for the City Attorney Retainer and the General Legal Services Retainer for Fiscal Year 2001-2002 as presented and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Klingler
Councilmember Hardcastle
Councilmember Rose
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
September 7, 2001

MEMORANDUM:

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 6, 2001

Attached for your consideration are copies of the required "Notice of Election" and "Resolution" for the General Municipal Election to be held on November 6, 2001, with publication dates for the "Notice of Election" to be September 16 and October 21, 2001.

It is respectfully requested that the Mayor and Council proclaim the General Municipal Election, name Deputy Registrars, and designate Polling Places.

s/ S. Craig Lords

RESOLUTION

RESOLUTION NO. 2001-06

A RESOLUTION PROCLAIMING A GENERAL MUNICIPAL ELECTION, TO BE HELD ON NOVEMBER 6, 2001, DESIGNATING THE POLLING PLACES, DESIGNATING THE REGISTRAR AND

DEPUTY REGISTRARS, AND ORDERING THE CITY
CLERK TO GIVE NOTICE AND TO PRINT AND
PUBLISH SAMPLE BALLOTS FOR SUCH ELECTION.

SEPTEMBER 13, 2001

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

SECTION 1. The General Municipal Election will be held in and for the City of Idaho Falls, Idaho, on the 6th day of November, 2001, at which time one (1) Mayor and three (3) Councilmembers will be elected to serve for a term of four years, or until the election and qualification of their successors.

SECTION 2. The following are designated as the polling places for such election:

PRECINCT ONE	University Place Student Union	1784 Science Center Drive
PRECINCT TWO	Eagle Rock Junior High School	2020 Pancheri Drive
PRECINCT THREE	Temple View School	1500 Scorpius Drive
PRECINCT FOUR	Ethel Boyes School	1875 Brentwood
PRECINCT FIVE	A. H. Bush School	380 West Anderson
PRECINCT SIX	Fox Hollow School	2365 Genevieve Way
PRECINCT SEVEN	A. H. Bush School	380 West Anderson
PRECINCT EIGHT	Bonneville County Courthouse Rotunda	605 North Capital Avenue
PRECINCT NINE	Clair E. Gale Junior High School	955 Garfield
PRECINCT TEN	Idaho Falls High School	601 South Holmes Avenue
PRECINCT ELEVEN	Emerson School	335 5th Street
PRECINCT TWELVE	Hawthorne School	1520 South Boulevard
PRECINCT THIRTEEN	Idaho Falls Public Library	457 Broadway
PRECINCT FOURTEEN	Senior Citizens Community Center	535 West 21st Street
PRECINCT FIFTEEN	Longfellow School	2500 South Higbee Avenue
PRECINCT SIXTEEN	Sunnyside School	165 Cobblestone
PRECINCT SEVENTEEN	Lincoln Court	850 Lincoln
PRECINCT EIGHTEEN	Linden Park School	1305 9th Street
PRECINCT NINETEEN	Theresa Bunker School	1385 East 16th Street
PRECINCT TWENTY	Edgemont Garden School	1240 Azalea
PRECINCT TWENTY-ONE	Falls Valley School	2455 Virlow
PRECINCT TWENTY-TWO	Dora Erickson School	850 Cleveland
PRECINCT TWENTY-THREE	Falls Valley School	2455 Virlow
PRECINCT TWENTY-FOUR	Parkwood Meadows	1885 Parkwood
PRECINCT TWENTY-FIVE	EITC Administration Building	1600 South Hitt Road
PRECINCT TWENTY-SIX	Grand Teton Mall Community Room	2300 E. 17th St., NE Ent.
PRECINCT TWENTY-SEVEN	Fairwinds Sand Creek	3310 Valencia Drive
PRECINCT FORTY-ONE	Taylorview Junior High	350 Castlerock

SECTION 3. RON LONGMORE, County Clerk, is hereby designated as Acting Registrar; ROSEMARIE ANDERSON, City Clerk, as Chief Elections Officer; and the following Deputy Registrars: Precinct One, Sally Hobbs; Precinct Two, Carol Neitzel; Precinct Three, Elaine Morehead; Precinct Four, Mary Clark; Precinct Five, LaVon Hammon; Precinct Six, Rhonda Schwartzenberger; Precinct Seven, JoAnn Laing; Precinct Eight, Ethel Rasmussen; Precinct Nine, Diane Treasure; Precinct Ten, Allison Cox; Precinct Eleven, Susan Van Orden; Precinct Twelve, Gloria Sue Perkes; Precinct Thirteen, Loretta Evans; Precinct Fourteen, Margie Jensen; Precinct Fifteen, Rayma Jean Argyle; Precinct Sixteen, Margaret Taylor; Precinct Seventeen, Bonnie Kay Killian; Precinct Eighteen, Lisa Pardonnet; Precinct Nineteen, Bonnie Hodson; Precinct Twenty, Debra Kay Bluth; Precinct Twenty-One, Annette Burger; Precinct Twenty-Two, Hazel Toole; Precinct Twenty-Three, Virgean Frederickson; Precinct Twenty-Four, Kathy Hendrix; Precinct Twenty-Five, Venna Kaye Smith; Precinct Twenty-Six, Floriene Oakey; Precinct Twenty-Seven, Nanette Bodily; Precinct Forty-One, Mary Call.

SECTION 4. The City Clerk, for and on behalf of the Mayor and Council, shall give public notice of the time and place of holding such General Municipal Election by publishing such notice in at least two issues of the POST

SEPTEMBER 13, 2001

REGISTER, a newspaper printed and published in the City of Idaho Falls, Idaho, the first publication of such notice to be made not less than 45 days prior to the date of such Municipal Election and the last publication not less than 15 days prior to the election; the notice so published shall state the polling place in each precinct, the hours during which the polls shall be open for the purpose of voting; said notice to contain such information in accordance with the requirements of Section 50-436 of the Idaho Code.

SECTION 5. No later than twenty-one (21) days prior to the election, the City Clerk shall prepare ballots for the election, in accordance with Idaho Code Section 50-439. Not less than 15 days before the election, the City Clerk shall cause to be printed sample ballots containing the names of the candidates for each office and all measures to be submitted at the General Municipal Election. The City Clerk shall furnish a copy of such sample ballot to any person who requests a copy at the Office of the City Clerk. The City Clerk shall also publish the sample ballot in at least two issues of the POST REGISTER, a newspaper printed and published in the City of Idaho Falls, Idaho, the last publication to be within 5 days of the election. The form of the sample ballot shall be prescribed in Idaho Code Section 50-440.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR this 13th day of September, 2001.

s/ Linda M. Milam
Linda M. Milam, Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson, City Clerk

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to approve the Notice of Election and Resolution proclaiming the General Municipal Election to be held on November 6, 2001 with publication dates for the Notice of Election to be September 16 and October 21, 2001 and, further, give authorization for the Mayor and Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Rose
 Councilmember Klingler
 Councilmember Hardcastle
 Councilmember Lehto

Nay: None

Motion Carried.

SEPTEMBER 13, 2001

City of Idaho Falls
August 29, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-01-11, TRANSFORMERS

It is respectfully requested the Council ratify the purchase of an additional 58 transformers as per Bid IF-01-11, Attachment A, Item 14.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the purchase of an additional 58 transformers as per Bid IF-01-11, Attachment A, Item 14. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Rose
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
September 7, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-01-26, ONE (1) NEW 2001 OR NEWER TRUCK MOUNTED WITH 10-FOOT CONTRACTOR TYPE DUMP BODY

Attached for your consideration is the tabulation for Bid IF-01-26.

It is the recommendation of Municipal Services to accept the low bid of Hirning Truck Center to furnish a 2002 GMC, "Low-Pro" Cab and Chassis mounted with a 2001 Crysteel Tipper Dump Body for the amount of \$26,605.00 with trade-in of Unit No. 692.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the low bid of Hirning Truck Center to furnish the required truck mounted with 10-foot contractor type dump body as presented. Roll call as follows:

Aye: Councilmember Rose
Councilmember Groberg

SEPTEMBER 13, 2001

Councilmember Lehto
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
September 13, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: ENVIRONMENTAL CLEARANCE AGREEMENT – BROADWAY
AVENUE/OLD BUTTE ROAD PATHWAY AND LANDSCAPING
ENHANCEMENT PROJECT

Attached for your consideration is a Professional Service Agreement between the City of Idaho Falls and SERG, Inc. to provide an Environmental Evaluation for the West Broadway/Old Butte Road Pathway Landscaping Enhancement Project. Total cost proposed for this study is \$11,280.00. It is, therefore, submitted for your approval and to have the Mayor sign said Agreement.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to approve the Professional Service Agreement with SERG, Inc. subject to the change of wording from "Idaho Canal Bridge Project/Sunnyside Road" to "Broadway/Old Butte Highway Path" and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

City of Idaho Falls
September 13, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: FORMER ARMY RESERVE CENTER DEED

SEPTEMBER 13, 2001

Attached for your consideration is a Quitclaim Deed for the former Army Reserve Center located at 1575 North Skyline Drive. This property is to be used by the City's Parks and Recreation Department to provide additional facilities for their various activities. The current fair market value of the 2.75-acre parcel including current structures is \$400,000.00. The City Attorney has reviewed the attached Deed. It is, therefore, requested that the Mayor and City Clerk execute and notarize acceptance of the attached Deed.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to accept the former Army Reserve Center located at 1575 North Skyline Drive and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Klingler
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

City of Idaho Falls
September 13, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: STATE/LOCAL CONSTRUCTION AGREEMENT – JOHN'S HOLE
BRIDGE WIDENING ENHANCEMENT PROJECT

Attached for your consideration is a State and Local Agreement for the widening of the John's Hole Bridge Walkway. The projected local share cost of this enhancement project is \$57,300.00. The City Engineer has reviewed and approved the attached Agreement. It is, therefore, recommended that the Mayor sign and execute said Agreement and that the local share cost be allocated and submitted to the State.

s/ David J. Christiansen

RESOLUTION

RESOLUTION NO. 2001-07

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 construction of John's Hole Bridge Pathway; and

SEPTEMBER 13, 2001

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-Aid Highway System when there is federal participation in the costs; 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 STP-6470(118) 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 13, 2001.

s/ Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to adopt the Resolution approving the State/Local Agreement for the widening of the John's Hole Bridge Walkway and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Klingler
Councilmember Hardcastle
Councilmember Rose
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

SEPTEMBER 13, 2001

City of Idaho Falls
September 13, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: STATE/LOCAL CONSTRUCTION AGREEMENT – FREMONT AVENUE PATHWAY ENHANCEMENT PROJECT

Attached for your consideration is a State and Local Agreement for the construction of a bicycle and pedestrian pathway located adjacent to Fremont Avenue. The City's local share cost for this enhancement project is \$67,500.00. The City Engineer has reviewed and approved the attached Agreement. It is, therefore, recommended that the Mayor sign and execute said Agreement and that the local share cost be allocated and submitted to the State.

s/ David J. Christiansen

RESOLUTION

RESOLUTION NO. 2001-08

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 construction of Fremont Avenue Pathway; and

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance and improvements made to the Federal-Aid Highway System when there is federal participation in the costs; 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 STP-6470(119) 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.

SEPTEMBER 13, 2001

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 13, 2001.

s/ Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to adopt the Resolution approving the State/Local Agreement for the construction of Fremont Avenue Pathway Enhancement Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose
Councilmember Klingler
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
September 13, 2001

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: PROPERTY SITE ACQUISITION PROPOSAL - MONROC PROPERTY

Attached for your consideration are letters from The Community Recreation Center Planning Committee and Parks and Recreation Commission recommending and supporting that the City proceed to acquire the Monroc Property as the future site for the Community Recreation Center. It is, therefore, requested that City Staff and the City's Legal Counsel be given permission to pursue acquisition of this proposed property.

s/ David J. Christiansen

Attached letters are as follows:

City of Idaho Falls
Parks and Recreation
Commission
September 11, 2001

Honorable Mayor Linda Milam and City Council

P. O. Box 50220
Idaho Falls, Idaho 83405

SEPTEMBER 13, 2001

RE: Approval to Proceed with Acquisition of Monroc Property Site for
Proposed Community Recreation Center

Dear Honorable Mayor and City Council:

At the September 10, 2001 Parks and Recreation Commission Meeting, members of the Community Recreation Center Planning Committee (CRCPC) submitted a site recommendation for the proposed recreation center facility. The proposed site, referred to as the Monroc property, is located off Pancheri Drive and is owned by Mr. Allen Ball. This recommendation was thoroughly discussed and the Parks and Recreation Commission unanimously voted their support.

The Parks and Recreation Commission, therefore, recommends to the Mayor and City Council that the City of Idaho Falls proceed with drafting an Acquisition/Purchase Agreement for the recommended property.

Respectfully submitted,

s/ Bill Combo
Bill Combo
Chairman, Parks and
Recreation Commission

City of Idaho Falls
September 10, 2001

Parks and Recreation Commission
Bill Combo, Chairman
P. O. Box 50220
Idaho Falls, Idaho 83405

RE: Approval to Proceed with Drafting Monroc Property Site Acquisition
Proposal/Purchase Agreement

Dear Mr. Combo:

The Idaho Falls Community Recreation Center Planning Committee (CRCPC) has met several times during the past two months to study and consider a land acquisition and development proposal from Mr. Allen Ball, Developer of the Monroc property. A part of our study included utilizing the services of Mr. Bill Yarger who was authorized by the City to conduct a detailed analysis of this proposal. A copy of the preliminary Monroc Site Analysis is attached to this letter.

The preliminary proposal from the Developer would allow the City to purchase a 10-12-acre parcel of property for the Recreation Center at \$1.00. In addition to this purchase price proposal, the Developers would agree to assist the City with infrastructure development costs. The actual cost to the City would be capped at \$200,000.00. This would result in a cost savings to the City of over \$1.5

Million. Our committee has carefully considered this proposal and unanimously voted to pursue this proposal with Mr. Allen Ball.

SEPTEMBER 13, 2001

We, therefore, request the approval of the Parks and Recreation Commission to pursue this proposal, in coordination with the City Attorney, and proceed with drafting a Monroc Property Site Acquisition/Purchase Agreement. We understand this would also be contingent upon the approval of the City Council. I will be available at your next meeting to discuss this proposal in further detail and to answer any questions you may have. I would also be available to present this proposal to the City Council at their meeting scheduled for September 13, 2001.

Sincerely,

s/ Maureen Finnerty
Chairman
Community Recreation
Center Planning
Committee

Councilmember Hardcastle stated that there has been a lot of work that has gone into this site proposal. Councilmember Hardcastle requested Maureen Finnerty to come forward to address the Mayor and Council regarding this issue.

Maureen Finnerty appeared to give a history that led to this site location for the proposed Community Recreation Center. She shared much of the information related in her letter above. The option for the property would be a three-year option to develop this property for the Community Recreation Center.

Councilmember Rose expressed his appreciation to Mrs. Finnerty and the Community Recreation Center Planning Committee for all of their good, hard work.

Councilmember Hardcastle agreed with Councilmember Rose and acknowledged Mr. Dave Gunderson in attendance as the representative for Mr. Allen Ball.

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to give authorization for the City Staff and City Legal Counsel to pursue acquisition of this proposed property. Roll call as follows:

Aye: Councilmember Lehto
 Councilmember Rose
 Councilmember Groberg
 Councilmember Klingler
 Councilmember Hardcastle

Nay: None

Motion Carried.

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

CITY CLERK

MAYOR
