

OCTOBER 12, 2000

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 12, 2000, 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 Brad Eldredge
Councilmember Mike Lehto

Also present:

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

Mayor Milam requested Boy Scout Blaine Howard to come forward to lead those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the Regular Council Meeting held September 28, 2000 and Special Council Meeting held October 4, 2000. It was moved by Councilmember Klingler, seconded by Councilmember Lehto, that the minutes for the September 28, 2000 Regular Council Meeting be approved as printed. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, that the minutes for the October 4, 2000 Special Council Meeting be approved as printed. Roll call as follows:

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

Nay: None

Motion Carried.

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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 Dara J. Diamond, Daynell L. Lamb, Debra McGrath, Raymond L. Morris, Donna M. Weinrich, Rachel L. Welker, and Dora M. Woolsey, 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 October 12, 2000.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
October 4, 2000

MEMORANDUM

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

Municipal Services respectfully requests authorization to advertise and receive bids for the following items approved in the 2000-2001 Budget.

1. Equipment
2. Equipment and Materials for Electrical Generation, Transmission, Distribution, Metering and Signalization
3. Water Pipe Fittings and Other Water Line Equipment and Materials
4. Sewer Department Materials and Supplies
5. Road Salt and Sand – Ratify Advertisement for Sand
6. Aggregate (Crushed Gravel)
7. Asphalt Plant Mix/Modified Crack Sealant
8. Traffic Striping Paint and Solvent
9. Motor Fuels, Lubricants and Services; and the Fuel obtained through a computerized fuel dispensing system

s/ S. Craig Lords

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

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

Nay: None

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Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated September 1, 2000 through September 30, 2000, after having been audited by the Fiscal Committee and paid by the Controller:

<u>FUND</u>	<u>SERVICE AND MATERIALS</u>	<u>GROSS PAYROLL</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$517,788.25	\$1,660,495.12	\$2,178,283.37
Street Fund	169,871.62	85,893.73	255,765.35
Airport Fund	122,503.69	45,726.64	168,230.33
Water and Sewer Fund	276,362.34	202,028.27	478,390.61
Electric Light Fund	3,081,571.40	389,964.92	3,471,536.32
Sanitation Fund	2,738.96	96,129.36	98,868.32
Recreation Fund	20,528.93	42,613.97	63,142.90
Municipal Capital Improvement Fund	34,967.60	.00	34,967.60
Library Fund	34,322.75	80,252.99	114,575.74
Street Capital Improvement Fund	12,478.98	.00	12,478.98
Ambulance Fund	7,447.03	93,345.60	100,792.63
Municipal Equipment Replacement Fund	3,480.00	.00	3,480.00
Electric Light Public Purpose Fund	123,316.47	.00	123,316.47
Surface Drainage Fund	16,000.00	.00	16,000.00
TOTALS	\$4,423,378.02	\$2,696,450.60	\$7,119,828.62

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of Check No. 20920 in the amount of \$1,277.38 made payable to the American Red Cross. Roll call as follows:

Aye: Councilmember Klingler
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Abstain: Councilmember Rose (As he is Director for the American Red Cross)

Motion Carried.

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of the remainder of the expenditures for the month of September, 2000. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Rose

Councilmember Klingler
Councilmember Hardcastle

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Councilmember Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of the designation of tower overlay zones. Towers not to exceed the height of 90 feet shall be a permitted use in T-1 Overlay Zones, which are generally located on properties east of Fremont Avenue and north of Science Center Drive, along First Street east of Northgate Mile and west of Holmes Avenue, north of the Meppen Canal and west of Woodruff Avenue, south of Garfield Street and west of Easy Street extended, north and south of 17th Street and east of Juniper Drive, north of 25th Street and west of Hitt Road, and east of Sand Creek and west of Hitt Road. Towers not to exceed the height of 150 feet shall be a permitted use in T-2 Overlay Zones, which are generally located on properties west of South Yellowstone and east of the Snake River, east of the Union Pacific Railroad and west of Jameston Road, north of 25th Street and west of Leslie Avenue, east of the Union Pacific Railroad and west of Northgate Mile, north of Science Center Drive and west of Holmes Avenue, east and west of Hemmert Avenue, south of Lincoln Road and west of Woodruff Avenue, and north of Lincoln Road. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 2, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: TOWER OVERLAY ZONES, PUBLIC HEARING

Attached is the map designating areas within the City of Idaho Falls as tower overlay zones. The T-1 Zone is designated in areas such as City owned property near residential areas and major highways. Since this zone is near or in residential areas, the height of the tower is limited to 90 feet. The tower is to be at least 100% of its height from the nearest residence. The T-2 Zone is designated in industrial and commercial areas near major highways, and the maximum height of the tower, depending on collocation, is 150 feet. These overlay zones are the initial designations; it is anticipated the industry will request additional designations for towers as necessary. The Planning Commission reviewed these proposed zones at its July 11, 2000 Meeting and recommended approval. These overlay zones are now being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

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

Slide 1 Summary of items – important zone criteria
Slide 2 Map showing proposed overlay zones

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The Planning and Building Director stated that notification procedures for this public hearing have been advertised per State Statute on three occasions, rather than the two occasions required. All properties have been posted along external boundaries. The Planning and Building Division requested the local news media to do public service announcements.

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

Councilmember Lehto thanked the Planning Director for the effort that was put into the publication of the public hearing notice.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Overlay Zones as shown on Slide 1 and instruct the City Planner to reflect such zone changes on the Official Zoning Map in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a Conditional Use Permit to locate a modular classroom on property located generally at 350 Castlerock Drive (Taylorview Junior High School), legally described as Lot 1, Block 17, Stonebrook Addition, Division No. 6. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
October 2, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REQUEST FOR MODULAR CLASSROOM, TAYLORVIEW JUNIOR HIGH SCHOOL

Attached is a Conditional Use Permit Application from District No. 91 to place a two-classroom modular building west of Taylorview Junior High School and south of Castlerock Lane. The building measures 66' X 28' and will be south of and adjacent to the existing classroom buildings west of the school. This application is now being submitted to the Mayor and City 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 Conditional Use Permit request:

Slide 1 Vicinity Map showing Zoning

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Slide 2 Aerial Photo of Taylorview Junior High School
Slide 3 Site Plan

The Planning and Building Director stated that this Conditional Use Permit request has been reviewed by Staff and has been found to be in compliance with the City of Idaho Falls Zoning Ordinance.

John Murdock, Assistant Superintendent for School District No. 91, 280 Marjacq, appeared to state that more students registered at Taylorview Junior High School this fall than what was anticipated. The proposed modular unit will come from Clair E. Gale Junior High School. He stated, further, that an architect has been engaged to look at an 8-classroom addition to Taylorview Junior High School, but will be unable to begin construction for approximately 2 years.

Rock Buraglio, 270 Woodhaven Lane, appeared to state that he lives directly across from Taylorview Junior High School. He stated that the neighborhood just went through this issue two months ago with another modular unit being added to Taylorview Junior High School. At that time, the surrounding neighbors requested that the third modular unit be placed with the two existing units. He wanted the City Council to know that he is not opposed to the modular units, even though Taylorview Junior High School is beginning to look like Trailer-view Junior High School. Mr. Buraglio and a few neighbors requested that the power for the modular units be placed underground. He also asked the following questions regarding this Conditional Use Permit:

1. What are the criteria that the Council uses to base a decision as to the location of the trailers?
2. How many Conditional Use Permits of this type does the City Council entertain in a year?
3. Does the City Council have the authority to disapprove Conditional Use Permits?
4. How many Conditional Use Permits have been disapproved in the last year?
5. Does the City Council have the authority to insist that the School District uses underground power as opposed to overhead power in these kinds of applications?

Mr. Buraglio stated that there was a simple solution to the last Conditional Use Permit request and the City Council would not have seen anyone from the neighborhood in opposition to the request. That solution was to run underground power to the modular units, eliminating the use of unsightly power poles. He requested the City Council to require the School District to run underground power to the modular units.

The Planning and Building Director stated that the provision in the Zoning Ordinance under which the modular units come to the City Council, addresses Building Code issues. It must be determined whether the mobile unit meets the Building Code as it will be placed. There is another provision under the Zoning Ordinance regarding schools. That provision addresses traffic generation, landscaping, and lighting. Compatibility is not mentioned in the provisions of the Zoning Ordinance dealing with temporary buildings or with school Conditional Use Permits. The Planning and Building Director stated that there are no provisions under the Zoning Ordinance to require underground power. She stated, further, that 4 or 5 Conditional Use Permits are requested each year. She stated that one Conditional Use Permit was conditioned within the last five years.

Rock Buraglio re-appeared to state that the School District is able to locate trailers in a residential area and the homeowners are not allowed to do so. He did not understand how that was possible. The overhead power is the real issue of the modular unit

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placement. He is not able to run overhead power at his home, and the School District is able to do that. He stated, further, that he does not understand why the School District has to go through this process, as they get exactly what they want anyway. He questioned whether there would be a limit as to how many trailers would be able to be located at a particular school.

Mayor Milam stated that the issue of the amount of trailers that can be located at a particular school needs to be addressed by the School District.

Councilmember Lehto reviewed for Mr. Buraglio the process that was taken with the previous Conditional Use Permit at Taylorview Junior High School. He stated that he believed that the City Council allowed the power pole at the previous location, due to the fact that there is an existing power pole at this location.

Mr. Buraglio stated that the last Conditional Use Permit application included the request for overhead power. The School District put up the power pole prematurely to service that modular unit. If all of the modular units had been placed in the location of the two existing modular units, then the neighborhood would not be upset, as they are inconspicuous to the neighborhood from that particular location on the property.

Councilmember Rose stated that the previous Conditional Use Permit for a modular unit has been considered by City Council and has been voted upon. The issue to be considered at this time is the location of the fourth modular unit, to be located with the other two modular units at Taylorview Junior High School. He understood Mr. Buraglio's concern for requesting underground power versus overhead power at this location. There are no provisions at this time to mandate underground power for the modular units.

Mr. Buraglio stated that the City Council has the power to deny the Conditional Use Permit conditionally requiring underground power.

Mayor Milam stated that the one Conditional Use Permit that was approved conditionally was due to Building Code issues. The Conditional Use Permit request for Taylorview Junior High School does not involve Building Code issues, and there is not a legal basis for denying the Conditional Use Permit based upon underground power.

There being no further comment or discussion regarding this Conditional Use Permit request, Mayor Milam closed the public hearing.

Councilmember Groberg stated that the approval of the previous Conditional Use Permit and power poles was not because the power poles were already there, but they were legally there.

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to approve the Conditional Use Permit for a fourth modular classroom building to be located at Taylorview Junior High School as presented on Slide 3. Roll call as follows:

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

Nay: None

Motion Carried.

The Airport Director submitted the following memos:

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City of Idaho Falls
October 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: ACTION MOTOR SPORTS LEASE AGREEMENT

Attached for City Council approval is a new Hangar Lease with Action Motor Sports. The term of this lease is 20 years with one (1) five-year extension.

The City Attorney has seen and approved this Lease.

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

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Hangar Lease Agreement with Action Motor Sports 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 Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
October 10, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: V-1 OIL COMPANY LEASE AGREEMENT

Attached for City Council approval is a new Hangar Lease with V-1 Oil Company. The term of this Lease is 20 years with one (1) five-year extension.

The City Attorney has seen and approved this Lease.

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

s/ Mike Humberd

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It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Hangar Lease Agreement with V-1 Oil Company 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 Eldredge
Councilmember Lehto

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
October 11, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: CREDITWORTHINESS AGREEMENT WITH BONNEVILLE POWER
ADMINISTRATION

Attached for your consideration is a Resolution authorizing the execution and delivery of the Creditworthiness Agreement with the Bonneville Power Administration. Slice customers are required to execute this Agreement. Special Counsel to the City has reviewed the Agreement.

Idaho Falls Power requests adoption of the Resolution and authorization for the Mayor to execute the Agreement.

s/ Mark Gendron

The City Clerk presented to the Council an Affidavit evidencing the giving of public notice of the agenda, date, time and place of the October 12, 2000 Regular Public Meeting of the Council in compliance with the requirements of applicable Idaho Law. The Affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF IDAHO)
)
County of Bonneville)

I, the undersigned, the duly qualified and acting City Clerk of the City of Idaho Falls, Bonneville County, Idaho (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 67-

2343, Idaho Code, as amended, I gave public notice of the agenda, date, time and place of the October 12, 2000 Regular Public Meeting held by the Council of the City, by:

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(a) causing a notice of the regular meeting schedule of the Council for calendar year 2000 to be posted at the principal office of the City; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the Council until the convening of the meeting; and,

(b) causing a copy of the agenda for the October 12, 2000 Regular Public Meeting of the Council, in the form attached hereto as *Exhibit A*, to be posted at the principal office of the City at least 48 hours before the convening of the meeting.

IT WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the City, this 12th day of October, 2000.

s/ Rosemarie Anderson
City Clerk
City of Idaho Falls,
Bonneville County, Idaho

(SEAL)

(Exhibit A – The Agenda for the October 12, 2000 Regular Council Meeting is on file in the Office of the City Clerk.)

Councilmember Eldredge announced that the time had come to consider the approval and authorization of the Creditworthiness Agreement (the “*Creditworthiness Agreement*”) between the City and the Bonneville Power Administration (“*BPA*”). Mr. Gendron noted that the Council had recently approved the Block and Slice Power Sales Agreement (the “*Slice Agreement*”) between the City and BPA and that BPA was requiring each of its customers that executed a Slice Agreement to also execute a Creditworthiness Agreement. The Creditworthiness Agreement enables BPA to confirm and monitor the credit standing of its Slice customers. The purpose of the Creditworthiness Agreement is to assure BPA that its Slice customers will meet their payment obligations to BPA under the Slice Agreement. Upon the occurrence of certain events specified in the Creditworthiness Agreement, BPA may require the City to pose a letter of credit or escrow moneys to secure its payment obligations to BPA. The terms and provisions of the Creditworthiness Agreement were then discussed by the Council.

Mr. Storer noted that City had commenced the steps necessary to file a proceeding under the Judicial Confirmation Law contained in Title 7, Chapter 13 of the Idaho Code to confirm the validity of both the Slice Agreement and the Creditworthiness Agreement.

The following Resolution was then introduced in written form and pursuant to motion duly made by Councilmember Eldredge and seconded by Councilmember Klingler, was adopted and approved by the following vote:

Aye: Councilmember Eldredge
 Councilmember Lehto
 Councilmember Rose
 Councilmember Groberg
 Councilmember Klingler

Councilmember Hardcastle

Nay: None

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Motion Carried.

The Resolution was thereupon signed by the Mayor, was attested by the City Clerk and was ordered recorded in the official records of the City. The Resolution is as follows:

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE CREDITWORTHINESS AGREEMENT WITH BONNEVILLE POWER ADMINISTRATION AND RELATED MATTERS.

WHEREAS, the City Council of the City of Idaho Falls, Bonneville County, Idaho (the "*City*") has previously authorized the execution of the Block and Slice Power Sales Agreement (the "*Slice Agreement*") with the United States of America, Department of Energy, acting by and through the Bonneville Power Administration ("*BPA*"); and,

WHEREAS, one requirement of the Slice Agreement is that the City enter into a Creditworthiness Agreement with BPA and the City Council now desires to authorize and approve the execution of the Creditworthiness Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Idaho Falls, Bonneville County, Idaho, as follows:

Section 1. Execution and Delivery of the Creditworthiness Agreement. The Creditworthiness Agreement, in substantially the form attached hereto as Exhibit A, is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Creditworthiness Agreement on behalf of the City, and the City Clerk is hereby authorized, empowered and directed to attest such execution and to affix the corporate seal of the City to the Creditworthiness Agreement, with such changes to the Creditworthiness Agreement from the form attached hereto as Exhibit B as shall be approved by the Mayor and the City Attorney, the Mayor's execution thereof to constitute conclusive evidence of such approval.

Section 2. Other Actions with Respect to the Slice Agreement. The Mayor, the City Clerk, the Director of Idaho Falls Power, the City Attorney and other officers and employees of the City shall take all actions necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all actions necessary to carry out the execution and delivery of the Creditworthiness Agreement and the performance thereof.

Section 3. Miscellaneous; Effective Date. (a) This Resolution shall be and remain irrevocable until the expiration or termination of the Creditworthiness Agreement in accordance with its terms.

(b) All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

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(c) In case any provision in this Resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(d) This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 12th day of October, 2000.

CITY OF IDAHO FALLS,
BONNEVILLE COUNTY,
IDAHO

s/ Linda Milam
Mayor

ATTEST:

s/ Rosemarie Anderson
City Clerk

(SEAL)

(Exhibit B – Creditworthiness Agreement with Bonneville Power Administration is on file in the Office of the City Clerk.)

The Municipal Services Director submitted the following memos:

City of Idaho Falls
September 12, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LEASE AGREEMENT WITH NEWCOM WIRELESS, LLC (“TELCO”)

Attached for your consideration are the copies of the following proposed Agreements between the City of Idaho Falls and Newcom Wireless, LLC (“TELCO”):

Cellular Tower Master Lease – Basic Terms and Conditions for all Tower Sites.

Ground Lease Option – For a Ground Lease at a specific site.

Site Lease Acknowledgement – To be executed if the Option Agreement is exercised and both parties agree.

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

s/ S. Craig Lords

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It was moved by Councilmember Klingler, seconded by Councilmember Lehto to approve the Cellular Tower Master Lease Agreement, Ground Lease Option Agreement, and Site Lease Acknowledgement with Newcom Wireless, LLC ("TELCO") and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 4, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: ONE (1) NEW 2000 CATERPILLAR WHEEL LOADER – GSA CONTRACT

It is the recommendation of Municipal Services to purchase a new 3-1/2 yard front-end wheel loader from Western States Equipment per GSA Contract No. GS-30F-1025D.

They would furnish One (1) New 2000 Caterpillar Loader for an amount of \$118,635.00. We would also like to accept their offer of \$12,500.00 for Trade-In Unit No. 70. The final purchase amount would be \$106,135.00.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to approve the purchase of one new 2000 Caterpillar Loader per GSA Contract No. GS-30F-1025D. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls
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MEMORANDUM

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

Attached for your consideration is the tabulation for Bid IF-01-01, Road Sanding Materials.

It is the recommendation of Municipal Services Division to accept the low bid of Rhodehouse Construction to furnish the required sanding material for the amount of \$5.90 per cubic yard.

s/ S. Craig Lords

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to accept the low bid of Rhodehouse Construction to furnish the required sanding material. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls
October 12, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK ZOO CONCESSION AGREEMENT

Attached for your consideration is the Tautphaus Park Zoo Concession Agreement between the City of Idaho Falls and LOML, LLC DBA Funland, a corporation of Rigby, Idaho. The term of this Agreement is for ten (10) years. The City Attorney has prepared and reviewed the Agreement. It is, therefore, respectfully submitted for your approval and to have the Mayor and City Clerk sign and execute said Agreement.

s/ David J. Christiansen

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Councilmember Hardcastle requested Ann Rehnberg, the new owner of Funland, to come forward.

Ann Rehnberg, 234 North 4135 East, Rigby, Idaho, appeared to thank Mayor Milam and Dave Christiansen, Parks and Recreation Director, for expediting the Lease Agreements for Funland. Ms. Rehnberg stated that they hope to be open for Easter, 2001. She explained, further, some of the plans for the future of Funland.

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to approve the Tautphaus Park Zoo Concession Agreement with LOML, LLC DBA Funland 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 Eldredge
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
October 12, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: TAUTPHAUS PARK ARCADE CONCESSION AGREEMENT

Attached for your consideration is the Tautphaus Park Arcade Concession Agreement between the City of Idaho Falls and LOML, LLC DBA Funland, a corporation of Rigby, Idaho. The term of the Agreement is for ten (10) years. The City Attorney has prepared and reviewed the Agreement. It is, therefore, respectfully submitted for your approval and to have the Mayor and City Clerk sign and execute said Agreement.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to approve the Tautphaus Park Arcade Concession Agreement with LOML, LLC DBA Funland 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 Eldredge

Councilmember Lehto

Nay: None

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Motion Carried.

City of Idaho Falls
October 12, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: RESOLUTION AUTHORIZING APPLICATION FOR ACQUISITION
OF FORMER U. S. ARMY RESERVE CENTER

Attached for your consideration is a Resolution authorizing the City of Idaho Falls Parks and Recreation Division to make application for the acquisition of the former U. S. Army Reserve Center located on Skyline Drive. This property has been abandoned since 1995 and is currently listed as federal surplus property by the General Services Administration (G.S.A.). The property consists of 2.75 acres, with a 14,523 square foot administration building and a 1,325 square foot vehicle maintenance building, paved parking, fenced compound, and storage facility. The Parks and Recreation Division plan to house the Parks Weed and Snow Removal Program and the Parks Irrigation Department at this facility. Classrooms, meeting rooms, and other office space will be leased, rented or used for Division, City, and Community Use. It is, therefore, submitted for your approval and to have the Mayor and City Clerk sign and execute said Resolution.

s/ David J. Christiansen

**RESOLUTION AUTHORIZING APPLICATION FOR ACQUISITION OF FORMER
U. S. ARMY RESERVE CENTER**

WHEREAS, certain real property owned by the United States, located in the County of Bonneville, State of Idaho, has been declared surplus and at the discretion of the General Services Administration, may be assigned to the Secretary of the Interior for disposal for public park or recreation purposes, under the provisions of Section 203(k)(2) of the Federal Property Administrative Services Act of 1949 (63 State, 387), as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows:

Former U. S. Army Reserve Center, 1575 North Skyline Drive,
Idaho Falls, Bonneville County, Idaho, 83402; GSA Control No.
9-O-ID-544; HUD Property No. 21199720207

WHEREAS, the City of Idaho Falls of Bonneville County needs and is willing to utilize said property in perpetuity for a public park or recreation facility as set forth in its application and in accordance with the requirements of said Act and the rules and regulations promulgated there under; and,

WHEREAS, the City of Idaho Falls of Bonneville County has legal authority and is willing to assume immediate care and maintenance of the property; and,

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NOW, THEREFORE, BE IT RESOLVED, that the City of Idaho Falls of Bonneville County shall make application to the Secretary of the Interior for and secure the transfer to it of the above mentioned property for said use upon and subject to such exceptions, reservations, terms, covenants, agreements, conditions and restrictions as the Secretary of the Interior, or his authorized representative, may require in connection with the disposal of said property under said Act and the rules and regulations issued pursuant thereto; and,

BE IT FURTHER RESOLVED that the Parks and Recreation Division Director is hereby authorized, for and on behalf of the City of Idaho Falls, to do and perform any and all acts and things necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation or instruments, or other costs identified with the Federal surplus property acquisition.

s/ Linda Milam
Mayor

October 13, 2000
Date

s/ Rosemarie Anderson
City Clerk

Mayor Milam explained the history of this property, and how the City of Idaho Falls was able to make application for said property. If the City of Idaho Falls is chosen as the recipient of this property and the buildings, it would be a gift to the City of Idaho Falls.

It was moved by Councilmember Hardcastle, seconded by Councilmember Rose, to approve the Resolution authorizing application for acquisition of former U. S. Army Reserve Center and, further, give authorization for the Mayor and City Clerk to sign said Resolution. Roll call as follows:

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

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

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City of Idaho Falls
October 10, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: KING'S ISLAND, DIVISION NO. 2

The Developer has requested an extension for recording King's Island, Division No. 2. Therefore, the Department respectfully requests an extension for recording the above-referenced division of King's Island until February 1, 2001.

s/ Renée R. Magee

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to extend the recording for King's Island, Division No. 2 Final Plat to February 1, 2001. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 10, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: TAYLOR CROSSING ON THE RIVER, DIVISION NO. 1

The Developer has requested an extension for recording Taylor Crossing On The River, Division No. 1. Therefore, the Department respectfully requests an extension for recording the above-referenced division of Taylor Crossing On The River until February 1, 2001.

s/ Renée R. Magee

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to extend the recording for Taylor Crossing On The River, Division No. 1 Final Plat to February 1, 2001. Roll call as follows:

Aye: Councilmember Lehto

Councilmember Groberg
Councilmember Hardcastle
Councilmember Eldredge

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Councilmember Rose
Councilmember Klingler

Nay: None

Motion Carried.

City of Idaho Falls
October 10, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: FAIRWAY ESTATES ADDITION, DIVISION NO. 9

The Developer has requested an extension for recording the 9th Division of Fairway Estates Addition. Therefore, the Department respectfully requests an extension for recording the above-referenced division of Fairway Estates Addition until February 1, 2001.

s/ Renée R. Magee

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to extend the recording for Fairway Estates Addition, Division No. 9 Final Plat to February 1, 2001. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 10, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: THE VILLAGE, DIVISION NOS. 5 AND 6

The Developers has requested a 90-day extension for recording Division No. 5 and Division No. 6 of The Village. Therefore, the Department respectfully

requests an extension for recording the above-referenced divisions of The Village until February 1, 2001.

s/ Renée R. Magee

OCTOBER 12, 2000

It was moved by Councilmember Rose, seconded by Councilmember Eldredge, to extend the recording for The Village, Division Nos. 5 and 6 Final Plat to February 1, 2001. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
September 25, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ORDINANCE ESTABLISHING REGULATIONS FOR SEXUALLY
ORIENTED BUSINESSES

Attached is the Ordinance establishing regulations for sexually oriented businesses. The Ordinance provides for licensing sexually oriented businesses and establishes distances between such businesses and schools, churches, parks, and residential zones. This Ordinance reflects revisions made in response to comments received during the September 14, 2000 Council Meeting. This Ordinance is now being submitted for consideration by the Mayor and City Council.

s/ Renée R. Magee

Councilmember Rose related the history of the Sexually Oriented Business Ordinance. He requested those present who wished to speak to this Ordinance to limit their comments to the revisions that have been made to this Ordinance.

Lloyd Kindred, Manager of the Silver Foxx, 320 B Street, appeared to state that one of the Councilmembers had visited his store during the Octoberfest and related that there had been numerous complaints. This Councilmember also stated that the Silver Foxx was not wanted in the City of Idaho Falls. Mr. Kindred stated that he had visited with other businesses in the downtown area to determine if they were offended by his store. Most downtown merchants stated that, while they would not patronize his store, they had no objection to the store. He presented the following letter from Richard I. Clayton, Sr.:

Wackerli Realty, Inc.
October 4, 2000

TO WHOM IT MAY CONCERN:

The undersigned is the property manager for the Shoup and B Plaza located at 545 Shoup Avenue, Idaho Falls, Idaho. One of the tenants in the building is

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the Silver Foxx. We have not had any complaints from any other tenants in the building nor have we ever had any complaints regarding this business.

Sincerely,

s/ Richard I. Clayton, Sr.
Richard I. Clayton, Sr.

Mr. Kindred stated that the Silver Foxx is a member of the Downtown Merchants Association. He stated that he contacted Gary Christensen, who is the President of that organization and asked him whether any complaints have been registered regarding the Silver Foxx. Mr. Christensen stated that no complaints have been filed. Mr. Kincaid reviewed the testimony he submitted at the September 14, 2000 Council Meeting. He stated that he has received a telephoned death threat, which he reported to the Police Department. He stated, further, that he has received approximately 200 signatures on a petition that states, "This petition is against a proposed Ordinance of the City of Idaho Falls restricting your constitutional right to purchase adult novelties, marital aids, or view adult entertainment in an adult atmosphere." Councilmember Rose thanked Mr. Lloyd for his comments, which were much the same as the testimony he delivered on September 14, 2000. Councilmember Rose asked Mr. Kindred whether he had any new information regarding the revisions to the Ordinance. Mr. Kindred stated that anyone could go to the public library and access adult material on the Internet.

Carrie Getty, 2230 Briarcliff, appeared to state that she is the Director of the Idaho Falls Arts Council. She thanked that Mayor, City Council, and City Attorney for the sensitive and thoughtful response to her letter dated September 25, 2000. She stated that her concern, along with that of the Arts Council, is Section 24 where it addresses semi-nudity. Some of the costuming for some of the live theater performances could easily fall into the definition of semi-nudity. She stated, further, that the Arts Council is very sensitive to the community tastes.

Charlie Dietz, 375 Northrup Circle, appeared to state that he is supportive and grateful for the initiative of the City Council to research and adopt the proposed Ordinance. He is in support of the Ordinance as it was originally written. He requested to know how many sexually oriented businesses are within the City of Idaho Falls at this time. Mayor Milam stated that it was her understanding that as of this time, there were not any that met the criteria of the Ordinance. Mr. Dietz requested that the entirety of Section 30 should be reinstated.

Craig Moore, 7255 East Ririe Highway, appeared to address Section 20 of the proposed Ordinance, which is titled, "Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos in Video Booths". He stated that by regulating something like this, it is condoning it. This is contradictory to the rest of the Ordinance. Under Section 24, he was concerned that "semi-nudity" was added. He also expressed a concern for the hours of operation. Mr. Moore was concerned that groups such as Chippendales would not be able to perform in this area any longer under Section 25 of the Ordinance. He explained that he operates a business that provides exotic dancing, costume deliveries, and singing telegrams. His employees sign a contract agreeing to a certain code of conduct. He already complies with the State statutes. He is paid for performances, along with being tipped. He was concerned that he would be prohibited from conducting his business in Idaho Falls if the proposed Ordinance was passed. There is a big demand for this type of business. Mr. Moore then shared a brief story regarding one of his customers.

Ruby Regal, 7255 East Ririe Highway, appeared to question whether two existing lingerie businesses can be within 1,000 feet or less once this Ordinance is adopted.

The City Attorney stated that both businesses would be deemed to be a non-conforming use or a grandfather use. As long as they are not conforming on the date the

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Ordinance is passed, and assuming they meet the definition of a non-conforming use, then they would both be allowed to operate.

Mike Beck, 1959 Eaglepoint Court, appeared to state that Section 25 needs to be looked at again. He works as an exotic dancer and conducts himself in a professional manner. He suggested that this type of dance could be regulated by age restrictions. As for the dance performances in bars, the type of people that do not want to be exposed to this type of dance, do not frequent those establishments.

Councilmember Eldredge requested the City Attorney to comment on theatrical performances by the Arts Council, the definition of semi-nudity, and prohibition of cover charges or admission charges.

The City Attorney stated that there seems to be a misunderstanding in terms of the applicability of the Ordinance to entertainment within the confines of a private home. As long as there is no individual admissions charge, then this Ordinance does not regulate or otherwise prohibit those types of dances in the confines of a private home. With respect to the comments by Carrie Getty, one of the issues carefully considered is to not place the City Council in the position of judging or making subjective decisions regarding what is or is not artistic comment. If the Council were to go down that road, the Ordinance would be stricken down quickly. The City does not have the ability to regulate the content of any type of performance because of the free speech issue. The definition of "semi-nudity" needs to be read very carefully. If the performance were done in an attire that covers only the bare essentials, that would be a state of semi-nudity and would be prohibited by the Ordinance. Conversely, as long as the clothing is more than just the bare essentials, then it would not be regulated by the Ordinance.

Mayor Milam stated that if the Ordinance is passed as written, and concerns arise, then an amendment to the Ordinance could be considered.

The City Attorney stated that he would visit with Ms. Getty if she has further concerns regarding the Ordinance and theater performances.

Councilmember Lehto questioned whether a private dance business would be exempted from this Ordinance. The City Attorney stated that the exemption applies only to residential premises. Councilmember Lehto questioned whether the Council should consider banning the adult video booths. The City Attorney stated that he would not recommend that. The Council cannot include content as the basis for the regulation. The Ordinance allows video booths like all other forms of adult entertainment. There are particular regulations that are set forth in Section 20 of the Ordinance, because of the potential of the secondary effects articulated in the Ordinance.

The following e-mails were made a part of the record:

TO: Council@ci.idaho-falls.id.us
FROM: Rick Lum, ccc@ccc.if.org
SUBJECT: ORDINANCE PERTAINING TO SEX ORIENTED BUSINESSES

To Councilmen:

Please vote in favor of the proposed restrictions upon sex-oriented businesses in our community.

My belief is that this is not a "freedom of speech" issue at all. It is a quality of life, quality of community issue – like teen curfew, other zoning restrictions

(businesses of various kinds are subject to zoning restriction on the basis of the nature of their businesses – health, noise, traffic, etc.)

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I believe these particular businesses, wherever they're located, degrade the life of a community by eroding "public morals". The message sent by advertising and distributing sexually explicit materials of this kind in a community is "We think this is okay here." Lowering the moral threshold in this way contributes to a wide variety of problems – marital problems/abuse, divorce, increased out-of-wedlock pregnancy rate, sexual addictions, assault/rape, etc.

"Freedom of speech" or "freedom of expression" should not be interpreted in such a way that it allows us to abrogate our personal or social moral responsibility. This can only lead to anarchy – dissolution of the individual personality or the individual community. If we cannot define ourselves morally and set moral limits as individuals or as a community we are not free at all – we have become slaves to the forces which tend to dissolve personality and community – we will have lost our power to self-regulate and self-determine. In the end, we will either choose to be a community in which moral values matter or we will surrender that ground and allow ourselves to be pulled into moral anarchy.

"Freedom is just around the corner from you. But with truth so far off, what good will it do?" – Bob Dylan, "Jokerman"

Thank you for your ongoing service to our City.

Rick Lum
2242 Westcliff
rlum@srv.net

TO: City Council
FROM: David Gibson hoot@srv.net
SUBJECT: CITY ORDINANCE

Dear Councilmembers:

I am writing to support your proposed Ordinance to restrict all sex-oriented businesses in Idaho Falls. Anything you can do to restrict, or eliminate them, is exactly what our City needs. As a pastor, I deal with men who are addicted to pornography and I deal with families that have been destroyed by pornography. It is nothing but sadness and trouble. I have a front row seat on the ugly consequences of those types of businesses.

Press forward in your convictions to restrict these businesses and do not be deterred by the volume and the anger of people who make money at the expense of sexually addicted people.

Sincerely,

David F. Gibson
Idaho Falls, Idaho

TO: City Council

FROM: Chrystal McCormick ccc@ccc.if.org
SUBJECT: ORDINANCE ON RESTRICTIONS FOR SEX-ORIENTED
BUSINESSES

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I would like to express my support for the entire Ordinance. I believe this community has moral standards, which these restrictions help buttress. The Supreme Court has come down on the side of community standards being upheld.

I am a woman's councilor in a local church and just talked yesterday with a woman whose marriage has been destroyed by her husband's use of pornography. I have gotten more and more of these calls in the last year.

A marriage in our church was destroyed by the wife becoming addicted. It does cross gender lines.

Our community has the right to ask that these businesses have restrictions. I would prefer to see them banned which some communities have done. Their bans have stood up in court. However, I realize the realities of the Council's position.

I have three boys and do not want the addiction of pornography to destroy their lives. There is overwhelming evidence that pornography does destroy.

My 15-year old son goes downtown to pawn shops to see what "neat stuff" he can get. I really hope that downtown businesses don't suffer because sex-oriented shops are in their proximity. I know I won't shop downtown because of their location in the area.

Sincerely,

Chrystal McCormick
949 Lowell Drive
Idaho Falls, Idaho 83402
529-2531

TO: City Council
FROM: William Sowder wksowder@yahoo.com
SUBJECT: ORDINANCE

Dear Councilmembers:

It is our understanding that there has been considerable response indicating that citizens in the City of Idaho Falls do not want regulations in place for the control and distribution of sexually explicit material. If that is true, we want to go on record as being in favor of the regulations for this type of store.

Idaho Falls has been a clean, decent City in which to raise children and these types of stores are not conducive to maintaining the type of City we have grown to appreciate.

Ken and Carol Sowder
2895 Newman Circle, E.
Idaho Falls, Idaho 83402

TO: City Council
FROM: Jody Hapgood ccc@ccc.if.org
SUBJECT: PORNOGRAPHY ORDINANCE

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I have lived in Idaho Falls for 2 years. My family and I moved from Portland, Oregon, where I had lived for over 27 years. I lived and worked in various areas of the greater Portland Metropolitan area – most were upper middle class neighborhoods, but each had its share of topless taverns, strip joints and triple X rated book/video stores. Each neighborhood had a tremendous amount of crime, robberies, shootings and rapes. Statistics had proven that rape and assault against women and children were significantly higher in areas with porn shops in them.

We moved from Portland 2 years ago because we were fearful for our 15-year old daughter having to walk past these businesses. I also worked in downtown Portland for a company called Mutual of New York and had to walk past topless bars, triple X rated book/video stores and the people that patronize them. Trust me when I say that the clientele was NOT primarily middle age, middle class adults. The majority of men AND women that patronized these businesses were lower class transients, often homeless and downright threatening to passersby.

We also lived in Bend, Oregon for 13 years. Porn shops and adult book stores tried to come in to Bend but the residents and city officials stopped it. Bend was like Idaho Falls is today. Both offer a good quality of life for families.

Please vote for the entire Ordinance in Idaho Falls. Keep the porn shops, the triple X rated book/video stores out of Idaho Falls. Idaho Falls has a good, safe quality of life about it. Don't let Idaho Falls become a Portland, Oregon. Portland was not too long ago among the top 6 per capita in crime. Oregon is also among the top "un-churched" states in America. Don't let Idaho Falls become that way.

Thank you for keeping Idaho Falls safe and porn-free.

Jody Hapgood
690 Stimson Avenue
Idaho Falls, Idaho 83402

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

ORDINANCE NO. 2394

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, ESTABLISHING REGULATIONS FOR SEXUALLY ORIENTED BUISNESSES AND LIMITING THEM TO SPECIFIED ZONING DISTRICTS; PROVIDING FOR LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES; AND PROVIDING ADDITIONAL HEALTH AND SAFETY REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES; AND REPEALING PRIOR ORDINANCES INCONSISTENT

THEREWITH IN PROVIDING FOR SEVERABILITY
AND ESTABLISHING EFFECTIVE DATE.

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The foregoing Ordinance was presented by title only. Councilmember Rose moved, and Councilmember Eldredge 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 the second and third 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 Eldredge
Councilmember Lehto
Councilmember Groberg
Councilmember Rose

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
October 2, 2000

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: SCHOOL RESOURCE OFFICER AGREEMENT

I respectfully submit the attached 2000-2001 School Resource Officer Agreement between the City of Idaho Falls and Idaho Falls School District No. 91 for your approval. This Agreement is specific to the duties, schedules, and compensation of the School Resource Officers.

Thank you for your consideration.

s/ J. K. Livsey

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the School Resource Officer Agreement with Idaho Falls School District No. 91 for the 2000-2001 School Year and, further, give authorization for the Mayor to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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There being no further business, it was moved by Councilmember Rose, seconded by Councilmember Lehto, that the meeting adjourn at 9:10 p.m.

CITY CLERK

MAYOR
