The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 10, 2000, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Mike Lehto
Councilmember Bruce Rose
Councilmember Joe Groberg
Councilmember Mary Klingler
Councilmember Ida Hardcastle

Absent was:

Councilmember Brad Eldredge

Also present:

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

Mayor Milam requested Boy Scout Paul Handy 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 July 27, 2000. It was moved by Councilmember Klingler, seconded by Councilmember Lehto, that the minutes be approved as printed. Roll call as follows:

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

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 a BEER TO BE CONSUMED ON THE PREMISES LICENSE to Fanatics Sports Grill; BARTENDER PERMITS to Julie A. Denison, Gregory L. Hanson, Amber L. Hayes, Crystella D. Kelsey, Mark M. Moorefield, Sindy M. Moorefield, Robin A. Pence, Boni L. Ramussen, 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 August 10, 2000.

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 Klingler
Councilmember Hardcastle
Councilmember Rose
Councilmember Lehto
Councilmember Groberg

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The City Clerk presented the following Expenditure Summary dated July 1, 2000 through July 31, 2000, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	SERVICE AND MATERIALS	GROSS PAYROLL	TOTAL EXPENDITURE
General Fund	$932,023.55	$1,174,181.89	$2,106,205.44
Street Fund	56,293.13	54,779.22	111,072.35
Airport Fund	75,873.52	31,086.41	106,959.93
Water and Sewer Fund	279,148.93	141,102.69	420,251.62
Electric Light Fund	1,925,581.49	261,046.04	2,186,627.53
Sanitation Fund	31,874.30	65,918.17	97,792.47
Recreation Fund	24,911.18	43,931.94	68,843.12
Municipal Capital Improvement Fund	7,500.00	.00	7,500.00
Library Fund	54,943.99	54,681.71	109,625.70
Street Capital Improvement Fund	42,245.85	.00	42,245.85
Ambulance Fund	41,028.93	61,687.49	102,716.42
Municipal Equipment Replacement Fund	153,331.00	.00	153,331.00
Electric Light Public Purpose Fund	37,992.07	.00	37,992.07
Swimming Pool G. O. Bond	5,225.00	.00	5,225.00
Business Improvement District	26,800.00	.00	26,800.00
TOTALS	$3,694,772.94	$1,888,415.56	$5,583,188.50

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to ratify the payment of Check No. 20747 in the amount of $942.23 made payable to the American Red Cross. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

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 July, 2000. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Lehto, to recess Annexation Proceedings Prior to Platting for The Dunes at Sand Creek to the September 14, 2000 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Lehto, to recess Annexation Proceedings for The Dunes at Sand Creek, Division No. 1 to the September 14, 2000 Regular Council Meeting. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct Annexation Proceedings for McNeil Business Park, 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
August 7, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: MCNEIL BUSINESS PARK, DIVISION NO. 1

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for McNeil Business Park, Division No. 1, which is located immediately north and adjacent to Sunnyside Road and west of Rollandet Avenue. The southern 200 feet of this Final Plat is within the City of Idaho Falls and is zoned I & M-1. The requested zoning on the remainder of the parcel is I & M-1. The Planning Commission considered this request at its July 11 Meeting and recommended approval. The Department recommends approval as submitted. This annexation request is now being submitted for consideration by the Mayor and Council.

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 indicating the surrounding zoning
Slide 2	Aerial Photo with the Final Plat superimposed
Slide 3	Preliminary Plat
Slide 4	Final Plat
Slide 5	Site Photo looking south from north of proposed plat
Slide 6	Site Photo looking north from West Sunnyside Road along east edge of proposed plat
Exhibit 1	Planning Commission Minutes dated July 11, 2000
Exhibit 2	Staff Report

When the Planning Commission approved this annexation, the following recommendations were made:

1. A temporary turnaround be provided at the northern end. The temporary turnaround has been provided.
2. The street be 70 feet in width instead of the 60 feet in width for McNeil Drive. The 70-foot street width recommendation was based upon the Subdivision Policy, which was adopted in 1984; however, both the Engineering and Planning Staff recommend that the street stay 60 feet in width.
3. 30-Feet of Landscaping on the southern portion of the plat, adjacent to Sunnyside Road. These 30 feet of landscaping is incorporated in the Annexation Agreement. Further, the Planning Commission recommended 30 feet of landscaping on the northeast corner of this plat, adjacent to Thayer Bridge Addition.

This Final Plat has been reviewed by the staff and has been found to be in compliance with the Subdivision Ordinance, the approved Preliminary Plat, and the Comprehensive Plan.

Councilmember Lehto stated that there was another recommendation from the Planning Commission that the name of the street on the Final Plat be changed from McNeil Drive to Leslie Avenue. The Planning and Building Director stated that this recommendation was made with the hope that the City could work out an extension of Leslie Avenue south of 25th Street. Staff has not been able to do that. In lieu of that, the recommendation was for the Final Plat showing McNeil Drive to be approved. Melaleuca suggested that Gallatin Way be developed as the main street into this area, not Leslie Avenue.

Councilmember Hardcastle questioned whether Division No. 1 meets with Thayer Bridge Addition. The Planning and Building Director indicated on the aerial photo where Division No. 1 meets with Thayer Bridge Addition. She, further, explained where Gallatin Avenue would be extended. As there are several individual property owners in this area, it makes it difficult to develop a street pattern at this time.

Councilmember Rose questioned the Planning and Building Director as to how many feet that McNeil Business Park, Division No. 1 overlaps behind Thayer Bridge Addition. The Planning and Building Director explained that Division No. 1 extends approximately 30 feet behind Thayer Bridge.

Councilmember Groberg requested the Planning and Building Director to indicate which areas around the McNeil Development were within the City of Idaho Falls, and which were outside the City limits. The Planning and Building Director indicated those areas. Councilmember Groberg questioned what the areas across the street from the McNeil development were zoned in the County. The Planning and Building Director stated that the County area was zoned I & M-1. Councilmember Groberg asked the Planning and Building Director to locate the area that Melaleuca owns. The Planning and Building Director located that area and indicated that Gallatin Avenue was not shown as a through street on their plans. Councilmember Groberg requested to see the Preliminary Plat for the McNeil development. It was indicated that the property to the north of Division No. 1 was shown to be proposed as I & M-1, and R-3A immediately adjacent to Rollandet Avenue and north of Thayer Bridge Addition. The proposed area is Industrial and Manufacturing to the west of Thayer Bridge Addition and offices and/or multi-family units to the north of Thayer Bridge Addition. Councilmember Groberg requested to know what the Comprehensive Plan shows for this area. The Planning and Building Director stated that the Comprehensive Plan shows the area to the west of Thayer Bridge Addition to be Industrial and Manufacturing, and the area to the north to be multi-family. The Planning and Building Director stated that the Preliminary Plat is in compliance with the land uses as suggested by the Comprehensive Plan.

Roland Walker, 2130 South Boulevard, appeared to state that the temporary turnaround as suggested would be provided, the 60-foot street would be built as recommended, and the 30 feet of landscaping for the entrance to McNeil Business Park would be developed. He was concerned about providing the 30 feet of radial landscaping behind the Thayer Bridge Addition. He has moved the larger lots in his development to the west side of McNeil Drive, with the smaller industrial and manufacturing lots behind Thayer Bridge on the east side of McNeil Drive. If he were required to provide 30 feet of landscaping behind Thayer Bridge, he would only have enough room to put a trailer house in the small lots. He stated that Bob Utterbeck and he would share the cost of trees in a 6-foot landscaping requirement. The apartments have a 6 to 7-foot solid fence, along with a lower elevation change. The backyards to the condominiums are 25 feet in depth. He requested the Mayor and Council to make the landscape buffer 6-feet in depth, as he has tried to take into consider the residential neighbors to his development by placing the larger manufacturing buildings further away from Thayer Bridge Addition.

Councilmember Groberg clarified that the 30-foot radius on the northeast corner of Division No. 1 is not a problem, but it would set a precedent for future development, which would result in a 30-foot setback for all of McNeil Business Park development. This would make their lots too shallow to develop properly.

Carl Wright, General Manager for Old Faithful Beverage Company, 1958 Caribou Street, appeared to state that he was not present to oppose the development. He is in favor of annexation and growth in the City. He petitioned the Council for a consideration that was given Old Faithful Beverage Company during their negotiation and annexation of their property into the City of Idaho Falls in March, 1994. At that time, in order to become contiguous to the City of Idaho Falls, they had to purchase the property at the top of Mrs. Kinghorn's property in the amount of $10,000.00. In turn, Old Faithful Beverage Company had to deed it back to the City for Sunnyside Road right-of-way. A Councilmember, at that time, recommended to Mr. Wright, that when the Kinghorn property was annexed that Old Faithful Beverage Company be reimbursed for the property that they had to purchase from Mrs. Kinghorn.

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

Councilmember Rose questioned the Planning and Building Director as to where the 30-foot landscaping recommendation came from. The Planning and Building Director stated that this recommendation came from the Planning Commission. There was some discussion as to whether that should continue north with the next Division. There was a split on the Planning Commission that it need not be 30 feet all the way to the north and would depend on the type of land use that is anticipated in that location, the height of the buildings, and whether the loading and unloading facilities would be in rear or in the front of the buildings. The Planning Commission looked at the Preliminary Plat and there was a discussion regarding how the landscaping buffer should develop, but the Final Plat would control the requirements. The Final Plat for McNeil Business Park, Division No. 1 is the only issue before the City Council at this time.

Councilmember Hardcastle requested to know whether there were any height restrictions to the buildings in Division No. 1. The Planning and Building Director stated that the Walkers have said that they will be tall one-story buildings.

Councilmember Lehto requested to know what the City Council is required to consider with regard to policies or ordinances for the setback. The Planning and Building Director stated that there are no setback requirements between industrial and residential. There is a setback from a public street of 30 feet. If there is a loading/unloading zone adjacent to a residential area, there is a requirement for a 7-foot landscape buffer. Councilmember Lehto clarified that between the Thayer Bridge Addition and the proposed development, there is no setback requirement. The Planning and Building Director stated that there is no setback requirement from the residential area. This would be determined in the I & M-1 Zone by the Building Code on the rear setback or easements. If an easement was located in this area, it could be a 10-foot setback requirement due to those easements.

Councilmember Groberg stated that the land that was annexed and zoned in 1994 does not have a setback requirement. What Mr. Walker recommended is reasonable to establish a 6-foot setback from the residential property. It will be difficult to explain why the City required a 30-foot setback on one lot and not require it for the next lots that back up against the residential property. He recommended that this modification be recommended.

Councilmember Hardcastle agreed with Councilmember Groberg in that the 30-foot landscaping setback was too much to require.

Councilmember Lehto concurred with Councilmember Hardcastle and Councilmember Groberg. There is a minimal setback at the real estate office to the east of this development. The Planning and Building Director has testified that there is no real requirement for a setback, unless loading/unloading areas are involved. The City Council should not put itself in the position to require 30-feet of landscaping setback.

Councilmember Rose questioned the Planning and Building Director as to why they recommended a 30-foot landscaping setback. The Planning and Building Director stated that there was a discussion about trees in the area. Most trees take at least a 20-foot area once they have branched out. Upon reviewing the Annexation Agreement for McNeil

Business Park, Division No. 1, it does not specify the size of the buffer on the northeast corner. If the Council comes to a decision to have a 7-foot buffer, the Annexation Agreement does not have to be amended.

The City Attorney clarified for the Mayor and City Council regarding the request from Mr. Wright from Old Faithful Beverage Company. When the Old Faithful land was annexed, it was not contiguous to the City. In order to be able to acquire contiguity, the intervening piece (the Kinghorn's property), was required to be annexed. As a result of that, Mrs. Kinghorn agreed to annexation of that parcel of land. However, one of the things that the City of Idaho Falls required as part of that annexation is that there be a dedication of the right-of-way within Sunnyside Road to the City of Idaho Falls. What Mr. Wright is suggesting to the City Council is that in order to accomplish that dedication, he was required to pay Mrs. Kinghorn for the cost of the right-of-way that was dedicated. Mr. Wright is asking that the City Council impose upon the Walkers the obligation to reimburse him for that right-of-way. The City Attorney explained, further, that he did not know if the $10,000.00 was the right figure for the right-of-way.

Councilmember Rose questioned whether this issue could be considered along with the annexation or whether it should be referred to another committee to determine whether this was appropriate. The City Attorney stated that if the City Council were to impose that obligation upon the Walkers, it would be necessary to incorporate that as a part of the Annexation Agreement. If the Annexation Agreement were approved without that provision, the City Council would not be able to go back at a later date and require it.

Councilmember Groberg stated that even though the public hearing has been closed, it appears that the City Council needs to hear from Mr. Walker regarding the above obligation.

Mayor Milam opened the public hearing again for Mr. Walker to comment on this issue. Roland Walker re-appeared to state that he understood that Old Faithful Beverage Company felt that they were being held hostage by the Kinghorns in order to annex to the City of Idaho Falls. This issue does not belong to the Walkers. If an Agreement had been reached at the time of annexation that this would be an obligation to the new purchaser, then it would have been appropriate. Mr. Walker stated that whatever position Mrs. Kinghorn had with Old Faithful Beverage Company should remain with Old Faithful Beverage Company.

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

Councilmember Groberg explained that if the Kinghorn property had been annexed, the City would have required dedication of that right-of-way to the City. There would have been no cost associated with that, as it would have been part of the annexation. In this case, the owner (the Kinghorns) was able to get compensation for that land. He understood the inequities compared to others that would have been annexed and given up the land or not been annexed and sold the right-of-way. There is no basis for imposing that upon a subsequent buyer who wants to become annexed to the City. The City is not a party to any Agreement that would obligate this payment to be made.

The City Attorney stated that he agreed with Councilmember Groberg. He added that what drove the agreement between the Kinghorns and Old Faithful Beverage Company, was a matter of timing and the problem of not having contiguity. Had the Kinghorn property come into the City first, then the developer of that property would have been required to dedicate the right-of-way for Sunnyside Road and that developer would have born that cost. What drove the necessity for Old Faithful Beverage Company were their timing, their needs, and their piece of property. The first issue is that it was the timing of Old Faithful Beverage Company that drove what occurred here. The second issue is that he does not know what the $10,000.00 figure represents, if it was just right-of-way or if it was money that was extracted as a concession to annex the contiguous piece of property.

Councilmember Groberg stated that the City should not impose this as a condition of annexation for McNeil Business Park. He suggested that the Annexation Agreement for Old Faithful Beverage Company should be investigated to determine if such an agreement was made to reimburse the $10,000.00 fee.

The City Attorney stated that he has reviewed that Annexation Agreement, and there is nothing addressed in that Agreement.

Councilmember Rose agreed with that determination. He stated, further, that the Council needs to consider the Annexation Agreement as proposed for McNeil Business Park, Division No. 1.

Councilmember Lehto commented that the Planning Commission has made a recommendation on this annexation. They have predicated that on a number of conditions. The developer has agreed to meet all of the conditions. He stated that he would not be in favor of a 7-foot setback requirement and would consider a 6-foot setback requirement. As there is not a requirement for a setback, he did not want to confuse the issue by requiring a setback for loading/unloading areas. He understood that there is no provision at this time for any setback.

The Planning and Building Director explained that there is a requirement for 7-foot buffers if there is a parking area at the back of the building or a loading area.

Councilmember Lehto stated that due to the fact that there is not a requirement in the Zoning Ordinance for a setback, it might not be the time to establish the size of the buffer until such time that building takes place. The Building Code will take care of that issue. The Planning and Building Director commented that a building could be built up against the property line. Councilmember Lehto stated that it might be wise to require a 6-foot setback so that this does not happen. Anything else would be covered by ordinance.

Councilmember Groberg stated that the Planning and Building Director has indicated that a 7-foot setback would work well.

It was moved by Councilmember Rose, seconded by Councilmember Groberg, to accept the Final Plat for McNeil Business Park, Division No. 1 with the provision of a 7-foot setback requirement to be established 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 Lehto
Councilmember Groberg

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Groberg, to approve the Annexation Agreement for McNeil Business Park, 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 Rose
Councilmember Klingler
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

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

ORDINANCE NO. 2382

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 and the Ordinance be passed on all three readings. 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 McNeil Business Park, Division No. 1 as I & M-1 (Industrial and Manufacturing) 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 Arco 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
August 7, 2000

MEMORANDUM

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

Attached is the Final Plat, Annexation Agreement, and Annexation Ordinance for Arco Addition, Division No. 1, which is located south and adjacent to 25th Street. The requested zoning is I & M-1 on this one-lot plat of 2.5 acres. The Planning Commission considered this request at its July 18 Meeting and recommended approval. The Department recommends approval as submitted. This annexation request is now being submitted for consideration by the Mayor and Council.

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 with Final Plat superimposed
Slide 3	Final Plat
Slide 4	Site Photo looking south from intersection of Leslie Avenue and 25th Street
Slide 5	Site Photo looking south from intersection of Leslie Avenue and 25th Street
Exhibit 1	Planning Commission Minutes dated July 18, 2000
Exhibit 2	Staff Report

Tony Passino, 590 West 19th Street, appeared to state that he was present to answer any questions from the Mayor and City Council. There were no questions asked.

Roland Walker, 2130 South Boulevard, appeared to request a clarification. He expressed his concern over Leslie Avenue extending to Sunnyside Road. He has clients who are looking to service all of the electricians in Rollandet Avenue area. They would like back access to their property. He was concerned for the street pattern for his development, McNeil Business Park.

Councilmember Lehto questioned Tony Passino regarding a conversation with City Staff about the dedication of a street. Mr. Passino stated that he has not closed the door to that possibility. He stated that he sold his previous business as he needed more land to operate. Melaleuca purchased his previous property, along with the ground behind his new development, with the understanding that it would be serviced by Gallatin Avenue. At the same time, Melaleuca purchased a right-of-way for Gallatin Avenue to continue through to the property that they own behind the Pepsi plant for a future plant that they were talking about building this fall. It was his understanding, that Gallatin Avenue would be the street serving this area. This would allow him to have truck traffic in and out of his development. If he were to dedicate the right-of-way for Leslie Avenue to continue, the truck traffic would have to back out into the traffic of the street. Mr. Passino stated that it would not serve him to dedicate that right-of-way at this time.

Councilmember Groberg clarified that there would be nothing that Mr. Passino is doing on his development that would preclude subsequently putting Leslie Avenue through if the land south of his development would put Leslie Avenue through. Mr. Passino agreed with Councilmember Groberg and stated that he is not putting any structures on that portion of his property.

Councilmember Lehto stated that he understands that the City cannot require Mr. Passino to dedicate a street right-of-way at this time, but wanted some confirmation from Mr. Passino that at some future date, should Leslie Avenue be determined to be the main street through this area, he would be willing to dedicate that right-of-way. Mr. Passino stated that he has no plans to develop the right-hand side of his property with any structures. He is using that for parking. If the area develops as it has been explained to him, then Gallatin Avenue would be used and this issue would no longer be. If it becomes necessary to develop Leslie Avenue as the through street, then he would be willing to discuss that issue. Mr. Passino stated further, that he does not have to annex to the City of Idaho Falls. He could remain in Bonneville County. Mr. Passino stated that the City of Idaho Falls has good faith on his part and his word. If Leslie Avenue develops, he wants to be a good neighbor and develop as necessary.

Mr. Walker re-appeared to state that what Mr. Passino has stated resolves his concerns.

There being no further discussion 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 Lehto, to accept the Final Plat for Arco Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Rose, seconded by Councilmember Lehto, to approve the Annexation Agreement for Arco Addition, Division No. 1 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 City Attorney read the following Ordinance by title:

ORDINANCE NO. 2383

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 Lehto 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 and the Ordinance be passed on all three readings. Roll call as follows:

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

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Rose, seconded by Councilmember Lehto, to establish the initial zoning of Arco Addition, Division No. 1 as I & M-1 (Industrial and Manufacturing) 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 Lehto
Councilmember Rose
Councilmember Groberg
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of a rezoning from GC-1 (General Commercial) to C-1 (Limited Retail) of property located generally at 3440 South Yellowstone Highway, and legally described as a parcel of land in Section 36, Township 2 North, Range 37, East of the Boise Meridian, Bonneville County, Idaho. At the request of Councilmember Rose, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
August 7, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING REQUEST, SOUTH OF WEST SUNNYSIDE AND WEST OF YELLOWSTONE HIGHWAY

Attached is the application of Roy and Renée Quinton for rezoning approximately 1.2 acres from GC-1, General Commercial, to C-1, Limited Business. The property is located west and immediately adjacent to Yellowstone Highway and approximately 370 feet south of the intersection of Yellowstone and Sunnyside. The Planning Commission considered this request at its July 11 Meeting and recommended approval. This Department recommends approval as submitted. This rezoning request is how being submitted for consideration by the Mayor and Council.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Land Use Map
Slide 3	Aerial Photo
Slide 4	Site Photo looking at east side of the site from across the railroad tracks
Slide 5	Site Photo looking at first parcel north of site
Slide 6	Site Photo looking at second parcel north of site
Slide 7	Site Photo looking at first parcel south of site
Slide 8	Site Photo looking at east side of structures on the west side of the site
Exhibit 1	Planning Commission Minutes dated July 11, 2000
Exhibit 2	Staff Report

The Planning and Building Director explained that this is a care center for handicapped individuals. The Comprehensive Plan shows this area to be commercial; therefore, the requested rezoning is in accordance with the Comprehensive Plan. It is also anticipated that this area will be changing its nature as Sunnyside Road extends across the Snake River and ties into I-15. The Planning Commission felt that this rezoning request to C-1 was in accordance with the future plans for this area.

Councilmember Lehto requested to know what types of structures could be built in the C-1 Zone. The Planning and Building Director stated that the C-1 Zone is the high-end retail zone. Shopping centers, restaurants, and retail stores are allowed in the C-1 Zone. The GC-1 Zone is a heavy commercial zone or a light industrial zone, which does not allow housing. The request is for a less restrictive zone to a more restrictive zone in land uses.

Renée Quinton, 3440 South Yellowstone Avenue, appeared as the applicant for this rezoning request. She stated that she runs Quinton Manor, which is a residential care facility. She wants to move a modular home into a section of land closest to the trailer park

for her mother and father to live in. She requested the Council to favorably consider this request.

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

Councilmember Groberg commented that the present use is a non-conforming use in the GC-1 Zone. In moving a new modular unit onto this property, it would also be a non-conforming use. He complimented the Quinton's for the rational and intelligent route they have taken to accomplish their objective.

It was moved by Councilmember Rose, seconded by Councilmember Lehto, to approve the zone change from GC-1 to C-1 of a parcel of land in Section 36, Township 2 North, Range 37, East of the Boise Meridian located generally at 3440 South Yellowstone Highway and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Rose to conduct a public hearing for consideration of an appeal from a decision of the Board of Adjustment for a request from the provisions of Section 4-7 of the City of Idaho Falls Zoning Ordinance which prohibits obstructions and fences over 3 feet in height in the clear view triangle for the purpose of constructing a rear yard fence adjacent to an alley on property located generally at 905 Stanger Avenue, legally described as Lot 1, Block 5, Packer 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
August 7, 2000

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: APPEAL FROM BOARD OF ADJUSTMENT – LOT 1, BLOCK 5, PACKER ADDITION, DIVISION NO. 1

Attached is the appeal filed by Shannon Gee, 905 Stanger Avenue. Ms. Gee requested a variance from the requirements for a clear site triangle at the intersection of an alley and 9th Street. After holding a public hearing on June 27, 2000, three members of the Board of Adjustment voted to grant a variance. The concurring vote of five members of the Board is required to grant a variance. This appeal 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 appeal from the Board of Adjustment decision:

Slide 1	Aerial Photo
Slide 2	Site Plan
Slide 3	Site Photo looking at alley east of site and existing fences
Slide 4	Site Photo showing the next alley west along 9th Street
Slide 5	Site Photo showing what a driver sees when they stop at the back of the sidewalk
Slide 6	Site Photo showing what a driver sees when they stop at the back of the sidewalk next alley west
Slide 7	Site Photo showing vinyl fence constructed like a white picket fence
Slide 8	Site Photo showing vinyl fence constructed like a white picket fence
Slide 9	Site Photo showing vinyl fence constructed like a white picket fence
Exhibit 1	Board of Adjustment Minutes dated June 27, 2000
Exhibit 2	Findings of Fact and Conclusions of Law
Exhibit 3	Staff Report
Exhibit 4	Application for Variance

The Planning and Building Director explained that at an intersection of an alley and a street, a 15-foot clear site triangle is required if the fence is over 3 feet in height and was site obscuring or solid. That is the Zoning Ordinance provision for a clear site triangle. The Planning and Building Director stated that there are several violations around the City of Idaho Falls. Staff is not sure whether they are actual violations or whether they grandfathered the Ordinance. The Ordinance is enforced with any new fences. The Building Department has a requirement for a fence permit, which is $5.00. She stated, further, that the Staff would recommend that either one 6-foot panel on both sides be removed, or two 6-foot panels on both sides be removed, with the solid fence being placed on the triangle. That would assure a driver coming down the alley to this location would be able to see any approaching vehicle, bicycle, or pedestrian.

Councilmember Lehto commented that the property owner might not have investigated acquiring a building permit. The Planning and Building Director stated that she did investigate whether a building permit was required and was informed incorrectly that one was not needed.

Councilmember Groberg questioned the Planning and Building Director as to whether the opaque panels could be replaced with spaced slats and still remain a 6-foot fence. The Planning and Building Director stated that Staff tells people that it depends on the nature and spacing of the slats and advises against using the slats. Depending on the angle of the view, this type of fence may be sight obscuring also.

Shannon Gee, 905 Stanger Avenue, appeared to state that she has had the fence up for approximately one year. When she was about to have it built, she contacted her contractor and asked whether she would need a building permit. The contractor informed her that she did not need one. When the fence construction was underway, one of the workers told her that he thought there might be an ordinance requiring a 3-foot fence along the corner of the alley and the street. Ms. Gee took this worker to other fences in her area that were not in compliance with the Ordinance. She submitted a map to the Mayor and Council indicating the areas where fences that are not in compliance in her immediate area. She took photographs of those fences and submitted approximately 80 photographs for the Mayor and Council's review. Ms. Gee indicated that there were approximately 104

infractions to the clear view site triangle provision of the Ordinance. She asked how this Ordinance could be enforced at all when there are so many infractions. She indicated that she knows that she is at fault. She explained that she has some physical limitations. Approximately 3 years ago, she was hit by a car while she was jogging. The driver of the car assaulted her and then backed over her. She then gave a brief explanation of her injuries. If she is made to comply with Code, then she would have to maintain the outside triangle. That would be a hardship on her. She has a large dog and the yard provides an area for the dog's exercise. She built the fence for security reasons as she is a single woman and lives alone. She wants to feel safe in her backyard. Ms. Gee made a proposal of placing a mirror close to the telephone pole with a sign stating, "Please use mirror when exiting alley". She then explained the vote from the Board of Adjustment. The Planning and Building Director suggested taking out one 6-foot section along the alley and one 6-foot section along the street to make a smaller triangle. Even with that change, she would have to adjust her sprinkler system. She submitted for Council review an advertisement for vinyl fences with different fencing options. Ms. Gee stated that she is willing to make some modifications, but felt that the requirement of 15-feet is a little harsh.

There being no further discussion either in favor of or in opposition to this appeal from the Board of Adjustment decision, Mayor Milam closed the public hearing.

Councilmember Hardcastle requested a definition of "hardship". The Planning and Building Director stated that a hardship is defined by the nature of the actual site, meaning topography or physical characteristics of the site. There have been some circumstances where the Board of Adjustment and City Council have looked at a personal hardship.

Councilmember Lehto questioned the City Attorney regarding an indemnifications issue. If the City Council allowed the fence to remain in its current configuration, should someone be injured in an accident, what position would the City of Idaho Falls be placed in. The City Attorney stated that if the fence were allowed to remain, a safety issue would result. He had the same concern as Councilmember Lehto, that the City would somehow be liable. He did not believe that an Indemnification Agreement is the best solution. An Indemnification Agreement would place the City in the unenviable posture of having to pursue the applicant. The other problem with Indemnification Agreements, is that if the person does not have the financial wherewithal to respond to them, then they don't give a great deal of protection. This is not an appropriate solution and the Council needs to focus on whether or not the issue at hand will create a safety hazard.

Councilmember Groberg requested the Planning and Building Director to comment on the proposal of the mirror and whether that would be allowed under the existing Ordinance. The Planning and Building Director commented that the issues are how many mirrors will be allowed to be installed, whether a utility pole would have to be used or the installation of another facility in the public right-of-way, and the maintenance of the mirrors. Also, drivers are not used to dealing with mirrors when they approach sidewalks and this could cause confusion. Councilmember Groberg commented that the Planning and Building Division is not prepared to make the changes to allow for mirrors. The Planning and Building Director stated that was correct.

Councilmember Groberg questioned whether there was a suggestion from the Planning and Building Division that removal of a 6-foot panel from the alley side and a 6-foot panel from the street side, creating a 6-foot triangle might be acceptable. The Planning and Building Director stated that was one alternative. Obviously, that is not as good as removing two 6-foot panels, resulting in a 12-foot triangle.

Councilmember Rose referred to Slide 5 showing the driver's view approaching the street from the alley behind Ms. Gee's property and Slide 6 showing the driver's view approaching the street from the alley one block to the west. He questioned whether the

property shown on Slide 6 was in conformance to the Ordinance. The Planning and Building Director stated that she did not take measurements, but the concept was there.

Councilmember Lehto questioned how this issue was brought to the City's attention. The Planning and Building Director stated that a Building Inspector noticed the infraction. She stated, further, that there is a problem in enforcing this requirement. The City employs a part-time Zoning Enforcement Officer with 16,000 single-family lots in Idaho Falls.

Councilmember Groberg commented that usually the neighbors are not aware that there is a requirement for a 15-foot clear view triangle.

Councilmember Lehto stated that if each one of the infractions were submitted to him, he would deny them, as there is no clear view of the sidewalk. There would be no buffer between the child on the bicycle and the bumper of the car.

Councilmember Klingler commented that one panel should be removed from the alley and one panel from the street should be removed. That would open up this area a great deal. She also stated that the 15-foot requirement is a lot, considering her backyard.

Councilmember Lehto stated that there is an implicit trust from a child on a bike that if he is on the sidewalk, he is safe. He was not comfortable in recommending the removal of just one panel on either side.

Councilmember Groberg commented that he appreciated that the City was reluctant to accept mirrors as an alternative, although that is something that can be looked at. It is very difficult to enforce this Ordinance because of so much non-compliance. It would be a mistake to ignore the Ordinance for the reasons discussed. In light of the circumstances of the owner, there is a desire to compromise because of some of the hardships of this particular owner. He would be reluctant to substitute the compromise as the new precedent for the 15-foot clear view triangle. The reasonable solution would be to remove the panels to at least 6-feet or reduce the size of those to a 3-foot opaque fence.

Councilmember Lehto stated that this fence was completed by a licensed contractor. He had a duty and obligation to get the job done right. There should be recourse for the owner so that the job will be done right.

Councilmember Rose questioned the City Attorney whether a decision by the City Council to deny this appeal, would be the end for the applicant. The City Attorney stated that there is nothing in the Ordinance that would prohibit Ms. Gee from applying again with a different configuration.

It was moved by Councilmember Rose, seconded by Councilmember Lehto, to deny the appeal from the decision of the Board of Adjustment for a request from the provisions of Section 4-7 of the City of Idaho Falls Zoning Ordinance which prohibits obstructions and fences over 3 feet in height in the clear view triangle for the purpose of constructing a rear yard fence adjacent to an alley on property located generally at 905 Stanger Avenue, legally described as Lot 1, Block 5, Packer Addition, Division No. 1. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Rose
Councilmember Klingler
Councilmember Hardcastle

Nay: Councilmember Groberg

Motion Carried.

The Airport Director submitted the following memos:

City of Idaho Falls
August 8, 2000

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: BID APPROVAL FOR TAXIWAY "C" PROJECT

Attached for City Council approval is the sole bid for the Taxiway "C" Project.

HK Contractors submitted the sole bid of $674,285.00.

The Engineer's Estimate for the construction phase is $621,300.00. Ninety percent (90%) of this project will be federally funded.

The Airport Division recommends approval and requests the Mayor be authorized to execute the contract and accept the Federal Improvement Program Grant for this project.

s/ Mike Humberd

Councilmember Groberg explained the reason for the difference between the Engineer's Estimate and the bid. There are some things in the bid that were not included in the estimate that will be paid for by the rental car agencies. It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the sole bid from HK Contractors, Inc. to complete the Rehabilitation Taxiway "C" Expand Cargo Apron at the Idaho Falls Municipal Airport, Fanning Field, give authorization for the Mayor and City Clerk to sign the necessary documents, and to accept the Federal Improvement Program Grant for this project. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
August 8, 2000

MEMORANDUM

TO: Honorable Mayor and Council
FROM: Mike Humberd, Director of Aviation
SUBJECT: FOOTE DRIVE STORAGE LEASE AGREEMENT

Attached for City Council approval is a Lease Agreement with Foote Drive Storage for the development of an equipment storage building for the Westwood

Tree Farm in the Airport Industrial Park. The term of this Agreement is for 20 years with an option to renew.

The City Attorney has reviewed this document.

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

s/ Mike Humberd

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Lease Agreement with Foote Drive Storage for the development of an equipment storage building for the Westwood Tree Farm in the Airport Industrial Park 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.

The memo from the Airport Director regarding the Lease Agreement with Foote Drive LLC was withdrawn by the Division Director.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
August 4, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" IMPOSITION OF NEW FEES AND FEE INCREASES GREATER THAN 5% FOR FISCAL YEAR 2000-2001

Municipal Services respectfully requests the Mayor and Council to authorize the publication of the attached "Notice of Public Hearing" regarding the imposition of new fees and fee increases greater than 5% for fiscal year 2000-2001, with publication dates set for August 13, 2000 and August 20, 2000.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 24, 2000, in the Council Chambers in the Electric Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City of Idaho Falls proposes to impose the following new fees and to increase existing fees by an amount that exceeds one hundred five percent (105%) of such fees collected in Fiscal Year 2000-2001. The additional fees and increases are necessary to cover increased costs associated with these programs.

Source of Fees	Current Fees	Proposed New Fees
Recreation Fee:		
Babe Ruth Baseball	$5.00	$6.00
Western Boys Baseball	$5.00	$6.00
Pony League Baseball	$5.00	$6.00
Parks:		
Cemetery Fees:		
Opening and Closing Fee	$200.00	$225.00
Internment Fee	$400.00	$500.00
Golf-Driving Range:		
Large Bucket of Balls	$2.50	$3.00
Small Bucket of Balls	$1.50	$2.00
Zoo Education Programs:		
½ Day Zoo School – T.P.Z.S. Members	$30.00	$35.00
½ Day Zoo School – Non-T.P.Z.S. Members	$45.00	$50.00
1 Day Zoo School	$10.00	$15.00
Overnight Safaris – T.P.Z.S. Members	$20.00	$25.00
Overnight Safaris – Non-T.P.Z.S. Members	$20.00	$30.00
New Zoo Programs:		
Breakfast Tours – T.P.Z.S. Members	$.00	$15.00
Breakfast Tours – Non-T.P.Z.S. Members	$.00	$20.00
Behind the Scenes – T.P.Z.S. (Adults)	$.00	$20.00
Behind the Scenes – T.P.Z.S. (Child)	$.00	$15.00
Behind the Scenes – Non-T.P.Z.S. (Adult)	$.00	$25.00
Behind the Scenes – Non-T.P.Z.S. (Child)	$.00	$20.00
Birthday Parties – Per Child	$.00	$7.50

Any person who desires to provide comments regarding such fee increases may appear at 7:30 p.m. on Thursday, August 24, 2000, at the City of Idaho Falls Council Chamber, Second Floor of the Idaho Falls Electric Building, 140 South Capital Avenue, Idaho Falls, Idaho.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: August 13th and 20th, 2000

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to give authorization for the publication of the "Notice of Public Hearing" for imposition of new fees and fee increase greater than 105% for Fiscal Year 2000-2001 as requested. Roll call as follows:

Aye: Councilmember Rose
Councilmember Groberg

Councilmember Lehto
Councilmember Klingler
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
August 4, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: PUBLICATION OF "NOTICE OF PUBLIC HEARING" FOR THE 2000-2001 FISCAL YEAR BUDGET

Municipal Services respectfully requests the Mayor and Council to tentatively approve the 2000-2001 Fiscal Year Budget in the amount of $109,450,946.00.

Approval is also requested to publish the attached "Notice of Public Hearing" of the 2000-2001 Fiscal Year Budget with publication dates set for August 13, 2000 and August 20, 2000.

The Public Hearing is scheduled for 7:30 p.m., Thursday, August 24, 2000, in the Council Chambers in the Electric Building at 140 South Capital Avenue in Idaho Falls, Idaho.

s/ S. Craig Lords

NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR 2000-2001
CITY OF IDAHO FALLS, IDAHO

A public hearing pursuant to Idaho Code 50-1002, will be held for consideration of the proposed budget for the Fiscal Year from October 1, 2000 to September 30, 2001. The hearing will be held at the City of Idaho Falls Council Chambers located on the second floor of the Idaho Falls Electric Building, 140 South Capital Avenue, Idaho Falls, Idaho at 7:30 p.m. on Thursday, August 24, 2000. All interested persons are invited to appear and provide comments regarding the proposed budget. Copies of the proposed budget are available at the Idaho Falls City Controller's Office during regular office hours (8:00 a.m. to 5:00 p.m., weekdays). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to the budget documents or the hearing, please contact the City Controller's Office at 529-1230 at least 48 hours prior to the public hearing. The proposed FY 2001 budget is shown below as FY 2001 proposed expenditures and revenues.

PROPOSED EXPENDITURES

Fund Name	FY 1999 Actual Expenditures	FY 2000 Budget Expenditures	FY 2001 Proposed Expenditures
General Fund			
Mayor and Council	$ 113,038	$ 127,730	$ 145,662
Legal	90,534	170,037	176,097
Municipal Services	4,585,494	3,984,443	3,975,227
Police	6,973,858	7,117,098	7,524,565
Planning and Zoning	1,005,844	1,087,420	1,167,455
Parks	4,202,110	5,305,981	6,394,927
Public Works	862,864	1,176,875	1,186,884
Fire	5,854,014	6,002,192	6,283,963
General Fund Total	$ 23,687,756	$ 24,971,776	$ 26,854,780
Special Revenue Funds			
Street Fund	$ 2,830,195	$ 2,937,600	$ 3,056,322
Recreation Fund	891,945	951,377	989,666
Library Fund	1,555,963	1,639,223	1,676,663
Passenger Facility Fund	494,000	300,000	360,000
Municipal Equipment Replacement Fund	1,709,059	936,500	993,000
Electric Light Public Purpose Fund	-0-	500,000	500,000
Business Improvement District	98,710	85,500	565,500
Special Revenue Funds Total	$ 7,578,872	$ 7,350,200	$ 8,141,151
Capital Projects Funds			
Sanitary Sewer Capital Improvement Fund	$ 108,185	$ 400,000	$ 1,100,000
Municipal Capital Improvement Fund	1,357,197	300,000	700,000
Street Capital Improvement Fund	1,019,915	-0-	850,000
Bridge and Arterial Street Fund	77,489	100,000	400,000
Water Capital Improvement Fund	113,313	500,000	1,700,000
Surface Drainage Fund	53,262	75,000	70,000
Capital Projects Funds Total	$ 2,729,361	$ 1,375,000	$ 4,820,000
Debt Service Funds			
Swimming Pool G. O. Bond Fund	$ 185,355	$ 190,950	$ 195,825
Debt Service Funds Total	$ 185,355	$ 190,950	$ 195,825
Enterprise Funds			
Airport Fund	$ 1,931,225	$ 1,607,371	$ 9,367,652
Water and Sewer Fund	7,359,734	9,503,521	13,286,672
Electric Fund	38,015,230	40,309,356	42,166,663
Sanitation Fund	2,321,064	2,591,117	2,676,656
Ambulance Fund	1,813,740	1,871,271	1,941,547
Enterprise Funds Total	$ 51,440,993	$ 55,882,636	$ 69,439,190
Total All Funds	$ 85,622,337	$ 89,770,562	$ 109,450,946

PROJECTED REVENUES

Fund Name	FY 1999 Actual Revenues	FY 2000 Budget Revenues	FY 2001 Projected Revenues
Property Tax Levy			
General Fund	$ 11,504,463	$ 12,167,190	$ 13,266,211
Recreation Fund	253,034	267,382	292,767
Library Fund	905,304	958,723	1,049,743
Municipal Capital Improvement Fund	362,677	384,188	420,662
Swimming Pool G. O. Bond Fund	182,464	190,350	-0-
Fire Retirement	613,600	634,300	670,000
Liability Insurance	230,600	250,000	203,000
Property Tax Levy Total	$ 14,052,142	$ 14,852,133	$15,902,383
Revenue Sources Other Than Property Tax			
General Fund	$ 11,289,744	$ 11,677,290	$ 12,120,158
Street Fund	2,748,344	2,713,000	2,772,800
Recreation Fund	643,817	687,240	690,900
Library Fund	575,829	578,210	626,920
Passenger Facility Fund	318,185	300,000	360,000
Municipal Equipment Replacement Fund	334,104	225,000	225,000
Sanitary Sewer Capital Improvement Fund	200,047	96,250	103,750
Municipal Capital Improvement Fund	49,566	5,000	5,000
Electric Rate Stabilization	505,119	400,000	500,000
Business Improvement District	102,010	120,000	560,000
Bridge and Arterial Street Fund	191,413	96,000	116,000
Water Capital Improvement Fund	297,126	208,750	228,750
Surface Drainage Fund	42,459	29,000	28,500
Street Capital Improvement Fund	511,220	480,000	482,200
Electric Light Public Purpose Fund	-0-	500,000	675,000
Airport Fund	1,178,838	1,723,746	2,794,796
Water and Sewer Fund	7,458,248	7,854,200	7,887,000
Electric Fund	39,130,487	39,718,006	41,229,552
Sanitation Fund	2,023,759	2,210,000	2,252,500
Ambulance Fund	1,768,019	1,748,668	1,830,148
Fund Transfers	1,583,849	1,309,200	1,415,600
Fund Balance Carryover	1,500,400	2,238,869	16,643,989
Other Revenue Sources Total	$ 72,452,583	$ 74,918,429	$ 93,548,563
Total Revenues – All Funds	$ 86,504,725	$ 89,770,562	$ 109,450,946

I, Rosemarie Anderson, City Clerk of the City of Idaho Falls, Idaho certify that the above is a true and correct statement of the proposed expenditures by fund and the entire estimated revenues and other sources of the City of Idaho Falls, Idaho for the Fiscal Year 2000-2001; all of which have been tentatively approved by the City Council on August 10, 2000 and entered at length in the Journal of Proceedings.

Dated this 11th day of August, 2000.

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

Publish: August 13th and August 20th, 2000

It was moved by Councilmember Klingler, seconded by Councilmember Lehto, to tentatively approve the 2000-2001 Fiscal Year Budget in the amount of $109,450,946 and, further, give authorization to publish the "Notice of Public Hearing" of the 2000-2001 Fiscal Year Budget with publication dates set for August 13 and 20, 2000. Councilmember Groberg noted that he did not approve of this budget. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
August 7, 2000

MEMORANDUM

TO: Honorable Mayor Linda Milam and City Councilmembers
FROM: J. K. Livsey, Chief of Police
SUBJECT: CITY COUNCIL AGENDA

On behalf of the Public Safety Committee, I would like to request adoption of the attached Beer, Wine, and Liquor Ordinance Amendments.

Thank you for your assistance.

s/ J. K. Livsey

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

ORDINANCE NO. 2385

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTERS 2, 3, AND 4 OF TITLE 4 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, SAID CHAPTERS RELATING TO THE LICENSING OF BEER, WINE AND LIQUOR; AMENDING THE LOCATION RESTRICTIONS IN SAID

CHAPTERS TO REQUIRE A PUBLIC HEARING BEFORE GRANTING A VARIANCE TO THE LOCATION RESTRICTIONS SET FORTH IN SUCH CHAPTERS; AMENDING SEVERAL PROVISIONS IN SUCH CHAPTERS TO ALLOW FOR SALE OF BEER, WINE AND LIQUOR ON SUNDAY IF NEW YEAR'S EVE OR NEW YEAR'S DAY FALLS ON A SUNDAY; PROVIDING FOR SEVERABILITY; PRESERVING PROSECUTION UNDER PRIOR ORDINANCES AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Lehto 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 and the Ordinance be passed on all three readings. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
August 7, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – AIRPORT WATER LINE, FOOTE DRIVE TO LINDSAY BOULEVARD

On August 1, 2000, bids were received and opened for the Airport Water Line, Foote Drive to Lindsay Boulevard. A tabulation of the bid results is attached.

Public Works recommends award of this Contract to HK Contractors, Inc., in the amount of $253,655.00; and, authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the bid from HK Contractors, Inc. to complete the Airport Water Line, Foote Drive to Lindsay Boulevard Project 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 Lehto
Councilmember Groberg

Nay: None

Motion Carried.

City of Idaho Falls
August 7, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: BID AWARD – MEMORIAL AND "B" STREET PEDESTRIAN CROSSING

On August 1, 2000, bids were received and opened for the Memorial and "B" Street Pedestrian Crossing Improvements. A tabulation of the bid results is attached.

Public Works recommends award of the Contract to the low bidder, TMC Contractors, Inc., in the amount of $51,645.30; and, authorization for the Mayor and City Clerk to sign the Contract Documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to accept the low bid from TMC Contractors, Inc. to complete the Memorial and "B" Street Pedestrian Crossing Improvements Project 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.

City of Idaho Falls
August 7, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION – LOTS 10 AND 11, BLOCK 2, WATERFORD ADDITION, DIVISION NO. 3

As previously authorized, the City Attorney has prepared an Ordinance to vacate an easement located in Lots 10 and 11, Block 2, Waterford Addition, Division No. 3.

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

s/ Chad Stanger

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

ORDINANCE NO. 2384

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Lehto 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 and the Ordinance be passed on all three readings. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
August 9, 2000

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RIGHT-OF-WAY USE AGREEMENT – FRE-TEL COMMUNICATIONS

Attached is a proposed Right-of-Way Use Agreement between the City and Fre-Tel Communications for installation of a communications cable in portions of City-owned right-of-way.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Right-of-Way Use Agreement between the City of Idaho Falls and Fre-Tel Communications and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Rose, that the meeting adjourn at 9:35 p.m.

CITY CLERK

MAYOR

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