

SEPTEMBER 25, 1997

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 25, 1997, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam
Councilmember Gary Mills
Councilmember Melvin Erickson
Councilmember Larry Carlson
Councilmember Beverly Branson
Councilmember Ida Hardcastle
Councilmember Brad Eldredge

Also present:

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

Mayor Milam requested Boy Scout Blade Smith to come forward and lead all those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the September 11, 1997 Regular Meeting. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, that the minutes be approved as read. Roll call as follows:

Aye: Councilmember Erickson
 Councilmember Mills
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Eldredge
 Councilmember Carlson

Nay: None

Motion Carried.

CONSENT AGENDA ITEMS

The City Clerk presented several license applications, including BARTENDER PERMITS to Amanda L. Atamanczyk, Jerry C. Batie, Todd R. Briggs, Natalie A. Carlyle, Scott E. Dees, Jennifer J. Garcia, Mechelle L. Grant, Trina K. Gustaveson, Sara K. Henderson, Jerry G. Leonardson, Dawn M. Millward, Jeannie A. Neidner, Shay E. Smith, and Vernon R. Stamper, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on September 25, 1997.

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Consent Agenda in accordance with the recommendations presented. Roll call as follows:

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Aye: Councilmember Eldredge
Councilmember Carlson
Councilmember Mills
Councilmember Erickson
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Branson to conduct a public hearing, as legally advertised, to consider a rezoning from PT-1 to R-1 and an Amendment to the Comprehensive Plan from Planned Transition to Residential of Lots 1 through 24, Block 24, Highland Park Addition. At the request of Councilmember Branson, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 22, 1997

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING AND AMENDMENT TO COMPREHENSIVE PLAN FOR
HIGHLAND PARK ADDITION, BLOCK 24, LOTS 1-24

Attached is a copy of the petition to rezone Lots 1-24, Block 24, Highland Park Addition, from PT-1 to R-1. The petitioner is asking for rezoning in order to construct a single-family dwelling on property within the half block. The Planning Commission has reviewed the request and recommended rezoning the property to R-1 and amending the Comprehensive Plan. The Commission decided the area has not developed as anticipated. The demand for commercial and multi-family construction has not materialized, and single-family residential is the dominant existing use. This request is 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.

Jay Kohler, 3128 Springwood Lane, appeared to state that he owns the northerly 12 lots of Block 24 in Highland Park. Of the area covered in the proposed zone change, he stated that he owned the northerly 6 lots. He commented that he was thinking about developing his area into a multi-family residential project. Mr. Kohler stated that he has no objection to Mr. Priest building his home where he wishes to build it. He is concerned that the zone change to R-1 on his easterly 6 lots would render the westerly six lots valueless. He would not be able to develop either piece of property individually, because there is not enough ground for R-1 uses and not enough square footage for PT-2 uses. He

requested the City Council to leave his property, the northerly 6 lots of Block 24, Highland Park Addition, as PT-1.

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The Planning and Building Director located Mr. Kohler's lots on the map and explained that the PT-2 Zone allows for multi-family units as well as commercial, while PT-1 is limited to multi-family units.

A general discussion followed regarding whether this issue needed to be referred back to the Planning Commission. The City Attorney stated that if the Council is considering a substantial change from what was presented to the Planning Commission, this issue should be referred back to the Planning Commission for consideration.

Heather Thorne, 604 John Adams Parkway, appeared representing Frances Priest, the requester of this zone change. She explained that he appeared before the Planning Commission to request that the zone change be made to his property alone. The Planning Commission turned him down at that time and requested that he rezone the whole block to R-1. Mrs. Thorne stated that this is the reason that she is here this evening, to rezone the whole block to R-1.

The Planning and Building Director explained that Mr. Priest originally wished to rezone the middle of the block. The Planning Commission stated that this would be considered spot zoning, and requested that he get permission from the other property owners along this block to rezone the whole block to R-1. In the meantime, Mr. Kohler received his property back. He did not sign the original petition. The Planning and Building Director stated further, that without this zone change, single-family homes are not permitted in the PT-1 zone. If this issue needs to be re-addressed by the Planning Commission, it will set the process back approximately 2 months.

Following a brief discussion regarding the options available to the City Council regarding this rezoning, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to refer this item back to the Planning Commission for further consideration. Roll call as follows:

Aye: Councilmember Erickson
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Eldredge
 Councilmember Carlson

Nay: Councilmember Mills

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct the Annexation Proceedings for West Jennie Lee Addition, Division No. 18. At the request of Councilmember Branson, the City Clerk read the following explanatory memo from the Planning and Building Director:

City of Idaho Falls
August 11, 1997

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND FINAL PLAT - WEST JENNIE LEE ADDITION,
 DIVISION NO. 18

Attached is a copy of the Annexation Agreement, Annexation Ordinance, Development Agreement, and Final Plat of West Jennie Lee Addition, Division

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No. 18. The purpose of this annexation request is to construct an 115,000 square foot retail store. This Plat is located generally adjacent to Holmes Avenue immediately south of Roy H. Bennett Shopping Center and west of Sam's Club. This property is approximately 12.08 acres in size. C-1 zoning is requested for the 2.02 acres to be annexed. The surrounding land use is retail to the north, residential west of Holmes, retail and vacant (agriculture) to the east, and two single-family homes and vacant (agriculture) to the south. The Planning Commission reviewed this matter at a public hearing in March, and at that time, recommended annexation to the City, approval of the Final Plat, and initial zoning of C-1, with the conditions 23rd Street be dedicated and improved; the developer provide improvements along South Holmes Avenue near all the accesses concurrent with the construction of the building; the traffic impact analysis be completed prior to the issuance of a building permit; and perimeter landscaping as in the RSC-1 zone be included in the development. The Commission also recommended approval of the amendment to the Comprehensive Plan from apartments and townhouses to commercial. The traffic impact study has been completed; Holmes Avenue frontage will be improved; and 24 feet of perimeter landscaping will be provided. The lot is no longer adjacent to or serviced by a future 23rd Street. This Department recommends approval of the annexation and agreements. This matter 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. She explained that the Annexation Agreement was approved at the August 14, 1997 Regular Council Meeting, pending approval of the Final Plat, Annexation Ordinance, and Initial Zoning being considered at this time.

Councilmember Branson questioned the Planning and Building Director as to whether the issues that were of concern to the Council had been resolved from the previous meeting on this issue. The Planning and Building Director stated that the issues of right-of-way and ownership have been resolved.

Councilmember Branson requested those in favor of this proposal to come forward at this time.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that he represents Home Depot. He felt that all issues had been addressed and that construction will begin as soon as possible.

There being no one to appear in opposition to this annexation, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to accept the Final Plat for West Jennie Lee Addition, Division No. 18 and, further, give authorization for the Mayor, City Clerk, and City Engineer to sign the Final Plat. Roll call as follows:

Aye: Councilmember Carlson
 Councilmember Erickson
 Councilmember Hardcastle
 Councilmember Eldredge
 Councilmember Mills
 Councilmember Branson

Nay: None

Motion Carried.

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

ORDINANCE NO. 2244

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 Branson moved, and Councilmember Carlson 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 Erickson
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

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 Branson, seconded by Councilmember Carlson, to establish the initial zoning of West Jennie Lee Addition, Division No. 18 as C-1 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 her office. Roll call as follows:

Aye: Councilmember Mills
Councilmember Erickson
Councilmember Carlson
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct a public hearing to consider the formation of a Business Improvement District in the Downtown Area of the

City of Idaho Falls, Idaho, and to consider a proposed change in the boundaries of said District from the boundaries set forth in the petition filed with the City Clerk. At the

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request of Councilmember Branson, the City Clerk read the following explanatory memo from the Planning and Building Director:

City of Idaho Falls
September 22, 1997

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: BUSINESS IMPROVEMENT DISTRICT

Attached is an Ordinance creating the Idaho Falls Downtown Business Improvement District and a Management Agreement. The Ordinance includes a map labeled as Exhibit A. The boundaries of the District, as shown on Exhibit A, do not encompass G, F, and E Streets, most of D Street, nor Cliff Street. The Management Agreement contracts with the Idaho Falls Downtown Development Corporation to administer the operation of the District. The Council Committee requests the Mayor and Council to establish the boundaries of the District, adopt the Ordinance, and approve the Management Agreement.

s/ Renée R. Magee

Mayor Milam stated that a public hearing was conducted at a previous meeting regarding this issue. At the time, the proponents planned to propose revised boundaries. In proposing the revised boundaries, another public hearing was scheduled. Mayor Milam, further, explained that the items to be considered by the City Council tonight, are the Ordinance establishing the Business Improvement District and the boundaries for said District.

The Planning and Building Director located the subject area on a map and further explained the request.

Councilmember Branson requested those in favor of this proposal to come forward at this time.

Paula Peterson, Executive Director for the Idaho Falls Downtown Development Corporation, 8796 South 1st East, appeared to express her appreciation for those who worked so hard on this Business Improvement District. The Idaho Falls Downtown Development Corporation has done their homework and has constricted the boundaries for the Business Improvement District to make them fiscally and physically logical. Mrs. Peterson stated, further, that she has had the opportunity to revisit property owners in the District and explained to them that the real projects will begin when the Business Improvement is established. She requested the City Council to implement the Business Improvement District, to enable her to have the tools to bring millions of dollars to the Downtown Area that will bring people across a beautiful and safe pathway from the river into the Downtown Area. Mrs. Peterson reviewed for Council some of the plans for restoration of this area. She introduced spokespersons in favor of the Business Improvement District.

Danny Utterbeck, 285 Richmond Circle, appeared to state that he works with his father owning and operating Utterbeck Construction Company and owns two small restaurants in Idaho Falls, both called D. D. Mudd. He stated that he has lived in the area for 26 years. He lived in Boise while they were going through the transformation of their Downtown Area. He stated that it is an amazing area to be. Mr. Utterbeck commented that

no amount of work would have made this transformation happen, it took the implementation of the Business Improvement District to bring that about. He reviewed for the Mayor and

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Council what the Cities of Twin Falls and Pocatello have done with their Business Improvement Districts. When he returned to Idaho Falls, he began to look for a place to set up his business. He stated that the Colonial Arts Center is a wonderful place and the City should be proud of what the Arts Council has done to improve this old theater. Mr. Utterbeck stated that the creation of the Business Improvement District would bring the business back to Downtown Idaho Falls. He wants to see Broadway as the main street of Idaho Falls again. The Downtown Area is a reflection of the entire community. He would like to see Downtown Idaho Falls as a polished diamond, rather than as a diamond is the rough.

Marcella Spruill, 4871 South 15th West, appeared to state that she and her husband owns Marcellar's Vintage Wines and Brews. She stated that her business used to be located on the Northgate Mile. At this location, they learned about the Business Improvement District that was in the planning stages for the Downtown Area. She stated that they wanted their business to be a part of this Improvement District and found a location on Park Avenue. America's downtowns are the hearts and souls of the community. Mrs. Spruill questioned why someone would oppose something that can only enhance the image of the City. The historical core of the community needs to be preserved. She stated that the Downtown Area needs to be a destination for Idaho Falls and the surrounding communities for dining, shopping, and cultural activities. Our Downtown Area is the closest shopping district to all of the major hotels and motels in the City of Idaho Falls. Mrs. Spruill stated that she and her husband are 100% in favor of the creation of the Business Improvement District and requested the City Council to vote in favor of the creation of the Business Improvement District.

Rex Redden, 390 North Ridge Avenue, appeared to state that he has had a business in Downtown Idaho Falls for approximately 10 years. He also has a business in Boise in the Downtown Business Improvement District. He has been impressed with the activity that has taken place in Boise and would like to see that kind of activity take place in Downtown Idaho Falls. He encouraged the City Council to vote in favor of the creation of the Business Improvement District.

Sandy Owens, 2718 Balboa Drive, appeared to state that she is the owner of Dance Image on Park Avenue. She stated that she watched Downtown Idaho Falls die, with the development of malls. Mrs. Owens stated that she has moved back from the San Diego, California area approximately two years ago. She stated that Downtown San Diego was a bad place to be at one time. With the implementation of their Business Improvement District, the Downtown Area became a beautiful and safe place to be. She stated that she gets alot of out-of-town business. Mrs. Owens wanted the Council to imagine how much better and productive the Downtown Area would be if improved. She requested the City Council to vote in favor of the creation of the Business Improvement District.

John Vanorman, 5220 East Redonda Circle, appeared to state that he is the owner of Great Harvest Bread Company at 360 A Street. There has been a great amount of volunteer work that has gone into the Downtown Area up to this point. Many people forget that most of the volunteers are running businesses in the Downtown Area, accomplishing this work in the evening, on their own time, and with their own resources. He requested the City Council to look at the work that has already been done. This work will go to waste, if this is not handed over to an organized group of people who can strengthen the businesses downtown, attract new businesses, and complete some of the revitalization that is necessary.

Rick Stamps, 4125 North 3000 West, Rexburg, Idaho, appeared to state that he is an owner for Beauty For All Seasons. He stated that we need to have the Business Improvement District implemented in order to make the Downtown Area of Idaho Falls into

the jewel that it is. Mr. Stamps quoted from an article by Mr. Dixon, "A Business Improvement District would selectively impose taxes on one group of people, while the entire

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City would gain benefits.” He corrected this statement to say that this Business Improvement District would benefit the entire Eastern Idaho area. Mr. Stamps stated that the Downtown Area of Idaho Falls is a heritage to our children. We need to present to them a place where they are comfortable, and that businesses will succeed. He reviewed for Council all of the areas that he has been in and stated, further, that he has attended many of the downtown events. He requested the City Council to accept the Business Improvement District and allow the Downtown Area to move forward by use of the grants that are available for development.

Fred Sica, 1234 Kortnee Drive, appeared to state that he is the Director of the Greater Idaho Falls Chamber of Commerce. He stated that anytime that an organization is formed, especially one that takes a look at a taxing district like the Business Improvement District, the administrators need to be looked at. These are the people who will take operation of what exists. Mr. Sica stated that the Chamber of Commerce has taken a look at these administrators and are very pleased with their work. He commented that the Board of Directors of the Idaho Falls Downtown Development Corporation are some of the finest people in Idaho Falls. The Chamber of Commerce completely and fully supports the creation of the Business Improvement District.

Councilmember Branson requested those in opposition of this proposal to come forward at this time.

Dorsel Catmull, 367 Broadway, appeared to state that when the Business Improvement District was being initially discussed, he was in favor of it. He is still somewhat in favor of it, but he had questions. Mr. Catmull expressed his concern over the maximum cap that is being placed on the larger property owners. This is not a fair process. He learned, a short time ago, that more than one property with the same property owner can be combined under the same maximum cap. He believes this to be not only unfair, but dishonest. Mr. Catmull stated that the only way to have the Business Improvement District succeed, is to be fair to everyone. Everyone should pay the same amount. He felt that the Downtown Area is thriving right now because of the efforts of the people downtown, and because of the City of Idaho Falls beautifying with flowers, shrubs, and trees. He, further, expressed his concern with the administrative costs of this Business Improvement District. He requested the Council to defer the vote on the Business Improvement District until a new program can be implemented with an allotment that is fair to all.

Paul Olsen, P. O. Box 188, Ucon, Idaho, appeared to state that he owns the Bonneville Hotel. He passed out to the Mayor and Council a copy of the First Amended Bylaws of the Idaho Falls Downtown Development Corporation, along with a picture of his hotel taken in the 1950's. He stated that under these Bylaws, "Class B Memberships shall be available to all other persons, provided however, that membership is not available to residential tenants". Mr. Olsen commented that the method of assessment is not a fair method of assessment for everyone. He is at the maximum cap provided under the Ordinance, and stated that he felt that this money could be better used to beautify and restore his building to its original look.

Carolyn Curtis, 341 West Broadway, appeared to state that she is owner of the Antique Gallery. She expressed her concern over the lack of parking spaces in the Downtown Area. A week ago, she presented a petition to exclude the south side of Broadway from the Business Improvement District. To date, she has observed that the intentions of the group spearheading this effort has been to promote their businesses, but have not taken into consideration how this will affect their neighbors as a whole. Mrs. Curtis stated that if more parking is taken away from the Downtown Area, people will not come to the Downtown Area to come shopping. She stated that there has been no Master Plan provided for the Business Improvement District. She is maintaining her own building. Mrs. Curtis stated

that the method of assessment is unfair, and requested to be removed from the Business Improvement District until a more fair assessment can be considered.

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Mayor Milam stated that the Council will not make a change on the boundaries tonight. The Council will vote on what has been proposed.

The City Attorney stated that what is before the City Council is a proposal to change the boundaries as they were first presented in the petitions. If the boundaries are requested to be changed again, another public hearing would be scheduled to consider the new boundaries. A presentation can be made to the Council at a later date to consider new boundaries.

Ronald Pedersen, 385 Broadway (Ronsen's), 2840 East Morningside Drive (Home), appeared to review for Council what previous Local Improvement Districts have provided to the Downtown Area. For all of the improvement that was done in the 1970's, many businesses moved out of the Downtown Area anyway. He wanted the Council to understand that the Local Improvement Districts and Business Improvement Districts will have nothing to do with whether the businesses come or go. Businesses move in and out of the Mall, too. He stated that the Urban Renewal Project that was completed in the Downtown Area was a disaster. It was supposed to provide a big anchor store and other stores, to revitalize Downtown. Instead, the City and State Governments built new buildings. Mr. Pedersen stated that he has seen Boise, Twin Falls, and Pocatello. He rated Idaho Falls well above all of them. He believes that Grants are something for nothing and free enterprise needs to work. Mr. Pedersen also expressed his opinion that the assessment for the Business Improvement District needs to be looked at.

Lee Jones, 11215 Greenbrier (Home), 430 Park Avenue (Lee's Jewelers), appeared to state that he is now in the middle, not completely for and not completely against the Business Improvement District. He stated that he has been on the Board of Directors of the Idaho Falls Downtown Development Corporation since its inception. He has been involved with the Business Improvement District effort for approximately 7 years. Mr. Jones was sincere and excited about the Business Improvement District. It is a very promising project with so many benefits. He has seen the retailers of the Downtown Area come together to make this work with successful events, all accomplished by volunteer work. Mr. Jones stated that now there is no trust in the Idaho Falls Downtown Development Corporation. The unprofessional and insensitive approach of the Director of the Idaho Falls Downtown Development Corporation has destroyed any credibility that they had. Some questionable decisions have been made in Board Meetings. Mr. Jones stated that he cannot be a part of something that is not above board. He stated further that he is going to resign from the Board of Directors of the Idaho Falls Downtown Development Corporation.

David Neigard, 9428 North 15th East (Home), 365 Park Avenue (Variety Mart), appeared to state that he agrees with Mr. Jones. He believes that we need a Business Improvement District, but we need an honest Business Improvement District. He stated that this is not an honest Business Improvement District. Mr. Neigard stated that he has visited with several businesses in the Downtown Area. One such visit was to a Bank President who was threatened and accounts were closed for not supporting the Business Improvement District. He also visited with a restaurant owner who stated that they will lose customers if they do not support the Business Improvement District. Mr. Neigard expressed his concern over the lack of parking spaces in the Downtown Area and the amount of liquor that is on the streets in Downtown Idaho Falls after 5:00 p.m. He feared that there will be no control over the money.

Mary Walter, 415 Park Avenue, appeared to state that she and Robert Carter are the owners of Insights Gallery. When the Business Improvement District came to their attention, she and Mr. Carter were very much for it. They previously rented from Mr. Fogg, and on September 1, Mr. Charles Just, Sr. purchased the building and raised their rent by almost double. Mrs. Walter stated that the Insights Gallery is now moving to another area downtown with a reasonable rent. She was concerned that others in the Downtown Area

will be displaced because of real estate speculation following the improvements to be implemented downtown. Mrs. Walter stated that she has grave concerns over how the

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Business Improvement District will be administered. She requested more time to explore what the ramifications of the Business Improvement District will be.

Trimelda McDaniels, 805 North Eve Drive, appeared to state that she owns no land in Downtown Idaho Falls and just likes to go downtown to spend money. She used to run the Growers Market in Idaho Falls and is now managing a business consulting service. She agreed that if cities are the lifelines of America, then the Downtown Areas are certainly the heart. If a Business Improvement District is implemented, several things need to be looked at. She was concerned about the salaries being paid to the administrators of the Business Improvement District. Ms. McDaniels commented, further, that the City needs to be very careful who the administrators of the Business Improvement District will be and whether the businesses will have a say in how the moneys will be spent. She agreed that there should be a Business Improvement District, but some of the issues regarding money should be addressed first. The vote for the creation of this Business Improvement should be tabled for further consideration.

Nick Vrontikis, 5577 South 5th West (Home), 254 Constitution Way (Nick's Trading Post), appeared with a concern over how high the administrative costs were going to be for the Business Improvement District. He stated that the reason the Downtown Area has problems with keeping businesses downtown, is because of the lack of parking. He suggested that the City of Idaho Falls should have purchased the Paramount Theater and the rest of the block, cleared it, and made it into parking. He said that in years past, he has paid numerous assessments in the effort to beautify the Downtown Area with no benefit coming to him. He stated he was always considered on the fringe of the Downtown Area and, therefore, was not considered a real part of downtown. He wanted the Council to reach an equitable solution for everyone with regard to the Business Improvement District.

Bruce Lind, 3615 Geneva Drive, appeared to state that he has really been lobbied on both sides of the issue of whether or not to become a part of the Business Improvement District. Mr. Lind requested the Mayor and Council to have the political courage to broaden the Business Improvement District boundaries, to include the area across the river, more blocks to the north and more blocks to the south. He stated, further, that for those who make a livelihood in Idaho Falls, they should give something back to the community, and that can be in the form of the Business Improvement District. Mr. Lind said that he has already cleaned up his property and made it look nice, but he would gladly be in a larger Business Improvement District to give back to the Downtown Area.

Mayor Milam closed the public hearing and opened the discussion to the City Council.

Councilmember Carlson stated that he has a problem with the assessment method including the maximum cap. This needs to be an equal assessment for everyone. He questioned the City Attorney as to whether this was a legal assessment method.

The City Attorney explained that the State Statute governs methods of assessment, which by law the City is authorized to do. The provision under the State Statute speaks of a zone method and a classification method. The method that is currently proposed is neither one of those methods. However, it is a gray area and it is his biggest area of concern. He also clarified that the City of Pocatello has the same method of assessment as the Council is addressing here.

Councilmember Carlson questioned whether there has been a calculation of the percentages for and against belonging to the Business Improvement District.

The City Attorney explained that during this week, there have been a number of requests to opt out of the Business Improvement District. In his opinion, this cannot be done. The law states that once the required percentage is achieved, it is a jurisdictional requirement, meaning that once a petitioner has signed the petition and, based thereupon,

the City Council has exercised its jurisdiction, then you cannot unring the bell. Once the District has been established, then if 51% of the businesses within the District file petitions

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opposing the District, they can undo the District. At this time, we have not received 51% of the businesses in the District filing petitions opposing the District.

Councilmember Hardcastle stated that she has been lobbied a great deal with regard to this issue. She commented that she has a great deal of faith in the quality of people in Idaho Falls, specifically in the people downtown. The whole City Council has spent a great deal of time in reviewing and researching this issue.

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

ORDINANCE NO. 2245

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, CREATING A BUSINESS IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 26, TITLE 50, IDAHO CODE, FOR THE PURPOSE OF PROMOTING BUSINESS AND EVENTS WITHIN THE DISTRICT, IMPROVING AND MAINTAINING PUBLIC AREAS WITHIN THE DISTRICT AND FULFILLING ALL PURPOSES FOR WHICH A BUSINESS IMPROVEMENT DISTRICT MAY BE FORMED; ESTABLISHING THE RATE OF LEVY FOR SPECIAL ASSESSMENTS BY DISTRICT; AUTHORIZING THE COUNCIL TO CONTRACT WITH A BUSINESS ASSOCIATION TO ADMINISTER THE OPERATION OF THE BUSINESS IMPROVEMENT DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE HEREOF.

The foregoing Ordinance was presented by title only. Councilmember Branson moved, and Councilmember Mills 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 Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge

Nay: Councilmember Erickson
Councilmember Carlson

Motion Carried.

It was moved by Councilmember Branson, seconded by Councilmember Mills, to approve the Management Agreement with the Idaho Falls Downtown Development Corporation and, further, give authorization for the Mayor to execute said Agreement. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Mills

Councilmember Branson
Councilmember Hardcastle

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Nay: Councilmember Carlson
Councilmember Erickson

Motion Carried.

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

City of Idaho Falls
September 23, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: AGREEMENT WITH SVERDRUP AVIATION

The City of Idaho Falls Airport would like to enter into an Agreement for Professional Services by Work Assignment with Sverdrup Aviation.

The City Attorney has reviewed the Agreement.

The Airport Division respectfully requests authorization for the Mayor to execute the Contract.

s/ Jim Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve the Agreement for Professional Services by Work Assignment with Sverdrup Aviation and, further, give authorization for the Mayor to execute the Contract. Roll call as follows:

Aye: Councilmember Eldredge
Councilmember Carlson
Councilmember Mills
Councilmember Erickson
Councilmember Branson
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
September 23, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: ASSIGNMENT OF LEASE

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Pacific Fighters has assigned their Lease to East Central Idaho Development Company for financial purposes.

The City Attorney has reviewed the Assignment.

The Airport Division respectfully requests authorization for the Mayor to execute the Consent to Assignment.

s/ Jim Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve the Consent to Assignment of Hangar Lease Agreement from Pacific Fighters to East Central Idaho Development Company and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Mills
 Councilmember Erickson
 Councilmember Carlson
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Eldredge

Nay: None

Motion Carried.

City of Idaho Falls
September 23, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jim Thorsen, Director of Aviation
SUBJECT: ASSIGNMENT OF LEASE

Roland N. Walker, doing business as Air-Ida, Inc., has purchased the aircraft hangar formerly owned by Richard F. Smith.

The City Attorney has reviewed the Assignment.

The Airport Division respectfully requests authorization for the Mayor to execute the Consent to Assignment.

s/ Jim Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve the Consent to Assignment of Hangar Lease from Richard F. Smith to Roland N. Walker d.b.a. Air-Ida, Inc. and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Carlson
Councilmember Erickson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
September 22, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: WASTE WATER TREATMENT PLANT REROOFING PROJECT -
CHANGE ORDER NO. 1

Attached for your consideration is Change Order No. 1 in the amount of \$636.00 for additional nailers at the roof perimeter of the Maintenance Building and Filter Pump Station. The additional nailers were recommended by the manufacturer of the roofing materials.

Said Change Order has been reviewed and approved by the Project Architect and the Building Maintenance Superintendent.

Municipal Services respectfully requests that the Council approve and authorize the Mayor to execute the document.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve Change Order No. 1 to Thomas D. Robison Roofing for the Waste Water Treatment Plant Reroofing Project and, further, give authorization for the Mayor to execute the Change Order. Roll call as follows:

Aye: Councilmember Hardcastle
Councilmember Branson
Councilmember Eldredge
Councilmember Carlson
Councilmember Erickson
Councilmember Mills

Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

SEPTEMBER 25, 1997

City of Idaho Falls
September 22, 1997

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ACCESS MANAGEMENT PLAN

Attached is a Contract between the City of Idaho Falls, the Bonneville Metropolitan Planning Organization, and ENTRANCO, a consulting firm which specializes in transportation planning. ENTRANCO is preparing an Access Management Plan for the Bonneville Metropolitan Planning Organization. The Plan will assist local governments to set policies for traffic impact studies, driveway accesses, and protection of carrying capacity on arterial streets. The BMPO has approved this consulting study, and the City Attorney has reviewed the Contract. This Department requests Council approval of the Contract.

s/ Renée R. Magee

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Contract between the City of Idaho Falls, the Bonneville Metropolitan Planning Organization, and ENTRANCO for the Access Management Plan and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Erickson
Councilmember Mills
Councilmember Branson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Carlson

Nay: None

Motion Carried.

City of Idaho Falls
September 22, 1997

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: N. B. N. CAR CORNER

Attached is a Final Plat for N. B. N. Car Corner, Division No. 1. This property is annexed into the City and zoned HC-1. The Planning Commission recently considered this Plat and recommended Council approval. This Department concurs with this recommendation. This Plat is now being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

SEPTEMBER 25, 1997

The Planning and Building Director located the subject area on a map and further explained the request.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Final Plat for N. B. N. Car Corner, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Plat. Roll call as follows:

Aye: Councilmember Eldredge
 Councilmember Carlson
 Councilmember Mills
 Councilmember Erickson
 Councilmember Branson
 Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls
September 22, 1997

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: COMMUNICATIONS ADDITION, DIVISION NO. 2

Attached is a Final Plat for Communications Addition, Division No. 2. This property is annexed into the City and zoned I & M-1. The owners have prepared this replat to center the right-of-way of Utah Circle between existing buildings and to vacate a storm drain easement. The Planning Commission recently considered this Plat and recommends Council approval. This Department concurs in this recommendation. This Plat 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.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Final Plat for Communications Addition, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign said Plat. Roll call as follows:

Aye: Councilmember Mills
 Councilmember Erickson
 Councilmember Carlson
 Councilmember Branson
 Councilmember Hardcastle
 Councilmember Eldredge

Nay: None

SEPTEMBER 25, 1997

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls
September 19, 1997

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT VACATION - LOT 1, BLOCK 3, R & V PARK
ADDITION, DIVISION NO. 2

The owner of Lot 1, Block 3, R & V Park Addition, Division No. 2 has requested vacation of the utility easement located along the west property line. No utilities are presently located in this easement and future use is not intended.

Public Works recommends authorization for the City Attorney to prepare the documents needed to vacate this easement.

s/ Chad Stanger

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to give authorization for the City Attorney to prepare the necessary documents to vacate the easement in Lot 1, Block 3, R & V Park Addition, Division No. 2. Roll call as follows:

Aye: Councilmember Carlson
Councilmember Erickson
Councilmember Hardcastle
Councilmember Eldredge
Councilmember Mills
Councilmember Branson

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Carlson, that the meeting adjourn at 10:00 p.m.

CITY CLERK

MAYOR
