

**OCTOBER 10, 1996**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 10, 1996, 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 Michael Roberts to come forward and lead those present in the Pledge of Allegiance.

Mayor Milam and Councilmembers honored David J. Christiansen, Parks and Recreation Director, by presenting him with a plaque from the Idaho Recreation and Park Association in recognition of leadership in the interest of the Parks and Recreation Field.

The City Clerk read a summary of the minutes for the September 26, 1996 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 Hardcastle  
Councilmember Branson  
Councilmember Eldredge  
Councilmember Carlson  
Councilmember Erickson  
Councilmember Mills

Nay: None

Motion Carried.

**CONSENT AGENDA ITEMS**

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

The City Clerk presented several license applications, including BARTENDER PERMITS to Tina M. Ames, Sandra K. Anderson, Jack E. Chinn, Lynda K. Eckman, L. Michelle Evens, Amy L. Hylton, Morgan B. Jones, Penny L. Marquez, Willis H. Mooney, Kerri L. Nye, Denise Ann Smith, Marie A. Ward, and Lisa A. Zaharek, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publishing of legal notices calling for public hearings on October 10, 1996.

The Municipal Services Division Director submitted the following memo:

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City of Idaho Falls  
October 3, 1996

MEMORANDUM

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

Municipal Services respectfully requests authorization to advertise and receive bids for the following items approved in the 1996-1997 Budget.

1. Equipment;
2. Electrical Apparatus and Conductor;
3. Water Pipe Fittings and Other Water Line Equipment and Materials;
4. Sewer Department Materials and Supplies;
5. Road Salt and Sand (Street Department);
6. Aggregate (Crushed Gravel) (Street Department);
7. Asphalt Plant Mix (Street Department);
8. Traffic Striping Paint and Solvent; and
9. Motor Fuels, Lubricants and Services; and the Fuel obtained through a Computerized Fuel Dispensing System.

s/ S. Craig Lords

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

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

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

The City Clerk presented the following Expenditure Summary dated September 1, 1996 through September 30, 1996, after having been audited by the Fiscal Committee and paid by the Controller:

	<u>GENERAL</u>	<u>STREET</u>	<u>AIRPORT</u>	<u>WATER &amp; SEWER</u>
SERV/MAT	\$ 832,884.35	\$ 281,064.96	\$ 490,122.44	\$ 302,279.51
SALARY	<u>947,817.28</u>	<u>50,951.60</u>	<u>27,392.07</u>	<u>119,543.94</u>
TOTAL	\$1,780,701.63	\$ 332,016.56	\$ 517,514.51	\$ 421,823.45

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	<u>ELECTRIC</u>	<u>SANITATION</u>	<u>RECREATION</u>	<u>SAN SEW CAP IMP</u>
SERV/MAT	\$2,881,517.82	\$ 27,960.07	\$ 21,623.11	\$ 32,641.96
SALARY	<u>201,953.04</u>	<u>57,344.58</u>	<u>25,128.99</u>	<u>.00</u>
TOTAL	\$3,083,470.86	\$ 85,304.65	\$ 46,752.10	\$ 32,641.96
	<u>LIBRARY</u>	<u>BRIDGE/ART ST</u>	<u>WAT CAP IMPR</u>	<u>AMBULANCE</u>
SERV/MAT	\$ 89,153.06	\$ 7,367.78	\$ 17,360.00	\$ 33,592.12
SALARY	<u>40,304.15</u>	<u>.00</u>	<u>.00</u>	<u>55,349.55</u>
TOTAL	\$ 129,457.21	\$ 7,367.78	\$ 17,360.00	\$ 88,941.67
	<u>MUN EQUIP REPL</u>	<u>BPA WEATH LN FD</u>	<u>TOTALS</u>	
SERV/MAT	\$ 328.94	\$ 10,744.00	\$5,028,640.12	
SALARY	<u>.00</u>	<u>.00</u>	<u>1,525,785.20</u>	
TOTAL	\$ 328.94	\$ 10,744.00	\$6,554,425.32	

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to ratify the payment of the September, 1996 expenditures as presented. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct the Annexation Proceedings prior to platting of York Business Center. At the request of Councilmember Branson, the City Clerk read the following memo:

City of Idaho Falls  
September 23, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: ANNEXATION PRIOR TO PLATTING - YORK BUSINESS CENTER

Attached is a copy of the Annexation Ordinance and Annexation Agreement for the proposed York Business Center. This property is located generally adjacent to and on the south side of York Road and west of Jameston Road. The developer is requesting annexation and zoning prior to platting on this piece of ground. The requested zoning is C-1 and M-1. The Planning Commission has considered this subject on two different occasions. At the first meeting, they considered the M-1 zoning. After much discussion, the Planning Commission came to a tie vote. The following month, they considered the C-1 zoning. At

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that meeting, by a vote of 6-1, they recommended approval of the zoning and also approved the Preliminary Plat. This Department has reviewed the request and recommends approval as submitted. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

Councilmember Branson requested those present who wished to speak in favor of this annexation to come forward at this time.

Dan Cudaback, 237 Sixth Street, President of the Eastern Idaho Economic Development Council, appeared to state that industry in the United States has changed, along with the requirements to support industry in the United States, meaning that facilities and infrastructure have also changed. Currently, Idaho Falls does not have the facilities and infrastructure to support modern industry. Mr. Cudaback related an example of a request for a proposal from a company needing 35,000 square feet of current, advanced-technology oriented space. They have a certain product that they want to produce, thereby bringing income to the City of Idaho Falls. He stated further that these types of facilities are needed in order for the City of Idaho Falls to remain competitive in the marketplace. Mr. Cudaback further stated that he is competing against 3,000 communities that want the same things that Idaho Falls wants. These facilities are essential in any community that wants managed, high-wage, planned economic growth moving into the next century.

Larry Reinhart, 1740 Bramble Lane, appeared to state that this development is being brought before the City Council, in order to diversify economy in the City of Idaho Falls. He stated further that Bonneville County needs to address the area of impact around the City of Idaho Falls, in order to protect the residents and businesses in those areas. He stated further that the neighborhood group that was formed to investigate this development has been a good group to work with. Mr. Reinhart stated that this business center will be a valuable asset to the City.

C. E. White, Jr., 3280 Chapparral, appeared to state that he is a Commercial Industrial Realtor. He stated that the City of Idaho Falls needs this type of a development. The City is losing business to other areas because Idaho Falls has not provided this type of development. This development will be unique to the Idaho Falls area. He has not seen anything like it. This will be a very attractive development. He requested the City Council to approve this development.

Edward Breiter, 6549 South 15 West, appeared to state that he lives to the east of this proposed development. He stated further that this development will be a good buffer to the Heyrend Industrial Park. He further presented the following letter in his behalf:

Edward Breiter  
6549 South 15 West  
Idaho Falls, Idaho 83402  
Telephone No.: 522-9092

Idaho Falls City Council

Re: York Business Center

Dear Councilmembers:

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I live on the southeast corner of York and Jameston Roads and have done so since 1923.

My own preference for this property is to remain farm land, however, this just will not happen. So for completely selfish reasons, I support Mr. Foster's proposal. This is our next best option, even preferable to remaining A-1.

Under the present zone, almost anything goes. The Foster proposal has such strict covenants, conditions, and restrictions, that we will have a real buffer against the industrial zone to the west.

I have nightmares about the bad things that can happen under the present zoning: large factory-type dairies, hog farms, cattle feed lots, gravel pits with crusher, etc. acreages. My most fearsome scenario is a full-fledged housing development "HORRORS."

The fears of my neighbors about traffic are baseless. Nine out of ten cars and pickups (including city vehicles) do not stop at this corner, which is a four-way with flashing red light. Nine of ten trucks do stop. A call to the errant trucks' boss works wonders. A call to the sheriff does nothing. If we have a hook on the sewer, GREAT! We are jeopardizing the aquifer with every new septic tank and cesspool.

I wholeheartedly support this proposal. The present residents will be much better off than we are now.

s/ Edward Breiter

Richard Skidmore, 3920 East Sunnyside Road, appeared to state that this property has been before the County Planning Commission. The County has turned the developments down, mainly because of the plan for a gravel pit. If this business park is developed according to plan, this development will blend into all zones in the area. From his perspective, he approves of this development.

Councilmember Carlson questioned Mr. Skidmore regarding whether the County Planning Commission would approve a batch plant for H-K Contractors to go into the Heyrend Industrial Park. Mr. Skidmore stated that if the zone allows for a batch plant, it would probably be approved for the batch plant to go in. Councilmember Carlson clarified his question, in that, if the York Business Center is approved at this location, would a batch plant be allowed to be installed in Heyrend Industrial Park. Mr. Skidmore stated that he could not answer that question, other than to say that if the proper zone exists in Heyrend Industrial Park to install a batch plant at that location, a permit would probably be issued for that batch plant to be installed.

Councilmember Branson requested those present who wished to speak in opposition of this annexation to come forward at this time.

Larry Schuldt, 6211 South 15th West, appeared before Council, hung a map, and further explained his position. He explained that when Bonneville County issued a Findings of Fact and Conclusions of Law for the York Business Center property, it stated that there were 1600 acres within three miles of this property that was designated industrial or manufacturing in the County. Forty percent (40%) of that land has not been utilized. The Findings of Fact and Conclusions of Law further stated that there was sufficient ground for the current needs of Bonneville County for industrial and manufacturing uses. Mr. Schuldt stated that he served as Bonneville County's Chief Building Inspector and Zoning Official from June, 1982 to June, 1996. He stated that there are continual conflicts between

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residents in the area and the new use. He explained that the Comprehensive Plan for the City of Idaho Falls ends at York Road. He was concerned that there was no Comprehensive Plan for the area south of York Road, and wanted to know why the City Council was considering this annexation. Mr. Schuldt then reviewed areas around the City of Idaho Falls that could be developed for this use. He stated further that few businesses have been located to the east of the railroad tracks in this area. He is concerned about what the new businesses will think of the smell from his cattle. The residents of Bonneville County, especially those on the outskirts in this area, have had a big disservice presented by the City of Idaho Falls and the Bonneville County Commissioners. Mr. Schuldt stated further that an impact area needs to be developed between the City of Idaho Falls and Bonneville County.

Mayor Milam stated that she agreed with Mr. Schuldt on the dilemma of not having an impact area identified. She stated further, that there was such language in the Bonneville County Comprehensive Plan that was adopted in late December, 1994 or early January, 1995. The language that the Bonneville County Planning Commission and the City of Idaho Falls Planning Commission both approved, was removed by Bonneville County. Due to the language being removed, which is a substantive change, required the County to hold another public hearing. This public hearing was not held. Bonneville County adopted the plan without the impact area language in it. The City told Bonneville County that this should go back into discussion under a public hearing. During the winter of 1995-1996, Mayor Milam, the Public Works Director, and the Planning and Building Director met with the Bonneville County Commissioners and their Planning Official. Several other meetings have followed to consider the impact area for the City of Idaho Falls in Bonneville County. Bonneville County has been uncooperative in this effort.

Larry Schuldt stated that citizens groups could be formed to meet with the City of Idaho Falls and Bonneville County in order to establish some rules and regulations with regard to this impact area. Mr. Schuldt stated further that he recommends that this not be annexed and zoned at this time, due to the lack of an impact area.

Councilmember Hardcastle questioned Mr. Schuldt as to what is allowed under the Agricultural Zone in Bonneville County. Mr. Schuldt stated that any agriculture is permitted, along with limited residential. He gave a further explanation as to what limited residential meant.

Darla Barlow, 6395 South 15 West, appeared to state that she has attended 8 public hearings in the last year regarding this area. She stated that she commends Larry Reinhart for his involvement in the area citizens group. Mrs. Barlow stated that within a two mile radius of the York Road and Jameston Road intersection, within a two year period, there were 22 accidents, of which three were fatalities. She stated further that the neighbors are afraid that this area will become as Seventeenth Street is now. Mrs. Barlow commented that if the City annexes this land and the business center is allowed to go in, she would like the City of Idaho Falls to protect her neighborhood and her way of life. She further stated that she wants the City of Idaho Falls to enforce a one-mile impact zone.

Councilmember Branson stated that she has driven through several business parks. She wanted Mrs. Barlow to know that the speed limit in these areas are no more than 20 MPH. This makes these areas unattractive for speeders.

Darla Barlow stated that a day care center will be going in on the corner of this property. The owner of that day care center has approached Melaleuca, which would cause approximately an additional 200 vehicles to go through her neighborhood to get to the day care center every day. She further expressed her concern with regard to 18-wheel trucks having to use Jameston Road to be able to access this business park. She stated that she is against this development, but at the same time, she is in favor of it, because she wonders what else could develop in this area.

Todd Sanders, 6625 South 12 West, appeared to state that his neighbors have expressed his feelings. He added that he went to the Bonneville County Planning and

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Zoning Office to see their zoning map. They further checked the Bonneville County Comprehensive Plan for any additional information. They felt that they were safe from industry and manufacturing, when they decided to build their home 2 years ago. Mr. Sanders stated that an area of impact is needed so that people moving to this area can get a clear representation of what is planned for the City and the County in a given area.

Mayor Milam explained what the Comprehensive Plan is, along with the fact that the City has the authority under State Law to approve or deny any final plat that is within the one-mile impact area of the City.

Mr. Sanders stated that when they go to the next Bonneville County Planning Meeting, they will plead for Bonneville County to work with the City in developing an impact area.

Brent Stacey, 7550 South 15 West, appeared to state that he is for economic development but not in this area. He stated that he feels that this is an issue of land speculation. Developers purchase ground in an agricultural area, rezone it to a commercial use, and then sell it at a much higher price. Mr. Stacey explained that this development has been advertised as an icon for the salvation of the area based on the down-sizing of the I.N.E.L. He stated that the jobs provided in this area will be \$8.00-\$10.00 per hour jobs, which do not compare with the \$20.00-\$30.00 per hour jobs that were lost at the I.N.E.L. He stated further that the types of commercial businesses that will go into this development will take the property values in the area down. Mr. Stacey stated that he gave several proposals to Mr. Reinhart and the development group. He felt that these proposals would be something that the neighborhood could live with. The first proposal was to limit the amount of commercial property, so that there will be just enough to support the park. The second proposal was for host-specific zoning, similar to what Anheuser Busch has. The third proposal would be to allow a member of the neighborhood to be a part of the Architectural Review Committee. Mr. Stacey stated that Anheuser Busch is a good neighbor. He stated further that he is opposed to this annexation and development.

Larry Reinhart re-appeared to address some of the concerns from the residents in the area. Regarding the host-specific zoning, there is not a zoning regulation to address this. Mr. Reinhart shared some sketches of this development with the Mayor and City Council. He further showed some photographs of developments that are already existing in the County. Mr. Reinhart stated that there will be a major difference in his development compared to others in existence in the City. There will be landscaping, with no storage buildings or metal buildings allowed.

Councilmember Carlson questioned Mr. Reinhart as to how he plans to pay for the sewer line. Mr. Reinhart stated that there is an opportunity to put funding into the community based on block grants that would not be available under any other means. Anheuser Busch was developed in much the same manner. Councilmember Carlson stated that if this development does not take place as planned, then the taxpayers will pay for this development. Mr. Reinhart explained that the Annexation Agreement states that if this development does not develop as agreed, the City of Idaho Falls has a right to de-annex this property. Mr. Reinhart then read a quote from Councilmember Carlson, in that Councilmember Carlson stated that the City Council and the Bonneville County Commissioners need to unite and work together to make it easier for people to develop industry. He believes that this development addresses just that.

The Planning and Building Director stated that the M-1 zone is a very restrictive manufacturing zone. He stated further that he has never heard of host-specific zoning. When a zone is granted to a piece of property, any of the permitted uses within that zone are allowed.

Councilmember Mills requested a clarification as to what amount of landscaping is required on the frontage of this development. The Planning and Building Director stated that 30 feet of landscaping is required adjacent to a public street. He

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explained further that the Developer has proposed additional conditions and covenants to include additional landscaping, over and above what is required by the zone.

Councilmember Carlson requested a clarification regarding the cost per lineal foot of sewer line or water line, if someone wanted to annex to the City of Idaho Falls. After a brief discussion regarding this, Mayor Milam stated that a Community Development Block Grant is tied to a specific number of jobs in the low to moderate income range. The Company guarantees those jobs for a two year period. If those jobs do not materialize, the Company is liable for those dollars, not the City of Idaho Falls.

Larry Reinhart re-appeared to explain why the development was arranged as it was, with the business park to develop on the corner. He stated further that his partners have a problem with a neighborhood representative being on the Architectural Control Committee, in that they expect this group to be constituted of people who have an investment in this project. This committee would feel more comfortable operating as owners within the business park. Mr. Reinhart stated that he would be happy to provide plans to Darla Barlow of any new business going into this business center. He stated further that the covenants from the business park will be placed on the commercial development as well, so that the same look will be carried throughout the whole development.

It was moved by Councilmember Branson, seconded by Councilmember Mills, that the Annexation Agreement for York Business Center be accepted and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Ayes:            Councilmember Erickson  
                    Councilmember Hardcastle  
                    Councilmember Eldredge  
                    Councilmember Mills  
                    Councilmember Branson

Nay:             Councilmember Carlson

Motion Carried.

Councilmember Branson requested the City Attorney to read the following Ordinance by title:

**ORDINANCE NO. 2214**

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 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:

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Ayes: Councilmember Erickson  
Councilmember Mills  
Councilmember Branson  
Councilmember Hardcastle  
Councilmember Eldredge

Nay: Councilmember Carlson

Motion Carried.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed area.

There being no discussion or comment, it was moved by Councilmember Branson, seconded by Councilmember Mills, that the initial zoning of York Business Center be established as C-1 and M-1 as recommended 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 his office. Roll call as follows:

Ayes: Councilmember Mills  
Councilmember Erickson  
Councilmember Branson  
Councilmember Hardcastle  
Councilmember Eldredge

Nay: Councilmember Carlson

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct Annexation Proceedings for Rose Nielson Addition, Division No. 109. At the request of Councilmember Branson, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 7, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: FINAL PLAT AND ANNEXATION - ROSE NIELSON ADDITION,  
DIVISION NO. 109

Attached is a copy of the Final Plat, Annexation Agreement, and Annexation Ordinance of the above described property. This property is located north of Sunnyside Road between Hitt Road and Sand Creek. The developer has requested C-1 zoning on this property. The Planning Commission earlier considered this request, and after some discussion, recommended approval of the Final Plat as shown, Annexation to the City, and initial zoning of C-1. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

Councilmember Branson requested those present who wished to speak in favor of this Annexation to come forward at this time.

Darell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as the representative of the Developer of this property. Councilmember Mills questioned whether the surface drainage will take place by pumping it to the west side of the canal. Mr. Kofoed stated that it will be possible to gravity drain this into the existing pond on the other side of the canal and then be pumped if that becomes necessary.

Councilmember Carlson questioned as to who is responsible for installing the sewer line in this development. Mr. Kofoed stated that the Developer is responsible for the extension of the sewer line. He explained further regarding the installation of the sewer line from Twenty-Fifth Street, up Hitt Road.

Councilmember Branson questioned Mr. Kofoed regarding a frontage road through this development. Mr. Kofoed stated that there will not be a frontage road, but cross connections between the parking lots in this development.

The Public Works Director appeared to clarify that the developer will take care of the entire drainage on their property. The drainage will only be discharged through the pumps on the other side of Sand Creek, so that there will be only one pump station as opposed to two.

Councilmember Branson requested those present who wished to speak in opposition to this Annexation to come forward at this time.

C. E. White, Jr., 3280 Chapparral, appeared to question whether this meets the Comprehensive Plan, which states that there will be no commercial development on Sunnyside Road. Mayor Milam stated that the accesses to this development will be on Hitt Road, which allows for commercial development.

Councilmember Mills commented that in the Sunnyside Corridor Study, residential is shown to St. Clair Road. From that point to the east, the Comprehensive Plan is open due to the location of the hospital.

There being no further discussion, it was moved by Councilmember Branson, seconded by Councilmember Carlson, that the Final Plat for Rose Nielson Addition, Division No. 109 be accepted and, further, give authorization for the Mayor and City Clerk to sign said Plat. Roll call as follows:

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

Nay:            None

Motion Carried.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, that the Annexation Agreement for Rose Nielson Addition, Division No. 109 be accepted and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

Councilmember Branson requested the City Attorney to read the following Ordinance by title:

**ORDINANCE NO. 2215**

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:

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

Nay: None

Motion Carried.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed area.

There being no discussion or comment, it was moved by Councilmember Branson, seconded by Councilmember Carlson, that the initial zoning of Rose Nielson Addition, Division No. 109 be established as C-1 as recommended 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 his office. Roll call as follows:

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

Nay: None

Motion Carried.

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

City of Idaho Falls  
October 7, 1996

MEMORANDUM

TO: Mayor and City Council  
FROM: Rod Gilchrist, Planning and Building Director  
SUBJECT: FINAL PLAT AND ANNEXATION - CHANNING WAY ADDITION,  
DIVISION NO. 2

Attached is a copy of the Final Plat, Annexation Agreement, and Annexation Ordinance of the above described property. This property is located generally east of Channing Way, north of DeSoto Street, west of Sand Creek, and south of Seventeenth Street. It is a 16-lot subdivision with a requested zoning of R-3A. The Planning Commission, at an earlier date, considered this matter and recommended approval of the Final Plat, Annexation to the City, and initial zoning of R-3A. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

Councilmember Branson requested those present who wished to speak in favor of this Annexation to come forward at this time.

C. E. White, Jr., 3280 Chapparral, appeared to question as to what is allowed in the R-3A zone. The Planning and Building Director stated that professional offices are allowed in the R-3A zone.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as a representative of the Developer. It was explained that this is one of the Bonneville County islands that is now being annexed.

Councilmember Branson requested those present who wished to speak in opposition of this Annexation to come forward at this time.

There being no one to appear in opposition of this Annexation, it was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the Final Plat of Channing Way Addition, Division No. 2 as presented and, further, give authorization for the Mayor and City Clerk to sign said Plat. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, that the Annexation Agreement for Channing Way Addition, Division No. 2 be accepted and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

Councilmember Branson requested the City Attorney to read the following Ordinance by title:

**ORDINANCE NO. 2216**

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:

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

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Nay:           None

Motion Carried.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed area.

There being no discussion or comment, it was moved by Councilmember Branson, seconded by Councilmember Carlson, that the initial zoning of Channing Way Addition, Division No. 2 be established as R-3A as recommended 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 his office. Roll call as follows:

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

Nay:           None

Motion Carried.

Mayor Milam requested Councilmember Branson to conduct the public hearing, as legally advertised, in relation to the rezoning from PT-1 (Planned Transition) to R-2 and R-3A of property legally described as Lots 1-24, Block 11, Highland Park Addition, located generally on the west side of Elmore Avenue, south of Science Center Drive, north of Higham Street. At the request of Councilmember Branson, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
October 8, 1996

MEMORANDUM

TO:            Mayor and City Council  
FROM:         Rod Gilchrist, Planning and Building Director  
SUBJECT:      REZONING AND AMENDMENT TO THE COMPREHENSIVE PLAN -  
                  HIGHLAND PARK ADDITION

Attached is a copy of a request to rezone Lots 1-24, Block 11, Highland Park Addition, from PT-1 to R-2 and R-3A. This property is located on the west side of Elmore between Science Center Drive and Presto Street. The property owner has requested rezoning of this property inasmuch as it has remained vacant and he has been unable to develop it since it was originally zoned PT-1. The Planning Commission earlier reviewed this matter, and at that time recommended an amendment to the Comprehensive Plan to indicate high-density residential and rezoning as requested. This Department concurs with

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that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

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

Tony Matule, 1265 Science Center Drive, appeared to question what area would be rezoned. The Planning and Building Director further explained the location of this rezoning proposal. Mr. Matule stated that the reason that the owner of this ground is having a problem selling it, is because of the traffic already in the area, especially on Fremont Avenue.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to amend the Comprehensive Plan to indicate high-density residential as requested. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Branson, seconded by Councilmember Carlson, to approve the rezoning as requested and that the City Planner be instructed to reflect said amendment and zoning change on the Comprehensive Plan and official zoning map located in his office. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam presented the following Resolution and requested that the City Clerk read it aloud:

**RESOLUTION (Resolution No. 1996-13)**

**WHEREAS**, the voters of Idaho will make critical choices during the election this November; and,

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**WHEREAS**, the supporters of the One Percent Initiative were unable to gather sufficient signatures to place the Initiative on the ballot without using paid "volunteers"; and,

**WHEREAS**, numerous government, industry, civic, trade and education groups and leaders, including Governor Phil Batt, have officially announced their opposition to the One Percent Initiative; and,

**WHEREAS**, the One Percent Initiative will destroy Idaho's balanced tax structure by shifting \$300 Million from local property tax to sales or income tax, and will actually cause our citizens total tax burden to increase by eliminating the tax deduction from Federal Income Taxes to the extent of such shift; and,

**WHEREAS**, the Initiative requires the State to totally fund the operation and maintenance of public schools, thus threatening local control of our schools; and,

**WHEREAS**, the One Percent Initiative will diminish the ability of the City to accept grants, gifts and donations, thereby effecting the ability of the City to provide programs that enhance the quality of life enjoyed by our citizens; and,

**WHEREAS**, the One Percent Initiative will prevent the City from marketing surplus electrical energy at favorable rates and from obtaining the lowest wholesale electric power rates possible, thereby causing City power rates to increase; and,

**WHEREAS**, the One Percent Initiative mandates that "less essential" services be reduced or eliminated; and,

**WHEREAS**, such services directly enhance the quality of life enjoyed by the citizens of Idaho Falls, such services including the parks, recreation and youth programs, the zoo, the Civic Auditorium, the Aquatic Center, street maintenance, and the library; and,

**WHEREAS**, the One Percent Initiative supplants our representative form of government by requiring voter referendums to approve additional funding to maintain such "less essential" services;

**NOW, THEREFORE**, be it resolved that the City Council of the City of Idaho Falls opposes the passage of the One Percent Initiative; and,

**FURTHER**, be it resolved that the City Council encourages all citizens to become informed about the negative impact the One Percent Initiative will have on our ability to provide services which enhance the quality of life we presently enjoy and upon our ability to provide a pleasant and beautiful community in which to live.

s/ Linda Milam  
Linda Milam, Mayor

Dated: October 10, 1996

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Councilmember Eldredge further explained this Resolution. He indicated the phrase "less essential" services, are really not less essential. The thing that makes Idaho Falls such a wonderful place to live and to raise a family, are the things that will be directly impacted by this initiative.

Councilmember Mills stated that property tax is the major vehicle that the municipalities are authorized by the State Legislature to obtain revenues. He stated, further, that the State Legislature could modify property taxes with regard to certain groups (i.e., senior citizens).

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve this Resolution against the One Percent Initiative and, further, give authorization for the Mayor to execute said Resolution. Roll call as follows:

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

Nay: Councilmember Carlson

Motion Carried.

Councilmember Branson requested that this Resolution be submitted to all news media in the area. Mayor Milam stated, further, that she would submit an executed copy to the Association of Idaho Cities and to Governor Phil Batt's Office.

Mayor Milam indicated that this was the time for citizens to appear who had issues for the City Council that are not otherwise listed on the Agenda.

Greg Hackett, 1384 Terry Drive, appeared to state that as President of the Youth Hockey Association, he wanted to thank the Mayor and City Council for their support of his association. Further, he wanted to publicly thank Dave Christiansen and Rich Straub for their efforts on behalf of the Youth Hockey Association. He thanked the Mayor and City Council for raising the ice fees, and for this increase in fees to go directly back to the ice rink. He, further, thanked the Mayor and City Council for approving the removal of the chimney that was in the ice rink, as it was a safety hazard.

Tony Matule, 1265 Science Center Drive, re-appeared to state that there is a restroom under construction in Freeman Park. He wanted to know when this facility will be open. The Parks and Recreation Director stated that the facility is complete and waiting for final inspection. This facility should be open within the week. Mr. Matule questioned Mr. Christiansen as to why this was taking so long to finish. Mr. Christiansen stated that this was a replacement of an existing facility and had to meet EPA requirements. The Parks and Recreation Division has one person on staff that builds these facilities, and that person was between two facilities all summer long, trying to complete both of them.

The Airport Director submitted the following memo:

City of Idaho Falls  
October 8, 1996

MEMORANDUM

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

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Sharon Laird and Thomas Sutton have sold their interest in their hangar to Hal Johansen and Marland Stanley, and have requested that the City consent to the Assignment of the Lease.

The City Attorney has reviewed the assignment.

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

s/ James H. Thorsen

It was moved by Councilmember Carlson, seconded by Councilmember Branson, to approve the Consent to Assignment of Hangar Lease Agreement from Edward Laird and Thomas Sutton to Halvor Johansen and Marland Stanley. Roll call as follows:

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

Nay:            None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
October 3, 1996

MEMORANDUM

TO:            Honorable Mayor and City Council  
FROM:        S. Craig Lords, Municipal Services Director  
SUBJECT:    EASTER SEAL SOCIETY GROUND LEASE - CONSENT TO  
                  SUBLEASE

Attached for your consideration is a request from the Easter Seal Society for permission to sublease two (2) offices in the Idaho Falls Center, located at 2110 Rollandet, to the Eastern Idaho Center for Independence, and a copy of the Lease Agreement between the two (2) parties. The City Attorney has reviewed the sublease and prepared the Consent to Sublease.

Municipal Services respectfully requests authorization from the City Council for the Mayor to execute the Consent to Sublease document.

s/ S. Craig Lords

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Consent to Sublease from the Easter Seal Society Ground Lease to the Eastern Idaho Center for Independence and, further, give authorization for the Mayor to execute the 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.

City of Idaho Falls  
October 8, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CIVIC AUDITORIUM AGREEMENT

Attached for your consideration is an Agreement with Joint School District No. 93 for the use of the Civic Auditorium for school functions.

It is the recommendation of Municipal Services to approve said Agreement and authorize the Mayor to sign, pending final approval of the City Attorney.

s/ S. Craig Lords

Councilmember Eldredge stated that this Agreement is similar to the Agreement that the City of Idaho Falls had with School District No. 91 for using the Civic Auditorium. Councilmember Mills stated that School District No. 91 still uses this facility, but on a per use basis. School District No. 93 is paying a lump sum for a contracted number of hours for using the Civic Auditorium. It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve this Civic Auditorium Agreement with Joint School District No. 93 and, further, give authorization for the Mayor to execute said Agreement, pending final approval by the City Attorney. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

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City of Idaho Falls  
October 4, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David Christiansen, Director of Parks and Recreation  
SUBJECT: ACCESS AND LICENSE AGREEMENT - COMMUNITY  
MONITORING STATION

Attached for your consideration is an Access and License Agreement between the Department of Energy (D.O.E.), the City, and Oversight Program for the purpose of placing a Community Environmental Monitoring Station on City property located at John's Hole Forebay. The purpose of the Community Monitoring Program is to provide citizens in the communities surrounding the I.N.E.L. a more accessible means of viewing information and data collected by the Oversight Environmental Surveillance Program and other agencies conducting environmental measurements at the I.N.E.L. The City Attorney has reviewed the attached Agreement and it is, therefore, requested that the Mayor and City Clerk sign and execute this Agreement.

s/ David Christiansen

Councilmember Mills further explained this request. At the request of Mayor Milam, Chris Briggs, 900 North Skyline Drive, appeared to further explain the Agreement and the structure housing the monitoring equipment. He explained that this community monitoring station has been worked on for approximately one year. This is one part of a network of stations. This information is tied into an extensive meteorological tower network that is operated by the National Oceanic and Atmospheric Administration. The tower on the Greenbelt will provide real time meteorological data to schools through the Internet. Mr. Briggs stated that the building is an engineered kiosk, with a panel inside.

Councilmember Hardcastle thanked Mr. Briggs for his interest in the City in bringing this Community Monitoring Station to Idaho Falls.

It was moved by Councilmember Mills, seconded by Councilmember Erickson, to approve the Access and License Agreement for the Community Monitoring System 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.

The Police Chief submitted the following memo:

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City of Idaho Falls  
October 2, 1996

MEMORANDUM

TO: Honorable Mayor Milam and City Councilmembers  
FROM: Chief Kent Livsey, Police Chief  
SUBJECT: BARTENDER APPLICATION FOR JONATHAN L. ALFORD

After reviewing the Bartender License Application for Jonathan Lewis Alford, I am of the opinion that his request should be denied. He has been arrested on three occasions in the past two years. On one occasion, he was arrested for illegal consumption and a more recent occasion for driving under the influence. In July of this year, Mr. Alford was arrested for unlawful assembly. When asked by an officer to disburse, Mr. Alford continued with confrontation to the officer. The record and police report is attached.

I am basing my denial on Section 4-2-15 of the City Code which requires applicants to establish a good moral character. I do not think Mr. Alford's actions regarding his most recent arrest are actions of one with good moral character.

s/ Kent Livsey

It was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Bartender License Application for Jonathan Lewis Alford. Roll call as follows:

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

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls  
October 7, 1996

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EAGLE ROCK CROSSING PARKING LOT - CHANGE ORDER NO. 1

Attached is proposed Change Order No. 1 to the Eagle Rock Crossing Parking Lot Contract. It is proposed that the contract amount be increased by \$302.50; and, the contract time be extended by one hundred (100) calendar days. These

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increases are required as a result of delays experienced with the State of Idaho contract for installation of the Taylor Toll Bridge replica structure.

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

s/ Chad Stanger

It was moved by Councilmember Erickson, seconded by Councilmember Mills, to approve Change Order No. 1 to Ferguson 4-T Construction, Inc. for the Eagle Rock Parking Lot Project. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Eldredge, seconded by Councilmember Branson, that the meeting adjourn at 9:40 p.m.

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CITY CLERK

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MAYOR

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