

**NOVEMBER 25, 2008**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Tuesday, November 25, 2008, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor Jared D. Fuhriman  
Councilmember Michael Lehto  
Councilmember Ken Taylor  
Councilmember Ida Hardcastle  
Councilmember Karen Cornwell  
Councilmember Thomas Hally

Absent was:

Councilmember Sharon D. Parry

Also present:

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

Mayor Fuhriman requested Abbey Lehto to lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the November 12, 2008 Council Work Session, the November 13, 2008 Regular Council Meeting, and the November 20, 2008 Council Work Session.

The City Clerk presented several license applications, including BEER LICENSES to A & R Food and Beverage Company LLC/Hilton Garden Inn, A Little Bit of Mexico, Alexandra's Musica Latina, Bargain Brew and Smokes, Blue Hashi, Boozer Quick Stop, Buck's, Carniceria Garcias Inc., Casa Jalisco's Inc., Charlotte's Webb, Chili's, Diamond Concessions, Eagle's Lodge, First Street Saloon, Garcia's Meat Market, Gas 'N Grub, Happy Chinese Restaurant, Holiday Oil, Holmes Speedi Mart, Iggy's Idaho Falls Inc., Iron Mule Saloon LLC, Jakers of Idaho Falls, Jaliscos, K C's Food Mart/J S C Enterprises, La Hidalguense, La Union Market, Las Pulgas Cantina and Dance Hall Inc. (Transfer Only), Maverik Country Store (Broadway) No. 239, Maverik Country Store (Woodruff Avenue) No. 396, Midget Market, Morenitas Inc., Olive Garden Italian Restaurant No. 1705, Pachangas Mexican Food, Pockets Inc., Puerto Vallarta, Puerto Vallarta No. 3, Puerto Vallarta Inc. Al Di, R & R Bar, Rutabaga's, Sam's Club No. 6345, Seventeenth Street Gas and Wash, Short Stop Market and Laundry, Skyline Lanes, Speedi Corp Inc./Speedi-Mart, T.L.C. Pizza/Godfather's, The Zone, Tobacco Connection, Wal-Mart Super Center No. 5494, Winco Foods No. 42, and Winger's, all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on November 25, 2008.

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

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Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Taylor  
Councilmember Cornwell

Nay: None

Motion Carried.

**REGULAR AGENDA**

Arts: Mayor Fuhrman and the City Council presented the following Grants for the

Anam Cara  
The Art Museum of Eastern Idaho  
Idaho Falls Community Concerts  
Idaho Falls Arts Council  
Idaho Falls Opera Theatre  
Idaho Falls Symphony  
Idaho Falls Youth Arts Centre  
Idaho Falls High School Multicultural Group

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
November 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Elg, Assistant Idaho Falls Power Director  
SUBJECT: UAMPS JOINT AND COOPERATIVE ACTION AGREEMENT

Attached for your consideration is the Amended and Restated Agreement for Joint and Cooperative Action between UAMPS and Idaho Falls Power, as well as an adopting resolution. Also, attached is a brief memo drafted by UAMPS attorney summarizing the revisions to the Agreement and a copy of the Amended and Restated Bylaws. The Agreement has been reviewed by the City Attorney.

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

s/ Jo Elg

**RESOLUTION NO. 2008-19**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THAT CERTAIN UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS AMENDED AND RESTATED AGREEMENT FOR JOINT AND COOPERATIVE ACTION; AND RELATED MATTERS.

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WHEREAS, the City of Idaho Falls, Bonneville County, Idaho (the "Member") is a member of Utah Associated Municipal Power Systems ("UAMPS") pursuant to the provisions of the Utah Associated Power Systems Amended and Restated Agreement for Joint and Cooperative Action dated as of February 17, 1999 as amended (the "Organization Agreement");

WHEREAS, it has been determined to be necessary, desirable, and in the best interest of the Member and the other parties to the Organization Agreement to amend and restate the same; and,

WHEREAS, the Member now desires to authorize the Utah Associated Amended and Restated Agreement for Joint and Cooperative Action (the "Restated Agreement") and the taking of other necessary action in connection therewith;

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

*Section 1. Execution, Delivery and Filing of the Restated Agreement.* That the Restated Agreement in substantially the form presented at the meeting at which this Resolution is adopted, is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Restated Agreement on behalf of the Member, and the City Clerk is hereby authorized, empowered, and directed to attest, countersign and affix the corporate seal of the Member to the Restated Agreement, with such changes to the Restated Agreement from the form attached hereto as are approved by the Mayor, execution thereof to constitute conclusive evidence of such approval. Promptly upon its execution, the Restated Agreement shall be filed in the official records of the Member as required by Section 11-13-209, Utah Code Annotated 1953, as amended (the "Utah Code").

*Section 2. Public Purposes, Powers, Effective Date Of, and Other Actions with Respect to the Restated Agreement.*

(a) The public purposes of the Restated Agreement are those listed in Section 4.1 of the Restated Agreement; the powers, duties, and functions of UAMPS are those listed in Section 12 of the Restated Agreement and in Section 11-13-204 of the Utah Code; the effective date of the Restated Agreement is that date upon which at least three-fourths of the members of UAMPS have approved, executed, and filed with the keepers of their records as provided in Section 18.1 of the Restated Agreement.

(b) The Member has submitted the Restated Agreement to an Attorney, duly licensed to practice law in Utah and authorized to represent the Member, to review the Restated Agreement as to form and compliance with applicable law, pursuant to Section 11-13-202.5(3) of the Utah Code.

(c) The appointment of Jo Elg as the Member Representative to UAMPS is hereby ratified and confirmed. Such appointment shall remain in effect until the resignation or removal of such individual as the Member Representative of the Member. The Member Representative has provided to

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UAMPS a written statement specifying the Member Representative's preferred means of receiving notice of Meetings (attached hereto as Appendix 1). The Mayor is also authorized to appoint up to two alternate Member Representatives to UAMPS. Appointment of such alternate Member Representative(s) shall be effective upon written notice to UAMPS.

(d) The Mayor, the City Clerk, and other officers and employees of the Member shall take all actions necessary or reasonably required to carry out, give effect to, and consummate the transactions, contemplated hereby and shall take all actions necessary to carry out the execution and delivery of the Restated Agreement and the performance thereof.

*Section 3. Miscellaneous; Effective Date.*

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

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

(c) This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 25<sup>th</sup> day of November, 2008.

City of Idaho Falls

s/ Jared D. Fuhriman  
Mayor

ATTEST AND COUNTERSIGN:

s/ Rosemarie Anderson  
City Clerk

(SEAL)

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Resolution authorizing the execution and delivery of that certain Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

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Nay: None

Motion Carried.

City of Idaho Falls  
November 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Elg, Assistant Idaho Falls Power Director  
SUBJECT: BPA SLICE/BLOCK POWER SALES AGREEMENT AND  
CREDITWORTHINESS AGREEMENT

Attached for your consideration are the Slice/Block Power Sales Agreement and the related Creditworthiness Agreement between Bonneville Power Administration and Idaho Falls Power. There are two outstanding issues that Bonneville has agreed, in writing, to address after execution of the Agreements: 1) the generation figure for the Bulb Turbine Project in Exhibit A and 2) changes to the Creditworthiness Agreement as recommended by Bond Counsel. Also attached for your review is a copy of the adopting resolution authorizing the commencement of a judicial confirmation proceeding relative to the Power Sales Agreement. The agreements have been reviewed by the City Attorney, Bond Counsel, and Power Supply Consultant/Engineer.

Idaho Falls Power respectfully requests approval of the Agreements and authorization for the Mayor to sign the documents.

s/ Jo Elg

Councilmember Lehto requested the Idaho Falls Power Director to come forward to provide a further explanation of this Power Sales Contract with Bonneville Power Administration.

Jackie Flowers, Idaho Falls Power Director, appeared to state that the power supply purchased from Bonneville Power Administration will be used by Idaho Falls Power to meet a portion of the electric requirements of the business and residential customers that are served by the City's municipal electric system. Since 1963, the City has purchased the majority of its power supply from BPA. In 2001, the City entered into a Block and Slice Power Sales Agreement with BPA that extends to September 30, 2011. BPA is now offering to enter into a new Power Sales Agreement with the City for power deliveries beginning upon the expiration of the City's existing contract and extending for 17 years to 2028. It was noted that the City had purchased the majority of its requirements for electric power and energy from BPA for many years and that the Renewal Power Sales Agreement would continue the City's purchase of the "Slice" and "Block" power supply products from BPA. The City has been purchasing the Slice/Block product since October 1, 2001, pursuant to a Block and Slice Power Sales Agreement with BPA. The Renewal Power Sales Agreement is the most advantageous power purchase alternative for the City because of, among other things, the full complement of BPA's resources that were committed to support power deliveries under the Renewal Power Sales Agreement and the operational independence and flexibility available to the City under the Renewal Power Sales Agreement. Management of Idaho Falls Power has considered and analyzed the various BPA product supply offerings and other power supply options and agree with the conclusions and recommendations set forth in the Consulting Engineer's Report.

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The amount of power and energy available to the City under the Renewal Power Sales Agreement will not be sufficient to meet all of the City's power supply requirements over the 17-year term of the Renewal Power Sales Agreement, and the City will continue to purchase supplemental power supplies to meet its full requirements.

BPA is requiring the City (and each other customer purchasing the Slice/Block product) enter into a Creditworthiness Agreement with BPA. The Creditworthiness Agreement enables BPA to confirm and monitor the credit standing of its customers that elect to purchase the Slice product and provides assurances that these customers will meet their payment obligations to BPA. Upon the occurrence of certain events specified in the Creditworthiness Agreement, BPA may require the City to post a letter of credit or cash collateral to secure its payment obligations to BPA. The terms and provisions of the Creditworthiness Agreement were then discussed by the Council.

It was noted that the City has requested that BPA make certain changes and corrections to the Renewal Power Sales Agreement and the Creditworthiness Agreement. BPA has provided a letter to the City indicating its willingness to make changes and corrections after execution of the Agreements.

Mr. Storer then advised the Council that, under the opinion of the Idaho Supreme Court in *City of Boise v. Frazier*, it is possible that the Renewal Power Sales Agreement could be construed to create an "indebtedness or liability" of the City that is not an "ordinary and necessary expense" within the meaning of Article VIII, Section 3 of the Idaho Constitution. Mr. Storer reminded the Council that the City obtained a judicial confirmation of the 2001 Power Sales Agreement, but advised the Council that the Court's decision in the *Frazier* case raises the question of whether the payment obligations of the City under the Renewal Power Sales Agreement are "ordinary and necessary expenses" within the meaning of Article VIII, Section 3 of the Idaho Constitution. Mr. Storer stated that, while he is of the opinion that the City's payment obligations under the Renewal Power Sales Agreement fall within the "ordinary and necessary expenses" exception, it is his recommendation that the City initiate a proceeding under Idaho's Judicial Confirmation Law to confirm the validity of the Renewal Power Sales Agreement and the Creditworthiness Agreement.

Mr. Storer stated that BPA is requiring execution of the Renewal Power Sales Agreement by December 1, 2008. Mr. Storer noted that the long-term power purchase obligation of the City under the Agreements will not become effective until the City delivers an approving legal opinion to BPA, and that this opinion would not be delivered until the constitutional issues have been resolved. As a result, Mr. Storer advised the Council that it could now authorize and approve the Agreements and the required actions preliminary to the filing of a judicial confirmation proceeding.

Councilmember Lehto expressed his appreciation for the work done by Jo Elg, Assistant Idaho Falls Power Director, along with the work of Jackie Flowers, Idaho Falls Power Director. Further, he acknowledged the Consultant Bob Mooney, Jim Burr, and staff for their contributions to this process.

Councilmember Hally stated that the necessity to have this contract with BPA is one of the only vehicles available to the City to have a stable rate structure for the citizens of Idaho Falls. This will keep Idaho Falls Power as one of the lowest electrical rates in the Country. He expressed his appreciation for all of the hard work involved with negotiation of this Power Sales Agreement with Bonneville Power Administration.

Mayor Fuhrman expressed his appreciation for the hard work by the Idaho Falls Power Director and the Assistant Idaho Falls Power Director, as well as the work from the Consultant, Jim Burr and staff.

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**RESOLUTION NO. 2008-20**

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A RENEWAL POWER SALES AGREEMENT AND A CREDITWORTHINESS AGREEMENT WITH BONNEVILLE POWER ADMINISTRATION, THE COMMENCEMENT OF A JUDICIAL CONFIRMATION PROCEEDING WITH RESPECT TO SUCH AGREEMENTS, AND RELATED MATTERS.

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WHEREAS, the City of Idaho Falls, Bonneville County, Idaho (the "City") has previously executed a Block and Slice Power Sales Agreement (the "Existing PSA") with the United States of America, Department of Energy, acting by and through the Bonneville Power Administration ("Bonneville"), which will expire on September 30, 2011;

WHEREAS, Bonneville has developed a renewal Power Sales Agreement (the "Renewal PSA") providing for the long-term sale of electric power and energy to the City, effective October 1, 2011 and remaining in effect until September 30, 2028;

WHEREAS, the City has determined that, in order to obtain a long-term supply of electric power and energy necessary for the continued operation of Idaho Falls Power, it is necessary, desirable and in the best interests of the City to enter into a Renewal PSA;

WHEREAS, Bonneville is requiring that each customer executing a Renewal PSA, including the City, enter into a Creditworthiness Agreement (a "Creditworthiness Agreement") with Bonneville;

WHEREAS, Article VIII, Section 3 of the Idaho Constitution requires local governments in Idaho to obtain voter approval before they incur any long-term "indebtedness or liability," whether in the form of bonds or contractual obligations, with an exception for "ordinary and necessary expenses authorized by the general laws of the state", and as such, in 2001 the City brought a proceeding under the Idaho Judicial Confirmation Law contained in Title 7, Chapter 13, of the Idaho Code, with respect to its Existing PSA and obtained a decision by the District Court confirming that the "ordinary and necessary expenses" exception applied to its Existing PSA;

WHEREAS, the City has determined it is necessary and desirable to initiate a judicial confirmation proceeding to confirm that (1) its Renewal PSA and Creditworthiness Agreement (together, the "Agreements") are authorized by the laws and Constitution of Idaho, (2) the obligations of the City under the Agreements constitute "ordinary and necessary expenses" within the meaning of Article VIII, Section 3 of the Idaho Constitution, and (3) each of the Agreements constitute the legal, valid and binding agreement of the City; and

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WHEREAS, the City now desires to authorize and approve (1) the execution and delivery of the Renewal PSA between the City and Bonneville, (2) the execution and delivery of the Creditworthiness Agreement between the City and Bonneville, and (3) the initiation of all preliminary actions necessary prior to the commencement and prosecution of the judicial confirmation proceeding to confirm the validity of the Agreements;

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

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

*Section 2. Execution and Delivery of the Creditworthiness Agreement.* The Creditworthiness Agreement, in substantially the form attached hereto as *Exhibit B*, is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Creditworthiness Agreement on behalf of the City, and the City Clerk is hereby authorized, empowered and directed to attest such execution and to affix the corporate seal of the City to the Creditworthiness Agreement, with such changes to the Creditworthiness Agreement from the form attached hereto as *Exhibit B* as shall be approved by the Mayor and the City Attorney, the Mayor's execution thereof to constitute conclusive evidence of such approval.

*Section 3. Other Actions with Respect to the Agreements.* The Mayor, the City Clerk, the General Manager and Assistant General Manager of Idaho Falls Power, the City Attorney and other officers and employees of the City shall take all actions necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all actions necessary to carry out the execution and delivery of each of the Agreements and the performance thereof.

*Section 4. Judicial Confirmation.* The City Attorney, Mayor, City Clerk and other appropriate officers of the City are hereby authorized and directed to take all preliminary actions necessary prior to the commencement and prosecution of a judicial confirmation proceeding pursuant to the provisions of the Judicial Confirmation Law, Title 7, Chapter 13, Idaho Code, as amended, to confirm and establish that each of the Agreements constitute legal, valid and binding agreement of the City.

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*Section 5. Miscellaneous; Effective Date.* (a) This resolution shall be and remain irrevocable until the expiration or termination of the Renewal PSA in accordance with its terms.

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

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

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

ADOPTED AND APPROVED this 25th day of November, 2008.

CITY OF IDAHO FALLS, BONNEVILLE  
COUNTY, IDAHO

s/ Jared D. Fuhriman  
Mayor, City of Idaho Falls,  
Bonneville County, Idaho

ATTEST:

s/ Rosemarie Anderson  
City Clerk

(SEAL)

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Slice/Block Power Sales Agreement and the related Creditworthiness Agreement between Bonneville Power Administration and Idaho Falls Power, with two outstanding issues that Bonneville has agreed, in writing, to address after execution of the Agreements: 1) the generation figure for the Bulb Turbine Project in Exhibit A and 2) changes to the Creditworthiness Agreement as recommended by Bond Counsel; to adopt the Resolution authorizing the commencement of a judicial confirmation proceeding relative to the Power Sales Agreement; and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

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The Municipal Services Director submitted the following memo:

City of Idaho Falls  
November 18, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: REQUEST TO CONTRACT ADDITIONAL CRANE RENTAL WITH OPERATOR

Municipal Services respectfully requests authorization to hire CCI Transport and Crane to furnish One (1) 70 Ton Crane with Operator per City of Idaho Falls Bid IF-08-31. This bid was awarded at a special meeting on August 20, 2008. The vendor has agreed to honor pricing per the original bid. Estimated total amount is \$85,000.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to authorize the Municipal Services Division to hire CCI Transport and Crane to furnish One (1) 70 Ton Crane with Operator per City of Idaho Falls Bid IF-08-31 in the amount of \$85,000.00. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls  
November 25, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: COMMERCIAL WATERCRAFT CONCESSION AGREEMENT

Attached for your consideration is an agreement between the City of Idaho Falls and Mr. Mike Melville. This one-year agreement provides for the operation of a non-exclusive commercial watercraft concession, terminating December 31, 2009. The agreement has been reviewed and approved by the City Attorney.

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The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said contract agreement.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Commercial Watercraft Concession Agreement between the City of Idaho Falls and Mike Melville for operation of a non-exclusive commercial watercraft concession terminating December 31, 2009 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Taylor  
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls  
November 25, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: PANCHERI TO SOUTH TOURIST PARK PATHWAY PROJECT -  
CHANGE ORDER NO. 1

Attached for your consideration is Change Order No. 1 for the South Tourist Park Pathway Project calling for installation of 200 feet of 6-foot security fencing adjacent to Burgraff Construction at a cost of \$7,260.00. It is anticipated that the cost for said Change Order will be absorbed in the original local match amount previously submitted to the Idaho Transportation Department for this project. The City Engineer has reviewed said Change Order.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said Change Order.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve Change Order No. 1 to the Pancheri Drive to South Tourist Park Pedestrian/Bike Pathway Project 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 Cornwell  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
November 25, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: 2009 PROPOSED GOLF FEE INCREASES

Attached for your consideration are proposed golf fee increases for the 2009 golf season. Fee increases of less than five percent (5%) are detailed on the first document and those exceeding five percent (5%) are detailed on the Public Notice document. Pending authorization, public advertisement of fee increases exceeding five percent (5%) is scheduled for November 30, 2008 and December 7, 2008. These fees were reviewed and approved for recommendation to the Mayor and City Council at a Special Golf Advisory Board Meeting held November 18, 2008.

The Parks and Recreation Division respectfully requests the Mayor and City Council approve the attached fee schedule and authorize advertisement of those proposed fees that exceed five percent (5%).

s/ David J. Christiansen

**PROPOSED 2009 GOLF FEE SCHEDULE**

<b>Description</b>		
<b>Resident Season Passes:</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
First Adult Pass	\$528.00	\$538.00
Second Adult Pass	418.00	428.00
First Senior Pass	350.00	367.00
Second Senior Pass	312.00	327.00
Full-Time Junior Pass	190.00	199.00
Part-Time Junior Pass	134.00	140.00
Young Adult Pass	335.00	345.00
<b>Non-Resident Season Passes:</b>		
First Adult Pass	544.00	560.00
Second Adult Pass	434.00	450.00
First Senior Pass	366.00	384.00
Second Senior Pass	329.00	345.00

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<b>Resident Punch Passes:</b>		
18 Hole Punch (10 Times)	162.50	165.00
9 Hole Punch (10 Times)	120.50	123.00
<b>Non-Resident Punch Passes:</b>		
18 Hole Punch (10 Times)	183.50	186.00
9 Hole Punch (10 Times)	141.50	144.00
<b>Lockers:</b>		
Yearly Fee	12.00	12.50

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the City of Idaho Falls proposes to increase existing fees beginning December 15, 2008, by amounts that exceed one hundred five percent (105%) of respective fees from the current fiscal year. The fee increases are necessary to cover increased costs associated with these programs.

<b>Source of Fees</b>	<b>Current Fees</b>	<b>Proposed New Fees</b>
<b>Golf Course</b>		
<b>Non-Resident Green Fees:</b>		
9-Hole Weekday	\$14.50	\$.00
18-Hole Weekday	18.50	.00
9-Hole Weekend	15.50	.00
18-Hole Weekend	19.50	.00
<b>Resident Green Fees:</b>		
9-Hole Weekday	12.50	.00
18-Hole Weekday	16.50	.00
9-Hole Weekend	13.50	.00
18-Hole Weekend	17.50	.00
<b>Non-Resident Green Fees:</b>		
9-Hole Daily	.00	16.00
18-Hole Daily	.00	20.00
<b>Resident Green Fees:</b>		
9-Hole Daily	.00	14.00
18-Hole Daily	.00	18.00
<b>Out of State:</b>		
9-Hole Daily	15.50	20.00
18-Hole Daily	19.50	24.00
<b>Driving Range:</b>		
Small Bucket	3.00	3.25
Large Bucket	4.00	4.25

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Any person who desires to provide comments regarding such fee increases may appear at 7:30 p.m. on Thursday, December 11, 2008, at the City of Idaho Falls Council Chamber, City Hall Annex, 680 Park Avenue, Idaho Falls, Idaho.

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

Published: November 30 and December 7, 2008

Councilmember Hardcastle commended the Golf Advisory Board for the time spent in analyzing these fees.

Councilmember Hally stated that the increase in fees is necessary due to general inflation. This year, there was a cold March and April, which did not allow people to get out on the golf courses as they have in the past. That makes it hard to catch up.

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the proposed golf fee increases less than five percent (5%) for the 2009 golf season as presented and, further, give authorization to publish the Public Notice calling for a public hearing to consider an increase of golf fees by amounts that exceed one hundred five percent (105%) on November 30 and December 7, 2008, with the public hearing to be held on December 11, 2008. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
November 13, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: ACCESS EASEMENT VACATION – SOLSTICE SUBDIVISION,  
DIVISION NO. 1

G. L. Voigt Development Company is requesting vacation of an access easement no longer needed to serve property currently being served by a street located in the Southpoint Subdivision.

Public Works requests authorization for the City Attorney to prepare documents to vacate this access easement.

s/ Chad Stanger

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It was moved by Councilmember Lehto, seconded by Councilmember Cornwell, to authorize the City Attorney to prepare the documents necessary to vacate an access easement in Solstice Subdivision, Division No. 1. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
November 13, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION – LOT 1, BLOCK 2, LAKEWOOD ASPENS  
ADDITION

The Developer and Owner of Lot 1, Block 2, Lakewood Aspens Addition have requested vacation of a portion of a utility easement no longer needed in this development.

Public Works requests authorization for the City Attorney to prepare documents needed to accomplish this vacation.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Cornwell, to authorize the City Attorney to prepare the documents necessary to vacate an easement in Lot 1, Block 2, Lakewood Aspens Addition. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor

Nay: None

Motion Carried.

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City of Idaho Falls  
November 13, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: RIGHT-OF-WAY VACATION - 20<sup>TH</sup> STREET, BRODBECK'S  
ADDITION

As previously authorized, the City Attorney has prepared documents to vacate a portion of 20<sup>th</sup> Street and a portion of an alley located near the Gustafson Canal in Brodbeck's Addition. An ordinance vacating these rights-of-way has been approved by the City Council, but appropriate deeds were not properly executed. Subsequently, ownerships near the vacated property have changed, requiring another vacating ordinance and deeds.

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

s/ Chad Stanger

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

**ORDINANCE NO. 2785**

AN ORDINANCE VACATING A PORTION OF 20<sup>TH</sup> STREET AND A PORTION OF AN ALLEY WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE PORTION OF SAID STREET; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED STREET AND ALLEY TO THE OWNERS OF THE ADJACENT LAND, AND NAMING THEM; PROVIDING FOR EFFECTIVE DATE OF THE ORDINANCE.

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

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

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Nay:           None

Motion Carried.

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

City of Idaho Falls  
November 11, 2008

MEMORANDUM

TO:           Mayor and Council  
FROM:        Renee R. Magee, Planning and Building Director  
SUBJECT:     ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT -  
              DESERT ROSE ADDITION, DIVISION NO. 1

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Desert Rose Addition, Division No. 1. This 15.7 acre final plat is located south of 17<sup>th</sup> North (Airway Road), west of Old Butte Road, east of 35<sup>th</sup> West (Osgood Road), and north of Broadway Avenue. The requested zoning is R-1 (Single-Family Residential). The Planning Commission considered this annexation request at its September 16, 2008 Meeting and recommended approval. This request is being submitted to Mayor and Council for consideration.

s/ Renee R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo showing request
Slide 3	Aerial Photo – newest Preliminary Plat superimposed
Slide 4	Aerial Photo with another Preliminary Plat
Slide 5	Final Plat under consideration
Slide 6	Comprehensive Plan
Slide 7	Site Photo looking south from roadway easement
Slide 8	Site Photo looking northwest from bridge connecting Simon Street
Exhibit 1	Planning Commission Minutes dated September 16, 2008
Exhibit 2	Staff Report dated September 16, 2008
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Final Plat
Exhibit 5	Aerial Photo

The Planning and Building Director stated that the Final Plat is in conformance with the Subdivision Ordinance, except the block length exceeds 1,300 feet. The Planning Commission considered the variance for the street length at great length and recommended approval due to the location of the canal between The Village Addition,

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Division No. 1 and Desert Rose Addition, Division No. 1. Further, this street length is dictated by Simon Street which was approved in The Village. Along with the distance it is from Airway Road. Another roadway cannot be developed to the east due to the existing development in The Village. This subdivision is in accordance with the Comprehensive Plan.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this development provides for an alternate access from The Village.

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

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

Aye: Councilmember Cornwell  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2786**

**DESERT ROSE ADDITION, DIVISION NO. 1**

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

Aye: Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor

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Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to establish the initial zoning for Desert Rose Addition, Division No. 1 as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Cornwell  
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to accept the Final Plat for Desert Rose Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Cornwell, seconded by Councilmember Lehto, that the meeting adjourn at 8:05 p.m.

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CITY CLERK

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MAYOR

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