

**SEPTEMBER 25, 2008**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 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 Ken Taylor  
Councilmember Michael Lehto  
Councilmember Karen Cornwell  
Councilmember Ida Hardcastle  
Councilmember Sharon D. Parry

Absent was:

Councilmember Thomas Hally

Also present:

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

Mayor Fuhriman requested Boy Scout Charles Plank to lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

The Mayor requested Council confirmation for the Appointment of Chad Martin to serve on the Traffic Safety Committee; and, the Appointment of Lisa Farris to serve on the Traffic Safety Committee.

The City Clerk requested approval of the Minutes from the September 11, 2008 Regular Council Meeting.

The City Clerk presented several license applications, including a BEER TO BE CONSUMED ON THE PREMISES LICENSE to Twilight Lounge (Transfer Only), 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 September 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:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

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**REGULAR AGENDA**

Mayor Fuhriman requested those to come forward who had issues for the City Council that were not otherwise listed on the Council Agenda.

William S. Hildreth, 1430 Vega Circle, No. 3, appeared to explain that he was a dog walker. He used the Greenbelt and some of the City Parks to walk his dog. When he walks his dogs, he stated that he always picked up their droppings. Others have not been as courteous. Mr. Hildreth suggested that the City Ordinance could be more stringent regarding picking up your dog's droppings. He suggested that anyone walking their dog could be stopped and had to produce a means by which the dog's droppings could be picked up. If you did not have that means, it would result in a fine.

Councilmember Hardcastle stated that she was going to take this issue to the next Public Safety Council Committee Meeting for consideration.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
September 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Elg, Assistant Idaho Falls Power Director  
SUBJECT: CONFIRMATION AGREEMENT WITH UAMPS

Attached for your confirmation is a Confirmation Agreement to purchase power through UAMPS for July-August 2009. The agreement is for 5 megawatts flat at \$79.00 per megawatt hour. The total cost is \$578,280.00.

Idaho Falls Power respectfully requests ratification of the Confirmation Agreement.

s/ Jo Elg

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to ratify the execution of the Confirmation Agreement to purchase power through UAMPS for July-August 2009 at the cost of \$79.00 per megawatt hour, for a total cost of \$578,280.00. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

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City of Idaho Falls  
September 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: 2008-2009 LEGAL SERVICES

Attached for your consideration is the Retainer Agreement for the City Attorney and a General Legal Services Retainer for Holden Kidwell to provide legal services to the City of Idaho Falls for a one-year period beginning October 1, 2008.

It is the recommendation of Municipal Services to approve said retainer and authorize the Mayor to sign.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Retainer Agreement for the City Attorney and a General Legal Services Retainer for Holden Kidwell to provide legal services to the City of Idaho Falls for a one-year period beginning October 1, 2008 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Parry

Nay: None

Motion Carried.

City of Idaho Falls  
September 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: SALARY AND BENEFIT INCREASE

Attached for your consideration are wage and benefit increases for City employees.

It is respectfully requested that the Mayor and Council approve said wage and benefit increases.

s/ S. Craig Lords

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City of Idaho Falls  
September 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: 2008-2009 SALARY AND BENEFIT INCREASES FOR MUNICIPAL EMPLOYEES ASSOCIATION AND ALL OTHER NON-COVERED EMPLOYEES

It is respectfully requested that the Mayor and City Council approve a total wage and longevity increase of 4% for all Municipal Employees Association members and all other non-covered employees effective September 14, 2008.

It is further requested the Council authorize the following:

1. Shift differential of \$.25 per hour for employees who start and work their scheduled shift at or after 2:00 p.m. and \$.50 per hour for employees who start and work their scheduled shift on or after 8:00 p.m. Holidays, sick leave, and vacation hours will not be considered for shift differential.
2. 3% Spanish pay for those employees who test fluent in Spanish and merit eligibility requirements. Eligibility is based upon City needs as determined by the Division Director.
3. The City agrees, if possible, to contract with a female medical provider.

s/ S. Craig Lords

City of Idaho Falls  
September 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: 2008-2009 POLICE WAGE AND BENEFIT PACKAGE

It is requested that the Mayor and City Council approve a total wage and longevity increase of 4% for Sworn Police Officers effective September 14, 2008.

It is further requested that the Council authorize the following:

1. The City agrees to, upon advance notice, and presentation of satisfactory military pay verification that employee will be paid the difference between their base wage and pay they receive (excluding expense pay) while on military duty.
2. Increase the boot and cleaning allowance \$25.00 to total \$450.00.

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3. Increase the plain clothes allowance \$25.00 to total \$685.00.

s/ S. Craig Lords

City of Idaho Falls  
September 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: 2008-2009 SALARY AND BENEFIT INCREASES FOR IDAHO FALLS FIREFIGHTER LOCAL 1565

It is respectfully requested that the Mayor and City Council authorize a 4% wage, longevity and clothing allowance increase for Idaho Falls Firefighter Local 1565 effective September 14, 2008.

It is further requested the Council authorize the following:

1. Increase the exercise equipment allowance by \$250.00 to a total of \$1,250.00 per Station.
2. City agrees to add Step 11 to the City's Step and Grade System.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Salary and Benefit Packages as presented for Fiscal Year 2008-2009. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Parry  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
September 23, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: MEMORANDUM OF UNDERSTANDING

Please find attached a copy of the Memorandum of Understanding between the City of Idaho Falls and the Idaho Falls Firefighters Association Local No. 1565

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with regards to the use and ownership of a 1930 American LaFrance Antique Ladder Truck.

It is respectfully requested that the City Council approve and authorize the Mayor to sign said Agreement.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Memorandum of Understanding between the City of Idaho Falls and the Idaho Falls Firefighters Association Local No. 1565 with regard to the use and ownership of a 1930 American LaFrance Antique Ladder Truck and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls  
September 23, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: LIABILITY INSURANCE

Attached for your consideration are the summaries of proposals for the City's Liability Insurance.

s/ S. Craig Lords

Councilmember Taylor stated that for the recent history, the City's coverage has been through ICRMP (Idaho Counties Risk Management Program). ICRMP and Moreton and Company submitted proposals for the City's liability insurance. The proposal from Moreton and Company was less than the proposal from ICRMP. The Mayor and City Council discussed the proposals at the Municipal Services Council Committee Meeting earlier in the week. Councilmember Taylor stated that the Mayor and City Council want to be good stewards for taxpayer dollars. He acknowledged that there are other factors in addition to a one year's premium that need to be considered. He stated that there were representatives from both insurance companies present to talk with the Mayor and City Council.

Councilmember Parry stated that she had a conflict of interest and would not participate in any discussion or decision regarding the proposals for liability insurance.

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Alan Ranstrom, Senior Vice President of Morton and Company, appeared to introduce Marsha Wayne and Chad Ranstrom. He stated that Moreton and Company have enjoyed a long relationship with the City of Idaho Falls since the 1980's. The last ten years they have been the broker for the hydroelectric projects. Those policies were renewed this past spring and saved the City approximately \$100,000.00 in premiums. He stated that he appreciated the opportunity to submit a proposal for liability insurance. This provides a good opportunity to save taxpayer dollars. No two policies are the same. Both proposals would provide a good service for the City of Idaho Falls. Mr. Ranstrom stated that the company that they are proposing that the City insure with is One Beacon. This company would bring the City a good quality insurance company that provides good insurance. There is a claims office in the City to provide that service. He hoped that the City would take advantage of the opportunity to save \$100,000.00 and use their company for liability insurance.

Councilmember Hardcastle stated that she likes all of the training that ICRMP provides to the City with regard to risk management. When the City has an issue, ICRMP is quick to reply and provide service and training.

Mr. Ranstrom stated that training and risk control are important issues. The City would not take a step backward in choosing the proposal from Moreton and Company. He stated, further, that their company will sit down with City staff to create a risk control program for the City and provide training at no additional cost.

DeRay Perry, Hartwell Corporation (ICRMP) introduced Ralph Hartwell, CEO for the Hartwell Corporation and Rick Ferguson, Executive Director for ICRMP. Hartwell Corporation has been in the community for forty years. They are very involved with the community. ICRMP began their program in 1984 when there were no other options for insurance for public entities.

Rick Ferguson, Executive Director for ICRMP, appeared to thank the Mayor and City Council on behalf of the ICRMP Board, the staff, and the 672 other public entities in this state that have banded together to create the ICRMP Program. He stated, further, that he appreciated the City of Idaho Falls for being a member of their program for the past six years. Their program is not always the cheapest, sometimes it is the most expensive. Their history has shown that sometimes they are the only ones left standing. The ICRMP Program was born out of a crisis, where others left the market place. Mr. Ferguson stated that he understands the public trust, as they are a public entity. Transparency and appropriate pricing are very critical. ICRMP is a not for profit organization. Each member is a member of a joint powers authority. ICRMP brings to the City of Idaho Falls the kind of resources that can only be put together when local governments join amongst themselves to deliver that kind of service. The loss control program is tried and true. They have a local claim service, Intermountain Claims, to provide immediate assistance. More importantly, the staff from Boise are in Idaho Falls regularly. Mr. Ferguson stated that he reports to a Board of Directors that are locally elected officials. They are the best of the best. Their communities elect them, then the membership of ICRMP elects them to their Board. They are experienced Idahoans. It is important for the Mayor and City Council to look at the relationship, stability and transparency of ICRMP.

Councilmember Hardcastle stated that she has been on the City Council for a long time. She stated that she has been very pleased with the ICRMP coverage and training. The relationship is very important. That is not to take anything away from Moreton and Company.

Councilmember Lehto stated that this has been an interesting process. There are intangibles when making decisions on insurance. Sometimes it cannot be about the short term or the immediate savings. Relationships with ICRMP, with other Idaho cities, and with the Association of Idaho Cities need to remain strong. He stated that he was leaning towards keeping ICRMP as the liability insurance provider.

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Councilmember Taylor stated that the City receives some things from ICRMP that are unique to ICRMP. The relationship with other cities and counties as they band together to meet the insurance need is important.

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the proposal from ICRMP in the amount of \$571,241.00 to provide the City's Liability Insurance. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Taylor

Nay: None

Abstain: Councilmember Parry

Motion Carried.

The Planning and Building Director submitted the following memo:

City of Idaho Falls  
August 18, 2008

MEMORANDUM

TO: Mayor and Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: FEES FOR LAND USE APPLICATIONS

Attached is a Resolution increasing the fees for land use applications as advertised and heard at a public hearing on August 28, 2008. Under the Zoning Ordinance, the fees are to be established by Resolution of the City Council. This Resolution has been reviewed by the City Attorney, and the Planning Department respectfully requests adoption of this Resolution.

s/ Renee R. Magee

**RESOLUTION NO. 2008-17**

WHEREAS, the Mayor and Council of the City of Idaho Falls held a public hearing on fee increases for land use applications on August 28, 2008; and,

WHEREAS, the Council, following such public hearing, approved the proposed fee increases for Fiscal Year 2008-2009; and,

WHEREAS, the Council wishes to establish an equitable fee for the purpose of defraying the administrative costs of for processing land use applications;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO:

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1. **Establishment of Fees.** The following fees are hereby established for the land use applications:

<b>Land Use Application</b>	<b>Fee</b>
Variance	\$300.00
Rezoning	\$450.00
Comprehensive Plan Amendment	\$200.00
Conditional Use Permit (Either PC or Council)	\$200.00
Conditional Use Permit (Both PC and Council)	\$300.00

2. **Effective Date.** This Resolution shall be effective on and after October 1, 2008.

DATED this 25<sup>th</sup> day of September, 2008.

s/ Jared D. Fuhriman  
Jared D. Fuhriman  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Resolution increasing the fees for land use applications and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Parry  
Councilmember Hardcastle  
Councilmember Taylor  
Councilmember Cornwell

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls  
September 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: UNION PACIFIC RAILROAD COOPERATIVE AGREEMENT -  
ANDERSON STREET RAILROAD CROSSING IMPROVEMENTS

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Attached is a proposed Cooperative Agreement between the City and Union Pacific Railroad to construct improvements at the Anderson Street Railroad Crossing. This Agreement requires the City to pay \$55,059.00 or 40% of the cost to replace the existing wood planks with concrete crossing panels; and, to perform the traffic control work and install the asphalt approaches.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Cornwell, to approve the Cooperative Agreement between the City and Union Pacific Railroad for the Anderson Street Railroad Crossing Improvements and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Parry, seconded by Councilmember Hardcastle, to recess consideration of Annexation Proceedings Prior to Platting for 10.406 Acres in the Northwest Quarter of Section 31, Township 3 North, Range 38, East of the Boise Meridian, located south and adjacent to Tower Road, west and adjacent to Sage Lakes Golf Course, and north of Fairway Estates Addition, Division No. 14 to the October 9, 2008 Regular Council Meeting.

The City Attorney stated that he appreciated the Mayor and City Council for approving the Retainer Agreements for the City Attorney's Office and looked forward to working with each of them during the coming year.

There being no further business, it was moved by Councilmember Lehto, seconded by Councilmember Parry, that the meeting adjourn at 8:10 p.m.

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CITY CLERK

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MAYOR

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