

**JUNE 9, 2005**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 9, 2005, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam  
Councilmember Michael Lehto  
Councilmember Larry Lyon  
Councilmember Ida Hardcastle  
Councilmember Joe Groberg  
Councilmember Thomas Hally  
Councilmember Bill Shurtleff

Also present:

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

**CONSENT AGENDA ITEMS**

Mayor Milam requested Council confirmation for the appointment of Richard Napier to serve on the Idaho Falls Civil Service Commission (Term to expire on January 1, 2007) and the reappointment of John Stosich to serve on the Idaho Falls Civil Service Commission (Term to expire on January 1, 2011).

The City Clerk requested approval of the Minutes from the May 23, 2005 Special Council Meeting and the May 26, 2005 Regular Council Meeting

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 the following Expenditure Summary dated May 1, 2005 through May 31, 2005, after having been audited by the Fiscal Committee and paid by the Controller:

<b><u>FUND</u></b>	<b><u>TOTAL EXPENDITURE</u></b>
General Fund	\$ 693,065.43
Street Fund	14,042.51
Recreation Fund	34,665.10
Library Fund	23,271.94
Municipal Equipment Replacement Fund	55,731.67
Electric Light Public Purpose Fund	40,781.58
Business Improvement District	730.75
Sanitary Sewer Capital Improvement Fund	1,830.00
Street Capital Improvement Fund	10,000.00
Water Capital Improvement Fund	51,928.42
Airport Fund	111,875.42
Water and Sewer Fund	605,237.09
Sanitation Fund	6,542.88
Ambulance Fund	14,191.80
Electric Light Fund	3,207,792.90
Payroll Liability Fund	<u>1,936,612.73</u>
<b>TOTALS</b>	<b>\$6,808,300.22</b>

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The City Clerk presented several license applications, including a BEER LICENSE to Frosty Gator (Transfer Only), all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on June 9, 2005.

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

Aye: Councilmember Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Lyon

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for Old Faithful Beverage Company, Division No. 2. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
June 5, 2005

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF I & M-1 AND FINAL PLAT FOR OLD FAITHFUL BEVERAGE COMPANY, DIVISION NO. 2

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for Old Faithful Beverage Company, Division No. 2. This parcel is located north and immediately adjacent to Sunnyside Road east of Yellowstone Highway. Most of the parcel is presently within the City of Idaho Falls and is zoned I & M-1 (Industrial and Manufacturing). Approximately two additional acres are being annexed to accommodate an addition to the building and a new employee parking lot. The Planning Commission considered this request at its May 3, 2005 Meeting and recommended approval of the annexation request and final plat. This matter is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

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Slide 1 Vicinity map showing surrounding zoning  
Slide 2 Aerial Photo  
Slide 3 Aerial Photo – Close Up  
Slide 4 Final Plat under consideration  
Exhibit 1 Planning Commission Minutes dated May 3, 2005  
Exhibit 2 Staff Report dated May 3, 2005  
Exhibit 3 Copy of Final Plat

The Planning and Building Director explained that the Final Plat includes a dedicated right-of-way for Sunnyside Road. This subdivision plat is in accordance with City ordinances. The annexation proposal is in accordance with the Comprehensive Plan.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to answer any questions from the Mayor and City Council. There were no questions.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Old Faithful Beverage Company Addition, Division No. 2 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2600**

**OLD FAITHFUL BEVERAGE COMPANY ADDITION, DIVISION NO. 2**

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 Groberg 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:

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Aye: Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg  
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 Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of Old Faithful Beverage Company Addition, Division No. 2 as I & M-1 (Industrial and Manufacturing) 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 Lyon  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Hally  
Councilmember Shurtleff

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Old Faithful Beverage Company Addition, Division No. 2 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Lyon  
Councilmember Shurtleff  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Groberg to conduct Annexation Proceedings for King's Island Addition, Division No. 5. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

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City of Idaho Falls  
June 5, 2005

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: ANNEXATION, INITIAL ZONING OF R-1, AND FINAL PLAT FOR KING'S ISLAND, DIVISION NO. 5

Attached are the Annexation Agreement, Annexation Ordinance, and Final Plat for King's Island, Division No. 5. The requested initial zoning is R-1 (Single-Family Residential). This plat, which is located adjacent to Jupiter Hills Drive and north of Pevero Drive, contains ten single-family residential lots and completes the King's Island Development. The Planning Commission considered this annexation request at its May 3, 2005 Meeting and recommended approval of the annexation, initial zoning of R-1, and final plat. The Planning Department concurs with this recommendation. This annexation request is being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat under consideration
Exhibit 1	Planning Commission Minutes dated May 3, 2005
Exhibit 2	Staff Report dated May 3, 2005
Exhibit 3	Copy of Final Plat

The Planning and Building Director stated that the Final Plat is in accordance with the City's Subdivision Ordinance and the Preliminary Plat that was proposed for this area. The Final Plat is in accordance with the Comprehensive Plan.

Daryl Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared to state that this Division completes the King's Island development.

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

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for King's Island Addition, Division No. 5 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Groberg  
Councilmember Hally  
Councilmember Lyon  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle

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Nay: None

Motion Carried.

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

**ORDINANCE NO. 2601**

**KING'S ISLAND ADDITION, DIVISION NO. 5**

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 Groberg 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 Hardcastle  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

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 Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning of King's Island Addition, Division No. 5 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 Shurtleff  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

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Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for King's Island Addition, Division No. 5 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Lyon  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Hally  
Councilmember Shurtleff

Nay: None

Motion Carried.

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

Larry Smith, 915 7<sup>th</sup> Street, appeared to state that he lives on the corner where Crow Creek makes a turn from 7<sup>th</sup> Street, down Fanning Avenue, to 8<sup>th</sup> Street. He stated that during the recent storm, he had water coming up in his basement from the sewer. He stated that he knew of a few others that experienced the same thing. Mr. Smith stated that he visited with a man from the Engineering Department that understood the problem. He stated that this man was supposed to call him back with an answer as to where that water came from. Mr. Smith stated that this should not have happened after all the work that was done to correct this problem.

Mayor Milam stated that the Public Works Director would follow up on this concern.

Mr. Smith then presented a bag of fireworks residue. He stated, further, that two years ago, he had to get up at 1:30 a.m. to tell the neighbor woman to stop lighting fireworks. He told her that he had recently put a new roof on his home and did not want it to go up in smoke. He stated that he was not at home during last year's festivities, but upon his return, he collected what he showed in the bag. He stated that other neighbors of his were concerned for any home that had a shake roof. Mr. Smith stated that this year he has family coming home and did not intend to put up with the same thing. He stated that he spoke with the desk officer at the Police Department, who told him that when the first bomb hit the yard to call the Police Department. He said that he did not want to fight with the neighbors. Mr. Smith stated that his next concern regarded the indiscriminate spraying of pesticides and herbicides around the City of Idaho Falls. He stated that he has contacted various agencies but has not received any answers. He suggested assigning sections of the City one day that all companies could spray that section on a given day. Then all mothers could keep their children in and keep all windows and doors closed for 24 hours. That is the only effective way to control this.

Mayor Milam commented that there is nothing of greater disappointment to the Engineering Department then to have completed that huge storm drainage and sewer project and then 7 or 8 years later have an incident that overpowered the project. Mayor

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Milam stated that during the storm, she drove past the Idaho Falls High School practice field at approximately 1:30 p.m. At that time it was full.

Mr. Smith indicated that the practice field should have drained sooner. He was told that it appeared that the pumps were clogged with debris from the kids at the school throwing trash on the field.

Mayor Milam stated that the Engineering Department would be following up on this to get it resolved.

Chris Bidstrup, 2391 Eastview Drive, appeared to state that he was not satisfied with the actions on the Library issue that has been addressed over the last several Council Meetings. He stated that he read the information that came from the Library Director and did not feel that it was adequate to address the issues that have been raised. In private discussions with some of the people involved, he has gotten the feeling that many people want this issue to go away. He wants to have the issue resolved properly. Mr. Bidstrup stated that the Library Director listed all of the people who have left the Library during this period, the dates that they left, along with the reasons that they left. That information did not address the issues of why they really left and it did not address the issues of who replaced whom. Some of those people were miffed when they left. There have been questions raised as to other people that were hired to fill the positions left open and the reasons for that hiring. This needs to be addressed further. Mr. Bidstrup expressed his concern for another issue regarding the co-mingling of funds. He gave the example of a check written in the amount of \$1,000.00 from the Library to the Foundation for the purchase of books. Mr. Bidstrup stated that his business would be in trouble if he took care of it in this manner. There should be an accounting of the books purchased by the Library and later assumed by the Foundation. There was also a concern expressed regarding the funds that were collected for the rental program and whether they were actually kept separate from the Library funds. Mr. Bidstrup stated that there is an attitude, "This is how we do business and why are you worried about it". This is not a businesslike attitude. Things need to be done in a businesslike manner, where everything can be accounted for and where everyone is accountable.

Mayor Milam stated that the whole issue of the Foundation is currently being addressed. In terms of the employees, she believed that the only employees hired in the last 6 months have been a couple of pages. Mayor Milam suggested that Mr. Bidstrup go and visit with the Library Director as he could provide that information to him.

Mr. Bidstrup stated that he would go and visit with the Library Director. He stated that everyone on the City Council needs to be given the correct information.

Kevin Leecaster, 2166 South Milligan Road, appeared to express his concern regarding the investment in a coal-fired power plant. He stated that he has studied environmental science for 10-15 years. Global warming is a real issue as 150 Mayors decided in California, where they conducted an environmental meeting. He suggested that coal would be an integral part of the energy future, but there are ways to lessen the green house gas emissions from the environment. He requested that plans for that not be ruled out, and some green house gas capturing technologies could be incorporated in the plan.

Councilmember Lehto requested Mr. Leecaster to give his telephone number to the City Clerk so that he might be contacted with any further meetings that are held on this issue. He explained that the project is currently looking at a gasification phase. There is no assurance in this development phase that this project will move forward with this technology. That aside, the best available control technology for emissions will be used for this plant. The initial units on this plant were installed in the mid-1980's. Units One and Two were upgraded with emissions technology. The emissions technology for the new plant will be state of the art. Councilmember Lehto stated that as the development phase takes place, this is where comments are appreciated.

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The Airport Director submitted the following memo:

City of Idaho Falls  
June 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: M. R. Humberd, Director of Aviation  
SUBJECT: SCHEDULED AIRLINES OPERATING AGREEMENT WITH  
PINNACLE AIRLINES

Attached for City Council approval is the Operating Agreement with Pinnacle Airlines the commuter airlines for Northwest Airlinck. This is the Standard Operating Agreement that the other airlines have signed with the city. Scheduled service will begin with the arrival of the flight at 10:30 p.m. on June 9, 2005.

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

s/ Mike Humberd

It was moved by Councilmember Lyon, seconded by Councilmember Hally, to approve the Scheduled Airlines Operating Agreement with Pinnacle Airlines and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Lyon

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls  
June 7, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Idaho Falls Power Director  
SUBJECT: IPP UNIT 3 PROJECT AGREEMENT

Attached is the IPP Unit 3 Project Agreement with UAMPS, and the related Development Agreement and Development Coordination Agreement. The City Attorney has reviewed the agreements.

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Idaho Falls Power requests City Council approval of the agreements and authorization for the Mayor to sign the documents.

s/ Mark Gendron

Councilmember Lehto stated that IPP Unit 3 is a project that will be a sister to IPP Unit No. 1 and IPP Unit No. 2 which were built in south central Utah near Delta. At that time, the Intermountain Power Agency conceived Unit 3 being built in the future to handle growth needs. Coal, water rights, and air permits were secured to expand the plant. That is what Idaho Falls Power and its partners (UAMPS) have been looking at for approximately two years. UAMPS approached the Intermountain Power Agency about putting the IPP Unit 3 on line in the time frame of 2011. In order to put that unit on line in 2011, it necessitated the process beginning approximately 2 years ago. The steering phase of this project has been addressed and environmental permitting has been addressed. Any legal challenges that might have come up have been raised. The project is poised to move into the second phase, which is the development phase. Trade-offs and studies between coal gasification, emissions technology, and the best way to put the plant on line are a few of the issues being considered under the development phase. This is being considered not only in a cost effective method, but also in an environmentally friendly method. As the project moves forward, those types of issues will be considered. At this point in time, the 900 megawatt coal-fired plant is fully subscribed. Idaho Falls Power is looking at the needs of its customers in the City of Idaho Falls to the year 2025. The Development Agreement would be an Agreement to share development costs for approximately 20 megawatts of the 900 megawatt facility.

Mayor Milam stated that there are others who are interested in this development. If at some point Idaho Falls Power decides that they do not want to be part of this development, there would be others who would step in and Idaho Falls Power would be reimbursed for the City's portion of the investment.

Councilmember Lehto stated that Idaho Falls Power, through the bulb turbines, provides approximately 40% of the power needs for the City of Idaho Falls. About 50% of the City's power needs are supplied from Bonneville Power Administration. Idaho Falls Power is into the open market for approximately 10% of the City's power needs. As the City continues to grow at 1% to 1.5% per year, Idaho Falls Power will have to find other ways to shore up the City's power needs.

Councilmember Hally requested to know what the anticipated costs for power would be on this plant compared to market prices at the present time.

Councilmember Lehto stated that he has seen estimates that power could be delivered at \$28.00 per megawatt hour to approximately \$40.00 per megawatt hour. Bonneville Power Administration costs have been at approximately \$45.00 to \$50.00 per megawatt hour. That is another compelling reason to look at the development of IPP Unit No. 3.

Councilmember Groberg stated that he appreciated that coal generation is suspect by many people. This project, even though it is far along in the permitting process, will be carefully scrutinized and attacked simply because it is a coal fired plant. As Councilmember Lehto has pointed out, these commitments have to be made in advance. At this point, even though the community has long taken pride in its hydropower, it appears that this is the best power option out there for the City of Idaho Falls.

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve the IPP Unit 3 Project Agreement with UAMPS and the related Development Agreement and Development Coordination Agreement 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 Lyon  
Councilmember Shurtleff  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to authorize the Mayor to prepare a letter to UAMPS requesting 5 additional megawatts in this project. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Lyon

Nay: None

Motion Carried.

Councilmember Lehto explained that a Cable Franchise Agreement has been considered by the City Council for the better part of ten years. At the last two City Council Meetings, the Ordinance adopting the Cable Franchise Agreement has been passed on the first and second reading and the Pole Attachment Agreement has been tabled to be considered along with the Ordinance adopting the Franchise Agreement. Circumstances came up during the past week between the cable provider, the Municipal Services Council Committee, and the Municipal Services Director that have not allowed the Agreement to be finalized. It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to table consideration of the Ordinance adopting the Cable Franchise Agreement and the Pole Attachment Agreement to the next Regular Council Meeting on June 23, 2005. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

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City of Idaho Falls  
June 9, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: ART GUILD CONSENT TO LEASE AGREEMENT

Attached for your consideration are a Lease Assumption and Consent Agreement between the Eagle Rock Art Guild, Inc. and the Eagle Rock Art Museum and Education Center, Inc. The Eagle Rock Art Guild, Inc. is proposing to assign the Eagle Rock Art Museum and Education Center, Inc. the current lease for the Arts Guild building on South Capital Avenue. The original lease was signed on October 26, 2001. The Museum Board has agreed to assume and perform all terms and conditions of the original lease agreement. The Guild has requested the City's consent to such assignment and I am requesting your approval and authorization for the Mayor to sign and execute the attached Consent Agreement.

s/ David J. Christiansen

Councilmember Hally stated that the Eagle Rock Art Guild, for many years, raised money and worked with the City on land trades, to develop the Eagle Rock Art Museum along the river. This has enhanced the area and the greenbelt. After this was done, the Eagle Rock Museum Board was formed to raise funds and help operate the museum. The City of Idaho Falls is not involved in any way with the costs of operating the museum. In doing this, it was determined by both parties, it would be best to transfer the lease from the Eagle Rock Art Guild to the Eagle Rock Art Museum and Education Center, Inc. This agreement allows the Board to better operate the Museum on a day-to-day basis. This also protects the interests of the Art Guild.

It was moved by Councilmember Hally, seconded by Councilmember Groberg, to approve the Lease Assumption and Consent Agreement between the Eagle Rock Art Guild, Inc. and the Eagle Rock Art Museum and Education Center, Inc. and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Lyon  
Councilmember Hardcastle  
Councilmember Groberg  
Councilmember Hally  
Councilmember Shurtleff

Nay: None

Motion Carried.

Mayor Milam introduced representatives from the Eagle Rock Art Museum and Education Center and told them that they have done a wonderful job with this facility. The Planning and Building Director submitted the following memo:

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City of Idaho Falls  
June 5, 2005

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: APPROVAL OF ONE YEAR ACTION PLAN, COMMUNITY  
DEVELOPMENT BLOCK GRANT

Attached is the resolution adopting the Fiscal Year 2005 Action Plan for the Community Development Block Grant monies. The Division respectfully requests adoption of this resolution.

s/ Renée R. Magee

**RESOLUTION NO. 2005-7  
RESOLUTION OF THE CITY OF IDAHO FALLS  
APPROVING THE FISCAL YEAR 2005 ACTION PLAN**

WHEREAS, the City of Idaho Falls has been designated as an entitlement city by the U. S. Department of Housing and Urban Development;

WHEREAS, the U. S. Department of Housing and Urban Development has approved the 2004-2009 Strategic Plan and Impediments to Fair Housing prepared by the City of Idaho Falls;

WHEREAS, the City of Idaho Falls has prepared a One-Year Action Plan for Fiscal Year 2005 as part of the requirements of entitlement status;

WHEREAS, the City of Idaho Falls has held a public hearing on the Action Plan on April 28, 2005;

WHEREAS, the City of Idaho Falls has a thirty day comment period until and through May 31, 2005;

WHEREAS, the City of Idaho Falls has reviewed and considered any comments received during the thirty day period;

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Idaho Falls as follows:

1. The One Year Action Plan for Fiscal Year as prepared by the Planning and Building Division, a copy of which is attached hereto and by this reference made a part hereof, is hereby approved.

2. The Mayor is hereby authorized to execute Form 424 for federal assistance.

s/ Linda Milam  
Linda Milam  
Mayor

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It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Resolution approving the Fiscal Year 2005 Action Plan for the Community Development Block Grant and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lyon  
Councilmember Shurtleff  
Councilmember Groberg  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls  
June 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – NORTH HIGBEE AVENUE AND KEEFER STREET  
STORM DRAIN

On June 1, 2005, bids were received and opened for the North Higbee Avenue and Keefer Street Storm Drain Project. A tabulation of the bid results is attached.

Public Works recommends award of this bid to the low bidder, TMC Contractors, Inc., in the amount of \$37,644.00; and, authorization for the Mayor and City Clerk to sign the contract documents.

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Lyon, to accept the low bid from TMC Contractors, Inc. to complete the North Higbee Avenue and Keefer Street Storm Drain Project and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Groberg  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle  
Councilmember Lyon

Nay: None

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Motion Carried.

City of Idaho Falls  
June 6, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION - LOT 2, BLOCK 1, KINGWOOD,  
DIVISION NO. 1

As previously authorized, the City Attorney has prepared documents to vacate an easement located in Lot 2, Block 1, Kingwood, Division No. 1.

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

s/ Chad Stanger

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

**ORDINANCE NO. 2602**

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

The foregoing Ordinance was presented by title only. Councilmember Shurtleff moved, and Councilmember Lyon 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 Groberg  
Councilmember Hally  
Councilmember Lyon  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hardcastle

Nay: None

Motion Carried.

**JUNE 9, 2005**

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City of Idaho Falls  
June 7, 2005

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: RIGHT-OF-WAY ACQUISITION AGENCY AGREEMENT

Attached is a proposed Right-of-Way Acquisition Agency Agreement between the City and Bonneville County with respect to acquisition of right-of-way for that portion of Sunnyside Road Project between Holmes Avenue and Yellowstone Highway. The proposed agreement authorizes the City to act as the County's agent in acquiring right-of-way needed for this project and located in Bonneville County's jurisdiction.

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 Shurtleff, seconded by Councilmember Lyon, to approve the Right-of-Way Acquisition Agency Agreement between the City of Idaho Falls and Bonneville County and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Shurtleff  
Councilmember Hally  
Councilmember Lyon  
Councilmember Groberg

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, that the meeting adjourn at 8:20 p.m.

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CITY CLERK

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MAYOR

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