

**APRIL 8, 1999**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 8, 1999, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Linda Milam  
Councilmember Gary Mills  
Councilmember Joe Groberg  
Councilmember Larry Carlson  
Councilmember Beverly Branson  
Councilmember Ida Hardcastle  
Councilmember Brad Eldredge

Also present:

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

Mayor Milam requested Boy Scout Eric Davis to come forward and lead those present in the Pledge of Allegiance.

The City Clerk read a summary of the minutes for the March 25, 1999 Regular Council Meeting. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, that the minutes be approved as read. Roll call as follows:

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

Nay: None

Motion Carried.

### **CONSENT AGENDA ITEMS**

Mayor Milam requested Council confirmation for the Re-Appointment of Keith Kennedy to serve on the Fire Code Appeals Board (Term to expire in April, 2003); and, the Re-Appointment of Reed Miller to serve on the Fire Code Appeals Board (Term to expire in April, 2004).

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

The City Clerk presented several license applications, including a BEER LICENSE to WinCo Foods; BARTENDER PERMITS to Kristina A. Ager, Fawna G. Bird, Cindy Brown, Ena May Harris, Shelley L. Jorgensen, Jacqueline Kolbet, Christine Merkley, Kyle E. Roberts, Billie Jo Rowberry, Lynn R. Scott, Shane E. Storer, Jody K. Tanner, Marilyn D. Trujillo, and Donna M. Weinrich, all carrying the required approvals, and requested authorization to issue these licenses.

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The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on April 8, 1999.

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

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

Nay:            None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Milam requested Council confirmation for the Appointment of Michael R. Humberd to serve as the City of Idaho Falls Airport Division Director. It was moved by Councilmember Groberg, seconded by Councilmember Eldredge, to approve the Appointment of Michael R. Humberd to serve as the Airport Division Director to be effective April 26, 1999. Roll call as follows:

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

Nay:            None

Motion Carried.

Mayor Milam turned a few moments over to Mr. Humberd to introduce himself and his wife. He expressed his appreciation for the appointment by the Mayor and City Council, and stated that he is looking forward to getting started in his new position as soon as possible.

The City Clerk presented the following Expenditure Summary dated March 1, 1999 through March 31, 1999, after having been audited by the Fiscal Committee and paid by the Controller:

<b><u>FUND</u></b>	<b><u>SERVICE AND MATERIALS</u></b>	<b><u>GROSS PAYROLL</u></b>	<b><u>TOTAL EXPENDITURE</u></b>
General Fund	\$875,159.44	\$989,881.40	\$1,865,040.84
Street Fund	90,335.32	54,268.52	144,603.84
Airport Fund	65,315.90	25,681.59	90,997.49
Water and Sewer Fund	226,579.66	121,930.57	348,510.23
Electric Light Fund	3,560,227.84	218,240.40	3,778,468.24
Sanitation Fund	77,106.46	61,043.15	138,149.61

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<b><u>FUND</u></b>	<b><u>SERVICE AND MATERIALS</u></b>	<b><u>GROSS PAYROLL</u></b>	<b><u>TOTAL EXPENDITURE</u></b>
Recreation Fund	22,705.14	36,503.18	59,208.32
Municipal Capital Improvement Fund	299,896.14	.00	299,896.14
Library Fund	74,606.49	50,945.09	125,551.58
Ambulance Fund	56,994.98	60,124.01	117,118.98
Municipal Equipment Replacement Fund	8,400.00	.00	8,400.00
BPA Weatherization Loan Fund	17,696.81	.00	17,696.81
Business Improvement District	5,211.50	.00	5,211.50
<b>TOTALS</b>	<b>5,380,235.67</b>	<b>1,618,617.91</b>	<b>6,998,853.58</b>

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to ratify the payment of the expenditures for the month of March, 1999. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Mills to conduct Annexation Proceedings for Lots No. 6 and 7, Block 6, Hodson Addition. At the request of Councilmember Mills, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
March 8, 1999

**MEMORANDUM**

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: LOTS 6 AND 7, BLOCK 6, HODSON ADDITION

Attached is the Annexation Agreement and Annexation Ordinance for Lots 6 and 7, Block 6, Hodson Addition. The initial zoning requested is HC-1, and the two lots under consideration encompass 1.07 acres in the northwest corner of Woodruff Avenue and Lincoln Road. The Planning Commission considered this request at its December Meeting and recommended annexation and initial zoning of HC-1. The Department concurs in the recommendation. This matter is now being submitted to the Mayor and Council for your consideration.

s/ Renée R. Magee

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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
Slide 2	Aerial Photo
Slide 3	Woodruff Avenue, looking west across site, back towards City of Idaho Falls
Slide 4	Lincoln Road, looking north along Woodruff Avenue

Councilmember Branson requested to know how many accesses were being allowed on Woodruff Avenue. The Planning and Building Director stated that one access would be provided on Woodruff Avenue. There are presently two accesses on Lincoln Road, with the Annexation Agreement providing for one of those accesses to be closed, so that each access on Lincoln Road and Woodruff Avenue will be approximately 130 feet from the intersection.

Darrell Kofoed, Mountain River Engineering, 1020 Lincoln Road, appeared as a representative for the Developer. He stated that this will be a Hertz Car Sales Lot.

There being no further discussion either in favor of or in opposition to this annexation request, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to approve the Annexation Agreement for Lots No. 6 and 7, Block 6, Hodson Addition and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

**ORDINANCE NO. 2320**

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 Mills moved, and Councilmember Groberg seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with and the Ordinance be passed on all three readings. Roll call as follows:

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

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 Mills, seconded by Councilmember Groberg, to establish the initial zoning of Lots No. 6 and 7, Block 6, Hodson Addition be established as HC-1 (Highway Commercial) as requested and, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

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

Bob Meikle, 1462 Blue Jay Place, Eagle, Idaho, appeared to express his concerns regarding Fred Tiffany Metals (junkyard) at the corner of Pancheri Drive and Utah Avenue. Mr. Tiffany's operation is creating problems for many of the landowners in the area by creating a loss of property value and the ability to take pride in the area. Mr. Meikle requested the City Council to look into this issue and find a way to be able to screen the problem area. Mr. Tiffany has tried to fence his operation, but the fence has become as unsightly as the operation. Mr. Meikle has visited with landowners in the area and commented that these landowners would be willing to donate, if the City were to initiate some sort of clean up process to alleviate the problem. He commented that there are major environmental concerns relating to Mr. Tiffany's operation and that a thorough environmental investigation needs to be completed. He felt that the City could arrange for this better than the property owners.

Mayor Milam stated that this issue is discussed on a regular basis. She requested the Public Works Council Committee and the Planning and Building Council Committee to discuss this issue at their next regularly scheduled meetings, in conjunction with advise from the City Attorney as to what can and cannot be done by the City with regard to this issue.

The Electric Division Director submitted the following memos:

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City of Idaho Falls  
April 6, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Electric Division Director  
SUBJECT: POWER PURCHASE AGREEMENT WITH BONNEVILLE POWER  
ADMINISTRATION

Attached for your consideration is an Agreement to purchase power from B.P.A. during the period of September 1, 1999 through February 28, 2000. This Agreement is for 25 megawatts.

The Electric Division respectfully requests Council approval and authorization for the Mayor to sign this Agreement.

s/ Mark Gendron

It was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Power Purchase Agreement with Bonneville Power Administration and, further, give authorization for the Mayor to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
April 6, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Mark Gendron, Electric Division Director  
SUBJECT: RESOLUTION SUPPORTING DAMS

Attached for your consideration is a Resolution Supporting the Protection of the Dams on the Lower Snake River.

The Electric Division respectfully requests adoption of this Resolution.

s/ Mark Gendron

At the request of Councilmember Eldredge, the Electric Director appeared to explain that a Council Work Session has been held regarding this Resolution. The issue being considered is the potential removal of 4 federal dams on the lower Snake River. Those dams produce

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energy for Bonneville Power Administration. The City purchases the majority of its net requirements from B.P.A. If the dams were removed, 3,000 megawatts of capacity would be removed from the system. That represents 15% of the total capacity of the federal system, and 11% of the energy production in an average water year. The impacts to the City's utility and the ratepayers are not completely known, but studies have indicated that it would be significant. The Electric Division Director stated that an important component of this Resolution is that the City does support cost-effective measures to help restore the salmon.

At the request of Councilmember Eldredge, the City Clerk read the following Resolution:

**RESOLUTION FOR DAMS (Resolution No. 1999-05)**

WHEREAS, the City of Idaho Falls recognizes the importance to the City, State of Idaho, and the Pacific Northwest of the multiple use water projects on the Columbia and Snake Rivers and of healthy populations of anadromous salmon and steelhead; and,

WHEREAS, the City has a long and successful history of developing and operating cost effective, efficient, and dependable hydroelectric generating facilities on the Snake River in an environmentally responsible manner utilizing water, a renewable fuel supply; and,

WHEREAS, the City, as a public agency in the Northwest, qualifies for and purchases the majority of its net electric energy requirements from the Bonneville Power Administration (B.P.A.); and,

WHEREAS, B.P.A. markets the output of the Federal Columbia River Power System, which includes four (4) federal dams on the lower Snake River; and,

WHEREAS, removal of the dams on the lower Snake River would remove more than 3,000 megawatts of generating capacity from the federal system (representing 15% of total federal capacity and 11% of total federal average energy production), reduce the reliability of the regional power system, and eliminate the deep-water port at Lewiston; and,

WHEREAS, removal of such dams would cause significant increase in rates for electricity paid by residents and businesses in the City; and,

WHEREAS, removal of such dams for the purpose of restoring anadromous fish populations is an extreme action, is not supported by conclusive science, and fails to address other factors contributing to decline in fish populations such as habitat degradation, increased predation, commercial harvest, hatchery practices and unfavorable ocean conditions; and,

WHEREAS, removal of such dams would likely require construction of new fossil fueled generation, increasing air pollutants and carbon emissions; and,

WHEREAS, since removal of such dams will not assure recovery of anadromous fish and potential will continue to exist for the confiscation of

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Idaho water for flow augmentation, affecting agricultural uses which contribute significantly to the Idaho economy and the prosperity of Idaho residents.

NOW, THEREFORE, BE IT RESOLVED, the Idaho Falls City Council supports implementing enhancement efforts to protect and restore anadromous fish populations that are cost effective, measurable, and provide predictable results; and,

FURTHER, BE IT RESOLVED, the City Council supports protection of the multi-purpose dams on the Columbia and Snake Rivers and their tributaries and also supports protection of Idaho sovereignty over its water resources.

s/ Linda Milam  
Mayor, City of Idaho Falls  
Date: April 9, 1999

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

Gerry Jayne, 1568 Lola Street, appeared to state that the Mayor and Council are mistaken in passing this Resolution. It is not far-sighted of the City to take this position. Mr. Jayne shared with Council a few quotes from a re-print of 3 days of editorials and opinions found in the Idaho Statesman in July, 1997 written by Susan Waley and Rocky Barker. He stated from that editorial, "Breaching 4 dams on the lower Snake River makes economic sense and restores an Idaho treasure. If salmon return to the state in substantial numbers, which they will if the dams are breached, the long-term benefits outweigh any short-term losses." Mr. Jayne stated that the figure of 3,000 megawatts being removed, is more like 1,231 megawatts. The Northwest Power Planning Council stated that they could make up for that loss with conservation. He explained, further, that he believes that the dams are causing the decline in the Chinook and steelhead in the Snake River. Mr. Jayne made a comparison, for Council, how fish are surviving on the lower Columbia River as compared to the runs of fish on the upper Columbia River. He stated that in the lower Columbia River, the fish population has been left untouched. Mr. Jayne submitted the following quotes from the Media Release of "Over 200 Scientists Sign Letter to President Supporting Dam Removal" as follows:

"The critically depressed status of the Snake basin salmon and steelhead stocks and the need for immediate decisive restoration action cannot be overstated," said Dr. Richard Williams, a University of Idaho research professor, lead author of the 1996 Return to the River report, and current chair of the Independent Scientific Advisory Board. "Continuation of status quo management and recovery programs or the politically palatable slight variations presently favored by virtually all of the Northwest governors and Congressional delegations will doom many Snake basin stocks to certain extinction within the next one to three decades. Recovery of the upper basin stocks can only be achieved by

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restoration of natural ecological functions in major key habitats such as the lower Snake River and the John Day reach of the main-stem Columbia.”

“It is painfully obvious that 20 years of technological fixes have not overcome the problems caused by the four lower Snake River dams,” said Dr. Robert Behnke, a Colorado State University fisheries professor long recognized as one of the world’s foremost experts on salmonids. “Either we change course now and restore the lower Snake to a semblance of a river, or we will likely lose forever a unique and precious genetic resource that cannot be replaced. It would be a terrible tragedy if we allowed the salmon and steelhead of the Snake River to go extinct.”

Mr. Jayne, further, submitted the following quotes from the letter on Snake River salmon recovery that was delivered to President Clinton on March 22, 1999:

“Every independent scientific analysis on this subject since the landmark 1996 *Return to the River* report by the Independent Scientific Group (ISG) has concluded that juvenile fish transportation in the Columbia-Snake River System is a failed practice that should be phased out in lieu of a return to more normative river conditions.”

“There is building scientific consensus that the surest way to restore wild Snake River salmon and steelhead runs is to reclaim a 140-mile-long reach of their migration corridor by bypassing four dams on the Lower Snake River. This strategy, known as the natural river option, is the third recovery strategy being evaluated in the Corps’ EIS.”

“According to the PATH (Plan for Analyzing and Testing Hypotheses) scientific group, the team of regional scientists that will provide most of the biological information for the 1999 Decision, the natural river option is the only recovery action that has a high likelihood of restoring wild Snake River salmon and steelhead runs to healthy levels. The Idaho Department of Fish and Game calls the natural river option “the best biological choice for recovering salmon and steelhead in Idaho,” saying it is “logical, biologically sound, has the highest certainty of success and lowest risk of failure, and is consistent with the preponderance of scientific data.” The natural river option is the only recovery strategy under consideration that is consistent with the normative river principles outlined in *Return to the River*.”

“The weight of scientific evidence clearly shows that the wild Snake River salmon and steelhead runs cannot be recovered under existing river conditions. Enough time remains to restore them, but only if the failed practices of the past are abandoned and we move quickly to restore the normative river conditions under which these fish evolved. We urge you to provide leadership on this issue in order to ensure that the 1999 Decision isn’t delayed. Biologically, the choice of how to best recover these fish is clear, and the consequences of maintaining the status quo are all but certain.”

Following the reading of the above quotations, Mr. Jayne urged the Mayor and Council not to pass this Resolution until the Corps of Engineers Study is written.

Ronald Hover, 2280 Santalema Drive, appeared to state that he is associated with the Upper Snake River Cutthroats Chapter and Fly Fishers Federation, along with being

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the Bonneville County Representative to the Idaho Wildlife Council. He requested the Mayor and Council to table this Resolution at this time. He stated that he is a trained fishery biologist, and unless the dams are breached, the fish population will be lost. Mr. Hover stated that there is enough scientific data to validate this. Even with the development of hatchery introductions and new techniques for habitat restoration of spawning streams, there has still been a decline in the population of steelhead. While there is a possibility that the price of electricity may go up in Idaho Falls, we should not do away with the salmon for that possibility.

The Electric Director re-appeared to state that the economic impact is not immediately known at this time if the dams are breached. The Bonneville Power Administration is presently working on an economic analysis of the removal of the 4 federal dams, but at this time has no official figures to release. Clearly, the impacts involve the cost of the removal of the dams, the cost of replacing the power with new generating resources, and the continued obligation to repay the Federal Treasury for capital investment in the projects. This could produce a 10% increase to ratepayers on the local level. The Electric Director explained that this region has been a leader in conservation efforts from 1980 until present. He did not believe that conservation alone can make up for the loss of 3,000 megawatts of generating capacity.

Councilmember Groberg questioned why the Resolution states that science is inconclusive, and two people have appeared to state that it is not. The Electric Director stated that the PATH Study scientists looked at 3 alternatives, with the focus being only the spring, summer and fall Chinook on the Snake River. The alternatives were studied to improve the salmon runs in the Snake River, with those being: 1) Dam Breach; 2) Increased Barging; and, 3) Status Quo. The conclusions reached by the PATH Study indicated that the best of the three alternatives to reach certain recovery criteria was the dam breach. It needs to be noted that only 3 alternatives were studied. Survival criteria were met under all conditions. Also, there was not consensus among the PATH Scientists.

Councilmember Groberg questioned the Resolution statement, "that breaching the dams would not assure that water would not be used from the Upper Snake River Valley to continue to flush the fish down the river." The Electric Director stated that if the dams are not breached, the possibility exists that there will be a call on Idaho water or additional water. If the dams are breached, there is no assurance that the call will not come.

Councilmember Groberg questioned why the Council needs to pass this Resolution at this time. The Electric Director stated that this issue has taken center stage, and the time is right to state that the dams should not be removed. Should the Corps of Engineers find at a later date that the dams should be removed, then there is nothing that would stand in the way of the Council reconsidering this Resolution at a future date.

Councilmember Carlson questioned that if the dams are breached, where would the additional energy come from. The Electric Director stated that the Pacific Northwest Region is no longer surplus power. In fact, in 2001, public agency customers like the City of Idaho Falls will be entering into new contractual agreements with the Bonneville Power Administration. B. P. A. does not have enough power to serve the requested needs of the Pacific Northwest. Replacement generating facilities would have to be built to take care of the shortage. The most common type of generation constructed today is combined-cycle gas turbine generation.

Gerry Jayne re-appeared to state that the PATH Study predicted that with the dam breaching option, an 80%-82% probability exists of returning the recovering salmon and steelhead in 24 years. Mr. Jayne gave percentages of the salmon and steelhead available in the rivers now. He questioned the 15%-25% increase in power prices and the problem of replacing the power. Again, he requested that the Council not approve the Resolution Supporting Dams.

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Ronald Hover re-appeared to state that the local population should have say in what the City Council is considering. He does not have a problem in paying more for power, as long as the fish populations stay in the river. He believed that technology is such that the shortage of power may be addressed easily. Mr. Hover requested the City Council to table this Resolution until more information is available and so that more people from the community can have the opportunity to review and research all of the implications associated with this Resolution.

Councilmember Groberg stated that, in the past, what has been pronounced to be absolute, has not turned out to be absolute. He stated that the Resolution tells him that breaching the dams is an extreme action.

Councilmember Eldredge explained that this issue is a very hot political topic. In the press reports as of this date, both Idaho Senators stated that they oppose dam breaching because it is not politically feasible. This would require an act of Congress for the dams to be breached. Councilmember Eldredge stated that this Resolution is a reasonable resolution. He explained to Mr. Hover that approximately 3 months ago, the Electric Division produced a newsletter on this subject. Roughly 90% of the respondents stated that they are opposed to the dams being breached, with only 10% favored removal of the dams. Councilmember Eldredge stated that he believed that this represented the community's feelings on this issue. One of the most important issues in the Resolution is where the City of Idaho Falls supports the cost-effective measures to restore the fish.

Councilmember Hardcastle stated that not only do the Councilmembers sit as a City Council, but they sit as a Power Board. Every Councilmember has studied these issues, attended Work Sessions regarding these issues, and does not make decisions lightly.

There being no further comment either in favor of or in opposition to this Resolution, it was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Resolution Supporting Dams and, further, give authorization for the Mayor and City Clerk to execute the Resolution. Roll call as follows:

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

Nay:            None

Motion Carried.

City of Idaho Falls  
April 6, 1999

MEMORANDUM

TO:            Honorable Mayor and City Council  
FROM:        Mark Gendron, Electric Division Director  
SUBJECT:    RISK MANAGEMENT POLICY

Attached for your consideration is a Resolution adopting a Risk Management Policy and authorizing execution of the Appendix A to the UAMPS Pooling Agreement. The City Attorney has reviewed the documents.

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The Electric Division respectfully requests City Council adoption of the attached Resolution, and authorization for the Mayor to execute the policy.

s/ Mark Gendron

**RESOLUTION ADOPTING RISK MANAGEMENT POLICY**  
**(Resolution No. 1999-06)**

WHEREAS, the electric utility industry is in transition from a regulated to unregulated industry with competition providing opportunities to reduce power supply costs, but also introducing risks such as price volatility, reliability, and performance; and,

WHEREAS, the Utah Associated Municipal Power System (UAMPS), of which the City is a member, in response to a competitive wholesale power market, has established a real time electronic Power Exchange (PX) to provide its members with the ability to enter into power transactions with other members or with UAMPS; and,

WHEREAS, to conduct business effectively in a competitive wholesale market, the City must have the ability to respond in a timely manner to market opportunities and must also manage the inherent risks mentioned herein.

NOW, THEREFORE, BE IT RESOLVED, that the Idaho Falls City Council adopt the attached Risk Management Policy for the purpose of authorizing and approving execution of the PX Appendix, to set forth principles governing risk management activities and the transactions and instruments that may be utilized to manage risks, to establish procedures for the periodic review of those transactions, and to expressly prohibit certain activities.

s/ Linda Milam  
Mayor, City of Idaho Falls

April 9, 1999

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

The Electric Director appeared to explain that the power industry has changed from a regulated industry to an unregulated industry. This has changed the way the City conducts business as an electric utility, particularly with respect to acquiring power supply. UAMPS has recently responded to a need for a real time, easily accessible pricing, electronic exchange to allow its members to purchase power electronically as needed. As a result of this, UAMPS has asked its members to provide a Risk Management Policy. The Risk Management Policy authorizes execution of the Appendix with UAMPS, sets forth certain principles governing the City's risk management activities and the transactions and instruments utilized to manage risks, establishes procedures for reviewing those decisions, and, expressly prohibits certain activities. This policy allows the Electric Division to respond

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to needs for power supply on a timely basis. It also allows for the Electric Division to acquire financial instruments, if necessary, to hedge power purchases that are often variable price purchases.

There being no further discussion, it was moved by Councilmember Eldredge, seconded by Councilmember Mills, to approve the Resolution Adopting a Risk Management Policy and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
April 6, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: WASTE WATER TREATMENT PLANT – FARM GROUND LEASE

Attached for your consideration is a proposed Farm Lease Agreement between the City of Idaho Falls and Derrald Schwieder for approximately 110.4 acres of the City-owned farm ground at the Waste Water Treatment Plant.

Municipal Services does not anticipate that the property will be needed for public purposes during the term of this Agreement.

It is respectfully requested that Council approve and authorize the Mayor to execute said document.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve the Farm Lease Agreement between the City of Idaho Falls and Derrald Schwieder and, further, give authorization for the Mayor and City Clerk to sign the necessary Agreements. Roll call as follows:

Aye: Councilmember Eldredge  
Councilmember Carlson  
Councilmember Mills  
Councilmember Groberg

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Councilmember Branson  
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
March 31, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: ROBERT HOFF LEASE ASSIGNMENT – U. S. BANK

Attached for your consideration is the Landlord's Consent, which has been requested by U. S. Bank in conjunction with Bob Hoff's hangar.

It is respectfully requested that Council approve and authorize the Mayor to execute said document.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to approve the Landlord's Consent in conjunction with Bob Hoff's hangar and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
March 31, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: RENEWAL OF BOILER AND MACHINERY AND PROPERTY  
COVERAGE FOR THE BULB TURBINE GENERATION PLANTS

It is the recommendation of Municipal Services to bind Bulb Turbine Generation Plant Boiler and Machinery and Property coverage with Allendale

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Insurance Company. The premium is \$50,814.00 and the renewal date is April 29, 1999.

s/ S. Craig Lords

Councilmember Eldredge stated that this company stood up to a major loss this past year. He commended the company for their good work. It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to bind the Bulb Turbine Generation Plant Boiler and Machinery and Property coverage with Allendale Insurance Company. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
April 2, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-99-17, ONE (1) NEW 1999 CAB AND CHASSIS MOUNTED  
WITH A NEW CONTRACTOR-TYPE DUMP BODY

Attached for your consideration is the tabulation for Bid IF-99-17, One (1) New 1999 Cab and Chassis Mounted with a New Contractor-Type Dump Body for the Parks Department.

It is the recommendation of Municipal Services to accept the sole bid of Hirning Truck Center to furnish the required New 1999 GMC Model C7H042 Conventional Cab and Chassis to be mounted with a New 1999 Crysteel Contractor Tipper Dump Body for an amount of \$51,655.00 with option and without trade-in.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the sole bid from Hirning Truck Center to furnish the required 1999 Cab and Chassis mounted with a New Contractor-Type Dump Body. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Branson  
Councilmember Eldredge  
Councilmember Carlson

**APRIL 8, 1999**

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Councilmember Groberg  
Councilmember Mills

Nay: None

Motion Carried.

City of Idaho Falls  
April 2, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-99-19, SOLVENT-BASED TRAFFIC STRIPING PAINT

Attached for your consideration is the tabulation for Bid IF-99-19, Solvent-Based Traffic Striping Paint.

It is the recommendation of Municipal Services to accept the sole bid of Morton Traffic Markings. They will furnish the required specified paint for a lump sum total amount of \$24,665.00.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the sole bid of Morton Traffic Markings to provide the Solvent-Based Traffic Striping Paint. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls  
April 5, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID TABULATION - AIRPORT TOLL BOOTH CANOPY AND RESTROOM ADDITION

Attached for your consideration is the tabulation of bids for the Airport Toll Booth Canopy and Restroom Addition.

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It is the recommendation of Municipal Services to accept the low bid of Shook Construction in the amount of \$69,728.00.

s/ S. Craig Lords

It was moved by Councilmember Branson, seconded by Councilmember Eldredge, to accept the low bid of Shook Construction to complete the Airport Toll Booth Canopy and Restroom Addition and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
March 30, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: SAND CREEK GOLF COURSE PARKING LOT PAVING

On Tuesday, March 23, 1999, bids were opened for the Sand Creek Golf Course Parking Lot Paving Project. HK Contractors, Inc. of Idaho Falls was the apparent low bidder at \$44,200.00. The Engineer's Estimate on this project was \$65,000.00. It is, therefore, recommended that the contract be awarded to said Contractor.

This project will be paid from the Golf Course Capital Improvement Fund.

s/ David J. Christiansen

It was moved by Councilmember Mills, seconded by Councilmember Carlson, to accept the low bid of H-K Contractors, Inc. to complete the Sand Creek Golf Course Parking Lot Paving Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

**APRIL 8, 1999**

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Nay: None

Motion Carried.

The Planning and Building Director submitted the following memos:

City of Idaho Falls  
April 5, 1999

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: DUNKLEY GALLATIN ADDITION, DIVISION NO. 1

Attached is the Final Plat for Dunkley Gallatin Addition, Division No. 1. It is a one-lot Plat containing 0.54 acres located west of Gallatin Avenue and north of West 25<sup>th</sup> Street. The area is within the City of Idaho Falls and is zoned I & M-1. The Planning Commission reviewed this Final Plat at its March Meeting and recommended approval of the Plat. It 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 request:

Slide 1 Vicinity Map  
Slide 2 Aerial Photo  
Slide 3 Final Plat

The Planning and Building Director explained that access to this development would be from Gallatin Avenue, due to the close proximity to the Railroad tracks along West 25<sup>th</sup> Street.

There being no further discussion either in favor of or in opposition to this request, it was moved by Councilmember Mills, seconded by Councilmember Groberg, to accept the Final Plat for Dunkley Gallatin Addition, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk authorization to sign said Final Plat. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls  
April 5, 1999

MEMORANDUM

TO: Mayor and City Council  
FROM: Renée R. Magee, Planning and Building Director  
SUBJECT: 1997 EDITION OF THE UNIFORM HOUSING CODE

Attached is the Ordinance adopting the 1997 Edition of the Uniform Housing Code. There are no major changes from this Edition and the 1994 Edition; however, the Division is respectfully requesting adoption to assure compatibility with the Editions of other Uniform Codes recently adopted.

s/ Renée R. Magee

The Planning and Building Director appeared to explain that the purpose for this Code is to be sure that inhabitable, safe dwellings are found in the City of Idaho Falls. Some of those requirements would include having a heating system that provides for at least 70° F., running water, functional plumbing, etc.

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

**ORDINANCE NO. 2321**

AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 7-2-1 AND 7-2-2 OF THE CITY CODE OF IDAHO FALLS, IDAHO; ADOPTING THE 1997 EDITION OF THE UNIFORM HOUSING CODE; PROVIDING FOR PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THE ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Mills moved, and Councilmember Groberg seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with and the Ordinance be passed on all three readings. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

**APRIL 8, 1999**

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City of Idaho Falls  
April 5, 1999

MEMORANDUM

TO: Honorable Mayor and City Councilmembers  
FROM: J. K. Livsey, Chief of Police  
SUBJECT: DENIAL OF BARTENDER LICENSE

The application for bartender for Cody M. Adams is hereby submitted with the recommendation it be denied due to his criminal history.

s/ J. K. Livsey

Cody Adams, 148 3<sup>rd</sup> Street, appeared to question on what grounds can a Bartender Permit be denied, is it subjective or written criteria.

Chief Livsey appeared to state that written guidelines are provided to deny a Bartender Permit, however, they are not specific and they are broad in nature. He stated, further, that there is quite a bit of discretion on the part of the Police Chief regarding a recommendation for denial.

The City Attorney referred to a section in the City Code regarding Bartender Permits. A person cannot have a conviction for a felony on his/her record, and there is discretionary authority on the part of the Police Chief regarding other criminal convictions. The City Attorney then asked the Police Chief to come forward to address the basis for denial of Mr. Adams' Bartender Permit.

The Police Chief re-appeared and passed out a packet of information covering Mr. Adams criminal history (packet can be found on file in the City Clerk's Office). This record was not drawn on a national information system; it was drawn from Idaho Falls Police Department records only. The Police Chief stated, based upon this extensive record, that Mr. Adams should not be granted a Bartender Permit.

Mr. Adams stated that all of the problems he has had was when he was a juvenile and that he has completed an alcohol evaluation with Court and Clinical and, further, completed all of the courses required of him through Court and Clinical. He believed that he should be granted the Bartender Permit.

Following a discussion regarding the types of activities that Mr. Adams could do if he was working in the bar, the City Attorney stated that he would be happy to review what he could and could not do in his father's bar at a later time. He invited Mr. Adams to call his office for that discussion.

Kerri Adams, 148 3<sup>rd</sup> Street, appeared to submit a recommendation. She stated that when you go to the City to get a license, no one could offer any information on what the criteria is to apply for a Bartender Permit.

The City Clerk stated that information is available through the City Code. The section dealing with Bartender Permits is often reviewed with those that are applying for Bartender Permits. The final recommendation comes from the Police Chief upon his review of any criminal history.

There being no further discussion, it was moved by Councilmember Hardcastle, seconded by Councilmember Branson, to deny the Bartender Permit to Cory M. Adams at the discretion of the Police Chief. Roll call as follows:

Aye: Councilmember Mills  
Councilmember Groberg  
Councilmember Carlson  
Councilmember Branson

**APRIL 8, 1999**

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Councilmember Hardcastle  
Councilmember Eldredge

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls  
April 6, 1999

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: SOUTH HOLMES AVENUE EASEMENT PURCHASE AGREEMENT

Attached is an Agreement to purchase an easement along a portion of South Holmes Avenue, south of Sunnyside Road. The cost of this easement is \$7,053.00 and is needed to accommodate construction of the South Holmes Avenue Street Improvement Project.

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 Carlson, seconded by Councilmember Hardcastle, to approve the Agreement to purchase an easement along a portion of South Holmes Avenue, south of Sunnyside Road and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Carlson, seconded by Councilmember Groberg, that the meeting adjourn at 9:10 p.m.

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CITY CLERK

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MAYOR

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