

JUNE 27, 1979

Pursuant to a call by the Mayor the City Council of the City of Idaho Falls met in special session in the Bonneville Hotel on the 27th day of June, 1979 at 12:00 o'clock noon, for the purpose of determining whether or not to appeal the recent court decision relative to the 161 kV line issue. There were present at said meeting: Mayor Tom Campbell; Councilmen Mel Erickson, Jim Freeman, Paul Hovey, Sam Sakaguchi, Ralph Wood and Charles Clark. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and Steve Harrison, Electrical Engineer.

Noting from the call sheet that the purpose of this special session was to determine whether or not the City should appeal a recent court decision relative to the 161 kV line, the Mayor invited Councilman Wood, as Chairman of the Electrical Committee to conduct the meeting. Wood, in turn, asked Electrical Engineer Harrison for comment with reference to the urgency of the problem and the need for a decision, time being of the essence. Harrison reviewed the history of the City's obligation to provide uninterrupted electric service during peak load periods, necessitating a loop around the City. He said even if construction were to start now, it would take several years to complete. In view of this report, Wood said his Committee was recommending that the City Attorney be directed to file an appeal. Asked for comment, City Attorney Smith concurred and added that the City should retain all its options and that, if a notice of appeal was not filed by July 11th, 1979, one option would be lost. In answer to a question by Councilman Freeman, Smith explained that alternate courses of procedure would not be affected by this action. By way of illustration, Smith said that if the City were to apply for a Conditional Use Permit from Ammon without having filed a notice of appeal, the City would, by such action, be obeying the court order in the eyes of the law. Smith reminded the Council that the Judge was impressed by the size of the poles, comparing their installation to that of a sub-station. Continuing, Smith said he did not agree with the Court decision, inasmuch as Ammon's zoning ordinance does not require building permits for a power line. In answer to another question by Freeman, Smith explained that, even after a notice of appeal is filed, the City could, at its discretion, request a building permit from Ammon, using wooden poles. Councilman Erickson asked Smith if he anticipated continued stumbling blocks, such as the need for permits throughout the County. Smith said there was that possibility and that he was not discounting the farmer's position, also, that the judge did not dismiss the case with the farmers. Smith advised that, even now, the electrical engineers should go back to the drafting board and if it is found that the line is permanently installed in Ammon, be prepared to offer acceptable alternatives. In absence of further comment, it was moved by Councilman Wood, seconded by Hovey, that the City Attorney be directed to file a notice of appeal to the recent court decision on the proposed 161 kV line by July 11th as heretofore indicated. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Wood, seconded by Erickson, that the meeting adjourn at 12:35 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ Thomas Campbell
MAYOR

* * * * *