

JANUARY 8, 2009

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, January 8, 2009, in the Council Chambers at the City Hall Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

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

Also present:

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

Mayor Fuhriman requested Todd Beattie from the Fire Department to lead those present in the Pledge of Allegiance.

Mayor Fuhriman recognized former Councilmember Melvin Erickson being in attendance this evening. He has dedicated many years to the City of Idaho Falls. Mayor Fuhriman expressed his appreciation for the foundation laid by Councilmember Erickson and others for this Mayor and City Council to work from.

Mayor Fuhriman presented his “State of the City Address – 2009” as follows:

STATE OF THE CITY – 2009

I appreciate the opportunity I have to come before you to report the State of the City for 2009.

I was recently introduced to a popular children’s book titled, “Hello Goodbye Window” written by Norton Juster. At one point, the precocious little girl contends, “When I get tired I come in and take a nap. And nothing happens until I get up.” This statement reminds us that many young children believe that when they are sleeping, the world just stops. As adults, we know all too well that this is not so.

Yet, some of our critics might say that our City is sleeping because they cannot see all that is happening. I would like tell all of you here today that we are awake.

And though I hesitate to draw too many comparisons between Idaho Falls and New York City, I have to say that we too are a City that does not sleep. When our residents are awake, so are we – engaged and working hard. Likewise, long after they are sleeping, our work silently continues (even right down to—believe it or not—our snow plows).

Hopefully, my message today will help wake everyone up to just what the City has been doing during the past year.

2008 was a great year in many ways for the City of Idaho Falls. Let me take just a moment and highlight some of our accomplishments over the last 12 months and what we can expect in 2009, as well as what the City is doing to mitigate the economic challenges we are faced with.

2008 City Accomplishments

Strategic Planning Summit: On June 29th and 30th, the City Council held its first ever Strategic Planning Session. We felt the City needed to have a vision and direction for future planning purposes. With the current economic climate, we wanted to make sure we had a clear path to determine how to spend our valuable resources. The outcome from this resulted in the creation of both a vision statement and a mission statement.

- Our Vision: *“Creating a Community of Excellence”*
- Our Mission: *“To provide excellent services and infrastructure and to promote a clean and attractive as well as an economically vibrant community, that will sustain our quality of life for future generations.”*

In order to fulfill the City’s vision, the Council identified 3 new areas of focus:

1. Maintain the City’s infrastructure and public amenities;
2. Promote a clean, attractive, and economically vibrant community;
3. Focus on the delivery of core City services.

These areas will be our main focus as we develop our budgets and work plans in the coming years. We are going to accomplish this with old-fashioned customer service values in mind:

1. Provide efficient and dependable service;
2. Be fiscally responsible with our taxpayers’ money;
3. Provide superior and timely service.

Economic Summit: In February, the City partnered with Grow Idaho Falls, Inc., to convene an economic summit. Sixty-two community leaders were involved. The intent of this meeting was to learn, first-hand, how these citizen-leaders perceived local economic issues and what their priorities were. We wanted to know if City services were effective and what their quality of life concerns were. The group chose four top economic industries to focus on for future development and recruitment:

1. The INL – Energy-Related Industries and Other High-Tech Companies;
2. Medical Research;
3. Agriculture and Advanced Manufacturing;
4. Tourism.

We also identified workforce education as a major priority to help assist those in our community who are looking to better their employment situation.

We have chosen individuals with expertise in each of these fields. The next step is to create citizen committees to formulate ideas and suggest ways to recruit and attract these types of businesses to Idaho Falls.

Speaking of Economic growth:

Areva: In May of 2008, Areva announced that they would be building a multi-billion dollar uranium enrichment plant in Bonneville County. This was a tremendous accomplishment for our community and for the entire State of Idaho. It is one of the most significant business ventures to locate in Idaho - and I still have not stopped smiling. Their decision to build here was the direct result of teamwork by citizens, businesses, and government entities from throughout the region. And following Areva's announcement, we have seen an increase in companies now looking to locate in Eastern Idaho.

Idaho Falls Regional Airport: The Airport had a good year, despite the economy. During the fall, the Airport experienced a significant amount of upgrading and improvements to its infrastructure. Our watchful Airport Director Len Nelson could see the main runway was starting to deteriorate. He applied for a grant from the Federal Aviation Administration and received over \$8 Million for this project. In addition to the runway, the main parking area was resurfaced and new short term parking was provided to allow easier passenger pickup and drop-off. An updated baggage screening machine inside the Airport provides added convenience and efficiency.

Idaho Falls Power: Idaho Falls Power was very busy in 2008. Once again, all Idaho Falls Power customers experienced a rate decrease. This year it was a 2% decrease. Also, because of a BPA rebate from a Court ruling, over \$2 Million was returned to our customers.

Idaho Falls Power was proactive in creating energy efficiency programs. The City tried to set the example for conserving energy—but we have not been alone in our success. Here are a few examples:

- We retrofitted the lighting in all of our facilities. The resultant savings was over \$40,000.00.
- We made loans and offered rebates to over 750 customers for the purchase of energy efficient appliances. This resulted in over \$200,000.00 in savings on citizen utility bills.
- In the Mayors Challenge, the Commercial Lighting Program, nearly 60 businesses participated to achieve a savings of over 2.2 million kilowatt-hours. This is enough to provide electrical power to 160 homes for a year!
- I'm pleased to announce that the business with greatest overall electricity savings was Melaleuca, Inc. The company made modifications to its home office and its manufacturing plant that resulted in a combined savings of more than 540,000 kilowatt-hours, or enough to power 40 homes in Idaho Falls. Melaleuca was able to achieve this by simply converting from older lamps to newer and more energy efficient ones. With these changes, the company realized a savings of about \$23,000.00 on their 2008 electric bill.
- Percentage-wise, it was Eastern Idaho Technical College that achieved the greatest percentage reduction in electricity use. EITC reduced its kilowatt hours of consumption by an estimated 75%--again by introducing simple lighting retrofits. This resulted in an estimated savings of \$2,320.00 in 2008.

JANUARY 8, 2009

BPA Contract: Idaho Falls signed a 20-year contract which secures much needed power for our City through 2027. This is very important for our community.

Regional Mayors—Eastern Idaho Legislative Forum: For the past 2½ years, several Mayors within our region have been meeting approximately 4 times a year to discuss issues and collaborate with one another with great success. This year, Idaho Falls expanded this group to host the first Eastern Idaho Legislative Forum. This involved Mayors from Preston to Salmon. All of the State Legislators serving in the region were also invited, along with representatives from the area Chambers of Commerce and the Eastern Idaho Water Rights Coalition. We all agreed that it is vitally important for all of us on this side of the State to be on the same page regarding legislative issues that have a significant impact on our region. In this forum, we freely discussed issues involving water, taxes, business and transportation, along with infrastructure needs and funding. With this forum, we opened up a channel of communication that will serve the City well. We plan to make this an annual event.

Day Care Licensing: This was the year in which dozens of daycare providers and citizens from throughout the community came together and worked to safeguard our children. My thanks go to Councilmember Karen Cornwell for taking the lead in this effort and passing new licensing guidelines.

Skate Park: 2008 was a great year to be a skateboarder or BMX biker. In October, this facility was finally finished. We will have an official grand opening this spring, which will involve professionals from all over the country.

Mayor's Youth Advisory Council: 2008 was also a milestone for our local Youth Council. We currently have 45 students from all four high schools and the Idaho Virtual Academy. This year, we felt it was appropriate to include the Mayors from Ammon, Iona, and Ucon—to really make the group a reflection of our broader community. We four Mayors are now working together to give our students a voice and platform.

- Last year we were able to take a few students to meetings so they could collaborate with other Youth Councils from throughout the United States. The leadership training they experienced was invaluable.
- In June, the students held their first summer camp for 32 at-risk fifth and sixth graders. The objective was to provide positive role models. For two days, these kids offered workshops dealing with peer pressure, leadership, team building, and self esteem.
- MYAC students hosted the 2nd Annual New Year's Eve Dance at Idaho Falls High School. Last year, we had 800 who attended--this year, we exceeded 1,000.
- By now, you may have heard that a group of our members also caught the attention of Areva officials when they testified in support of licensing Areva's new facility at the NRC hearing last month. After that hearing, Areva's Vice-President told me that our students had just made history. He had never heard of any youth participating in such a forum. As a result of their participation, Areva invited a group of 20 students to France to tour their facilities. The trip is being offered to

JANUARY 8, 2009

these kids at no cost - simply as an educational opportunity. Two local high school teachers will also be going. Besides being the thrill of their young lives, this is a tremendous investment in the future—both for these youths, as well as for our City. I thank Areva for the opportunity.

Mayor's Scholarship Fund: This year, the scholarship fund raised over \$75,000.00--bringing our grand total to over \$150,000 in just three years. Thus far, we have given out 66 scholarships to local students in grades 8 through 12. This fall, the Scholarship Fund partnered with Idaho State University and local School Districts to create Idaho College Pathways Program. This program raised funds to finance dual enrollment scholarships for local high school students. They also sponsored an amazing and informative evening for teens and parents to assist with college planning.

ADA Committee: Finally, this past year, we were able to assemble an ADA Committee consisting of 12 members with disabilities from the community. They will assist us in targeting and prioritizing areas within our City where improved accessibility is needed.

Well, by now, you might be asleep, but I hope you can see that our City has not been—not by a long shot. And we do not anticipate getting much sleep in the coming year either. Let me give you a quick look at some of the things we have planned.

2009: Upcoming City Projects

City Web Site: As I already mentioned, we are striving to improve the way we deliver customer service to the community. One way to do this is to update our web site. We plan to make it more user-friendly and provide more information. We will also create a venue for citizen input. This will allow the public to contact the appropriate department and then receive timely feedback.

Human Resources Division: The Human Resources Division plans to conduct a community survey to gauge citizen feedback regarding the services provided to them.

Fuel Depot and Storage Facility: We are currently working with Bonneville County to create a Fuel Depot and Storage Facility. As a Council, we feel it is imperative that we have a supply of fuel on hand in case of an emergency. We would be remiss in our duties if we did not prepare now to be first responders in the event of a crisis.

Infrastructure Upgrades: With a decrease in fuel tax monies from the state, along with other decreasing revenue sources, the City Council approved a line item in the budget to put aside funds for the larger infrastructure projects we are facing. These monies will only be used for that purpose. We are currently looking to renovate the "D" Street Underpass—to name just one such project.

Memorial Drive Project: Progress is being made on this venture. We currently have five renderings that are going through engineering reviews at

JANUARY 8, 2009

this time. Once this is complete, we anticipate providing forum for community members to provide input and suggestions.

Old Butte Road Soccer Complex Expansion: This will include four new full-sized soccer fields, including two lighted fields. Completion is scheduled for the end of 2009 or early 2010.

Greenbelt: We will construct .9 miles of Greenbelt pathway from Pancheri to South Tourist Park. The Idaho Transportation Department, Idaho Department of Parks and Recreation, and the Rotary Club are also helping to fund this project.

Power: Idaho Falls Power is looking into expanding our energy portfolio by purchasing 2 megawatts of wind-generated power.

Efficiency Audits: These internal audits will begin this year.

Finally, I want to say a few words about economic issues: There is no doubt that the worldwide economic downturn is causing many of us to lose some sleep, but that doesn't mean we cannot continue to strive for excellence in Idaho Falls.

We are all just becoming aware of how the national economic situation has begun to affect our City. We are starting to see significant challenges coming our way. Just a few months ago, Idaho Falls was ranked Number 3 in the country for employment opportunities and the unemployment rate was 2.7%. Within just a few short months the unemployment rate increased to over 5%.

We are currently seeing significant decreases in new construction permits from the previous year. At the same time, like many of you, the City is experiencing increases in costs of materials. We are also waiting to see how the property values will be affected. If this trend continues, we will likely see loss of revenues coming into the City and affecting the 2009-2010 budget year which begins in October. We need to be prepared to tighten our belts.

As a City, we are constantly striving to be more efficient, not only fiscally but also in how we provide services to the community. We are always looking at better ways to provide efficient services, without sacrificing the quality of service the community has been accustomed of receiving. I am pleased to report that in 2008, the City saved approximately \$1.3 Million through efficiencies and cost savings. Let me quickly share a few examples:

- Health and Life Insurance Savings - The City re-opened the bid for health insurance benefits. Blue Cross of Idaho won the bid resulting in a two-year savings of \$1.479 Million. We will also save over \$100,000.00 by switching to Regence Blue Shield of Idaho, for our life insurance.
- The Idaho Falls Police Department made many cost-saving changes, including the elimination of 3 senior management positions, efficiencies in record-keeping processes, and renegotiated contracts, etc. These many efforts obtained a cost savings of \$483,932.00.

JANUARY 8, 2009

- Cost savings of over \$40,000.00 in retrofitting city-owned buildings. We anticipate in 2009 that we will achieve even greater cost savings as we expand our internal energy audits.
- Parks and Recreation Central Irrigation System – This will include a single location to run all of our irrigation systems for the parks, golf courses, and all green space we take care of. This will create a significant cost savings not only in manpower, but also in saving thousands of gallons of water every year.
- Our Street Department is currently experimenting with producing our own salt brine to treat our streets for snow removal. By doing this, we could potentially save the City a significant amount of money and man hours in snow plowing efforts.
- We created a Fuel Conservation Committee made up of City employees. And even though gas prices have come down recently, I believe it's still the right thing to do.
- In 2009, our City government will continue to strive to be responsible stewards with taxpayer's money by continually examining the way we provide services through efficient and financial management.

I want you to know that I am very optimistic about the future of Idaho Falls. Our City will continue to attract new businesses—particularly in energy areas. I am confident the housing market will rebound because people will always want to live in this great community. So, even though we are experiencing some economic struggles, I know we will weather the storm by being patient and by striving to be fiscally responsible.

I would like to ask each of you to look within your own neighborhoods and see where you may be able to help those around you that are struggling, particularly those that are on fixed incomes and in single parent homes. This may seem like a small thing, but our community has demonstrated their generosity in helping others time and time again.

In closing, I'd like to share an experience I had at the recent downtown tree lighting ceremony. I was approached by a Gary and Mary Jane Henderson who told me that they had recently moved to Idaho Falls from Orlando, Florida. Half-jokingly, I asked them why, because at the time it was only 10 degrees above zero. But they told me the reason they moved here was because they loved the people, our beautiful downtown, and the quality of life we enjoy here. This is just one example out of many that has been brought to my attention.

This tells me that we must be headed in the right direction. The reason they wanted to relocate was not anything that Council or I have done. Rather, it was due to the collective efforts of many citizens who regularly work to make this a community of excellence.

I want to thank all citizens for their support as we try to serve them. I also want to thank the Councilmembers I serve with. I appreciate their devotion and the many committed hours they give to our City. Lastly, I applaud the dedicated City Employees who regularly go above and beyond their regular responsibilities. I hope you can see that as a City we are striving to do the best we can in serving each of you.

JANUARY 8, 2009

As you can see, we are not sleeping on the job, but tirelessly working. Ladies and Gentlemen, our City is awake. We are thriving; we are progressing. The work never ceases and neither do we.

Thank you.

Mayor Fuhriman and Councilmembers honored Sergeant David Forrest on his retirement from the Police Department by presenting him with a watch.

Mayor Fuhriman and Councilmembers honored the following employees with Years of Service Pins:

35 Years of Service:

Willa Swim, Municipal Services Division/Purchasing	June 11, 1973
David Mayes, Fire Department	November 3, 1973
Darris Powell, Parks and Recreation/Cemetery	May 14, 1973
Robert Drollinger, Public Works Division/Water	January 29, 1973

30 Years of Service:

Craig Lords, Municipal Services Division	March 27, 1978
Brad Jordan, Municipal Services Division/ Building Maintenance	February 27, 1978
Brent Lawrence, Police Department	May 8, 1978
Andrea Anderson, Police Department/Dispatch	January 3, 1978
Todd Beattie, Fire Department	February 27, 1978
Jeff Williams, Public Works Division/Water	March 13, 1978
Leonard Powell, Public Works Division/Sanitation	March 23, 1978
Gary Wiles, Idaho Falls Power	June 12, 1978

25 Years of Service:

Curtis Stacey, Police Department	November 13, 1983
Zuella McIntire, Police Department	January 24, 1983
Michael Zaladonis, Police Department	January 24, 1983
Steve Barnes, Police Department	November 1, 1983
Brad Pettingill, Fire Department	January 3, 1983
Michael Kinghorn, Fire Department	January 3, 1983
Pete Stevens, Fire Department	January 3, 1983
Neil Pfunder, Fire Department	January 3, 1983
Tim Reinke, Parks and Recreation Division/Golf	March 16, 1983

20 Years of Service:

Jared D. Fuhriman, Mayor	January 4, 1988
Robert Baird, Planning and Building Division	July 25, 1988
Terry McNamara, Planning and Building Division	November 28, 1988
Mark Burnell, Police Department	September 14, 1988
Kevin Pettingill, Police Department	August 15, 1988
Brad Landes, Police Department	December 12, 1988
Ed Lohse, Parks and Recreation Division	April 11, 1988
Randy Lords, Public Works Division/Sewer	December 5, 1988

JANUARY 8, 2009

20 Years of Service, continued:

Alan Gardner, Public Works Division/Sanitation
Bart Martin, Idaho Falls Power

April 24, 1988
January 18, 1988

Mayor Fuhriman called a short recess to allow for employees and their families to join a reception prepared for them.

Mayor Fuhriman called for nominations for President of the Council. Councilmember Hally nominated Councilmember Ida Hardcastle to act as President of the Council for the coming year. There being no further nominations, it was moved by Councilmember Hally, seconded by Councilmember Parry, for Councilmember Ida Hardcastle to serve as President for the Council. Roll call as follows:

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

Motion Carried.

Mayor Fuhriman announced that the Council Committee Assignments for 2009 are as follows (There are no changes from the 2008 Council Committee Assignments):

COUNCIL COMMITTEE ASSIGNMENTS FOR 2009

Airport Division:

Karen Cornwell, Chairman
Sharon D. Parry, Co-Chairman

Human Resources Division:

Tom Hally, Chairman
Karen Cornwell, Co-Chairman

Idaho Falls Power Division:

Michael Lehto, Chairman
Thomas Hally, Co-Chairman

Municipal Services Division:

Kenneth Taylor, Chairman
Ida Hardcastle, Co-Chairman

Parks and Recreation Division:

Ida Hardcastle, Chairman
Michael Lehto, Co-Chairman

Planning, Zoning, and Building Division:

Sharon D. Parry, Chairman
Thomas Hally, Co-Chairman

JANUARY 8, 2009

Public Safety (Fire and Police):

Ida Hardcastle, Chairman
Ken Taylor, Co-Chairman

Public Works Division:

Michael Lehto, Chairman
Sharon D. Parry, Co-Chairman

Library Liaison:

Kenneth Taylor

CONSENT AGENDA ITEMS

The Clerk requested approval of the Minutes for the December 9, 2008 Council Work Session and the December 15, 2008 Council Work Session.

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 December 1, 2008 through December 31, 2008, after having been audited by the Fiscal Committee and paid by the Controller:

FUND	TOTAL EXPENDITURE
General Fund	\$ 852,647.61
Street Fund	9,266.79
Recreation Fund	28,466.93
Library Fund	68,680.86
Municipal Equipment Replacement Fund	140,821.49
Electric Light Public Purpose Fund	75,974.20
Golf Fund	13,473.58
Municipal Capital Improvement Fund	145,858.77
Street Capital Improvement Fund	11,425.48
Water Capital Improvement Fund	2,592.79
Surface Drainage Fund	1,640.00
Traffic Light Capital Improvement Fund	26,559.36
Airport Fund	338,056.31
Water and Sewer Fund	179,426.47
Sanitation Fund	4,960.71
Ambulance Fund	8,070.24
Electric Light Fund	3,810,184.99
Payroll Liability Fund	2,852,778.79
TOTALS	\$ 8,570,885.37

The City Clerk presented several license applications, all carrying the required approvals, and requested authorization to issue those licenses.

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

Aye: Councilmember Lehto
 Councilmember Taylor

JANUARY 8, 2009

Councilmember Hardcastle
Councilmember Cornwell
Councilmember Hally
Councilmember Parry

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

The Airport Director submitted the following memo:

City of Idaho Falls
January 6, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: CONSENT TO ASSIGNMENT AND ASSIGNMENT OF LEASE

Attached for City Council approval is the Consent to Assignment and Assignment of Lease for the transfer of an aircraft hangar between Yost Development LLC to Symbiotic Innovations LLC. The Hangar is located at 2687 Foote Drive, Idaho Falls, Idaho. All other terms and conditions of the lease remain the same.

Shan Perry, Assistant City Attorney has prepared and approved said Lease.

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

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Consent to Assignment and Assignment of Hangar Lease Agreement between Yost Development LLC and Symbiotic Innovations LLC and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

JANUARY 8, 2009

City of Idaho Falls
January 6, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Len Nelson, Airport Director
SUBJECT: CONSENT TO ASSIGNMENT AND ASSIGNMENT OF LEASE

Attached for City Council approval is the Consent to Assignment and Assignment of Lease for the transfer of an aircraft hangar between Yost Enterprises to Marshall Egan. The hangar is located at 2687 Foote Drive, Idaho Falls, Idaho. All other terms and conditions of the lease remain the same.

Shan Perry, Assistant City Attorney, has prepared and approved said lease.

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

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Parry, to approve the Consent to Assignment and Assignment of Hangar Lease Agreement between Yost Enterprises to Marshall Egan and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
January 8, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: RESOLUTION AUTHORIZING THE CITY OF IDAHO FALLS TO FILE A PETITION FOR JUDICIAL CONFIRMATION OF THE VALIDITY OF THE RENEWAL POWER SALES AGREEMENT AND THE CREDITWORTHINESS AGREEMENT

JANUARY 8, 2009

Attached is a Resolution authorizing the City of Idaho Falls to file a petition for judicial confirmation. This petition is being filed to confirm the validity of the renewal Power Sales Agreement and the Creditworthiness Agreement between the City of Idaho Falls and Bonneville Power Administration. The public hearing related to this Resolution was held on December 18, 2008.

Idaho Falls Power respectfully requests that Council adopt and Mayor ProTem be authorized to execute the Resolution.

s/ Jackie Flowers

RESOLUTION NO. 2008-24

A RESOLUTION AUTHORIZING THE CITY OF IDAHO FALLS TO FILE A PETITION FOR A JUDICIAL CONFIRMATION OF THE VALIDITY OF THE RENEWAL POWER SALES AGREEMENT AND THE CREDITWORTHINESS AGREEMENT EACH BETWEEN THE CITY AND BONNEVILLE POWER ADMINISTRATION.

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

WHEREAS, the City Council of the City has previously determined that it is necessary, desirable and in the best interests of the City and the electric consumers served by the City to obtain a continued long-term supply of electric power and energy by entering into a renewal Power Sales Agreement (the "Renewal PSA") with Bonneville, and to that end has authorized the execution and delivery of the Renewal PSA;

WHEREAS, Bonneville also requires the City to execute a Creditworthiness Agreement (a "Creditworthiness Agreement"), and accordingly the City Council of the City has authorized the execution and delivery of a Creditworthiness Agreement with Bonneville;

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

JANUARY 8, 2009

WHEREAS, the City has previously taken all actions on its part required under the provisions of Title 7, Chapter 13, Idaho Code, as amended, as conditions precedent to the adoption of this resolution including:

(1) causing a Notice of Public Hearing to be published on December 2, 2008, in *The Post-Register*, a newspaper of general circulation in the City, far forward in the main section of *The Post-Register*, and in a format, size, and type distinguishing the Notice of Public Hearing from legal notices, of a public hearing to be held on December 18, 2008 (the "*Public Hearing*"), with respect to the adoption of a resolution authorizing the filing of a judicial petition for the confirmation of the validity of the Agreements;

(2) causing a copy of the Notice of Public Hearing to be posted on December 2, 2008, in a prominent place at the principal office of the City in the City of Idaho Falls, Idaho, such Notice of Public Hearing having continuously remained so posted and available for public inspection during the regular office hours of the City until the convening of the Public Hearing;

(3) causing a copy of the Notice of Public Hearing to be given by certified mail, not less than 14 days before the Public Hearing, to all persons who have requested notice of all meetings convened for the purpose of considering a resolution or ordinance authorizing the filing of a judicial confirmation petition; and

(4) the holding of the Public Hearing, pursuant to Section 7-1304 Idaho Code, as amended, on December 18, 2008, on whether to adopt a resolution authorizing the filing of a petition for judicial confirmation of the Agreements;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, that the City is authorized to file a petition, pursuant to the provisions of Title 7, Chapter 13, Idaho Code, as amended, for a judicial confirmation of the City's authority to enter into and to perform its obligations under the Agreements and of the validity and enforceability thereof.

ADOPTED AND APPROVED this 8th day of January, 2009.

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

[SEAL]

JANUARY 8, 2009

ATTEST:

s/ Rosemarie Anderson
City Clerk
City of Idaho Falls
Bonneville County, Idaho

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Resolution authorizing the City of Idaho Falls to file a petition for judicial confirmation of the validity of the renewal Power Sales Agreement and the Creditworthiness Agreement between the City of Idaho Falls and Bonneville Power Administration and, further, give authorization for the Mayor ProTem and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
January 8, 2009

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: AUTHORIZE THE MAYOR PROTEM TO EXECUTE THE INDEMNIFICATION AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND JARED FUHRIMAN

Attached is a copy of the Indemnification Agreement between the City of Idaho Falls and Jared Fuhriman.

Idaho Falls Power respectfully requests authorization for the Mayor ProTem to execute this Agreement.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Indemnification Agreement between the City of Idaho Falls and Jared D. Fuhriman and, further, give authorization for the Mayor and Mayor ProTem to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry
Councilmember Cornwell
Councilmember Hally
Councilmember Taylor

JANUARY 8, 2009

Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls
December 31, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-09-06, ONE (1) 2008 OR NEWER LINEBED, HYDRAULIC
DIGGER DERRICK AND RELATED ACCESSORIES MOUNTED
ON A NEW 2009 CAB AND CHASSIS

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services to accept the low bid of Schow's Truck Center to furnish a New 2009 Sterling Cab and Chassis to be mounted with a New 2009 Terex for an amount of \$189,117.00 with trade-in Unit No. 380.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid of Schow's Truck Center to furnish a New 2009 Sterling Cab and Chassis to be mounted with a New 2009 Terex for an amount of \$189,117.00 with trade-in Unit No. 380. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
December 31, 2008

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-09-07, TWO (2) NEW 2009 REAR HAND LOAD REFUSE
BODIES – 20 CUBIC YARD MOUNTED ON TWO (2) NEW 2009
CAB AND CHASSIS

JANUARY 8, 2009

Attached for your consideration is the tabulation for the refuse trucks listed above.

The apparent low bid submitted by Robideaux Motors Company, Inc. with the Scranton Manufacturing Company Inc.'s New Way Viper Body did not meet the required specifications. The body design bid did not meet the specified width for the hopper on Item No. 7 and on Item No. 17 the specification required a hydraulic pump with 42 GPM; the unit bid only has 29 GPM.

It is, therefore, recommended to accept the second low bid meeting specifications of Robideaux Motors Company, Inc. to furnish Two (2) New 2009 Leach/Alpha III Rear Hand Load Refuse Bodies Mounted on 2009 GMC Cab and Chassis for a total amount of \$271,981.12 with trade-in Unit No. 782 and No. 7004.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to reject the apparent low bid submitted by Robideaux Motors Company, Inc. with the Scranton Manufacturing Company, Inc.'s New Way Viper Body as it did not meet the required specifications and, further, accept the second low bid meeting specifications of Robideaux Motors Company, Inc. to furnish Two (2) New 2009 Leach/Alpha III Rear Hand Load Refuse Bodies Mounted on 2009 GMC Cab and Chassis for a total amount of \$271,981.12 with trade-in Unit No. 782 and No. 7004. Roll call as follows:

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

Nay: None

Motion Carried.

The Police Chief submitted the following memo:

City of Idaho Falls
January 6, 2009

MEMORANDUM

TO: Mayor and City Council
FROM: Steve Roos, Chief of Police
SUBJECT: COUNCIL AGENDA ITEM

Attached is an Ordinance enacting Section 9-1-10 of the City Code of Idaho Falls providing for the prohibition of all-terrain vehicles, certain utility vehicles and certain motorbikes from being driven on City streets or highways; providing for severability; and establishing effective date.

JANUARY 8, 2009

I respectfully request approval of this Ordinance at the City Council Meeting of January 8, 2009.

s/ Steve Roos

Councilmember Hardcastle requested the Police Chief to come forward to explain the necessity for this Ordinance.

The Police Chief appeared to explain that in the past the State of Idaho has prohibited the use of ATV's in municipalities. Recently, the law has been changed to provide for local municipalities to determine whether they would allow the use of ATV's within their City or not. Most cities have determined that they would not allow the use of ATV's. Due to safety concerns, the Police Department and Public Safety Council Committee has determined that ATV's are inappropriate on City streets.

Wade Lovelace, 635 South Park, Shelley, Idaho, appeared to encourage the Mayor and City Council to make an informed decision. He explained that UTV's are much safer than motorcycles. There are cities in Arizona the size of and larger than Idaho Falls that are allowing the use of UTV's on their public streets. UTV's save on fuel, on parking, and on wear and tear on streets.

Robert Skaar, 3084 Stone Ridge Circle, appeared to state that he owns a business on the South Yellowstone Highway. He stated that his UTV gets at least 3 times the gas mileage than his pickup does. He would like to drive it back and forth to work in the nice weather. There would be less damage to the roads, due to the weight of the UTV. If UTV's were allowed, the City could double the amount of vehicles that could park downtown. UTV's are required to have headlights, taillights, brake lights, horn, seat belts, and roll cages. He invited the Mayor and City Council to come to his home to try out his two UTV's. Mr. Skaar gave the brand names for some of the UTV's that are available on the market.

There was a general discussion regarding the difference between the ATV's and UTV's.

The Police Chief re-appeared to explain that a UTV is safer than an ATV, but the UTV is not consistently safer. He stated that it would be appropriate to take this back to the Public Safety Council Committee for further discussion regarding the use of UTV's on City streets.

Paul Petersen, 4796 South 5th West, appeared to state that there may have to be some restrictions imposed to make a UTV street-legal. Certain tires need to be used to allow for street use. The tires that are provided by the factory are too squishy to be used on City streets. People pay more attention to the traffic when they are on City streets than when they are off-road.

Robert Skaar, 3084 Stone Ridge Circle, Ammon, re-appeared to state that House Bill No. 602 specifically called out certain things. ATV's are not UTV's. This bill only allowed for UTV's to be on City streets.

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

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTION 9-1-10 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROVIDING FOR THE PROHIBITION OF ALL-TERRAIN VEHICLES, CERTAIN UTILITY VEHICLES AND CERTAIN MOTORBIKES FROM BEING DRIVEN ON CITY STREETS OR HIGHWAYS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

JANUARY 8, 2009

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Taylor seconded, that the Ordinance be passed on the first reading only. Roll call as follows:

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

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Lehto, that the meeting adjourn at 9:00 p.m.

CITY CLERK

MAYOR
