



NOTICE OF PUBLIC MEETING

Monday, July 25, 2016
CITY COUNCIL CHAMBERS
680 Park Avenue
Idaho Falls, ID 83402
3:00 p.m.

The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will make an effort to accommodate your needs.

SPECIAL MEETING (Council Work Session)

Call to Order and Roll Call

Mayor and Council:

- Mayor's Report and Action Items (5)
- Acceptance and/or Receipt of Minutes
- Announcements and Calendar Items (5)
- City Council Reports (10)

Police Department:

- Dog Ordinance Discussion (45)

Public Works:

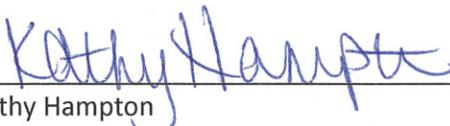
- Water and Wastewater Billing Changes (30)

EXECUTIVE SESSION

The Executive Session will be held immediately following the conclusion of the agenda items listed above. The Executive Session has been called pursuant to the provisions of:

Idaho Code Section 74-206(1)(j) To consider labor contract matters authorized under Idaho Code section 74-206(1)(a) and (b), and Idaho Code Section 74-206A(1)(a) Considering a labor contract offer or to formulate a counteroffer.

DATED this 21st day of July, 2016



Kathy Hampton
City Clerk



MEMORANDUM

TO: Honorable Mayor and Council
FROM: Kerry Beutler, Assistant Planning Director *KB*
DATE: July 20, 2016
RE: July 19, 2016 Planning Commission Action

KB-012-16

Planning Commission took the following action during the July 19, 2016, meeting.

1. **ANNX16-011: ANNEXATION/INITIAL ZONING.** Approximately 0.416 Acres Snake River Landing, Division No. 11 (adjacent strip). Planning Commission recommended approval as presented.
2. **ANNX16-009: ANNEXATION/INITIAL ZONING.** M&B 11.146 Acres Section 32 T 2N R 38E (Castlerock). Planning Commission recommended approval as presented
3. **CUP16-003: CONDITIONAL USE PERMIT.** Lots 1-12, Block 36, Original Town (Alturas Charter School/O.E. Bell Building). Planning Commission approved as presented.
4. **RZON16-003: REZONE.** C1 to CC1, Lot 2, Block 1, Eagle Ridge, Division No. 2. Planning Commission recommended approval as presented.
5. **ANNX16-006: ANNEXATION/INITIAL ZONING.** M&B: Approximately 38.851 Acres Section 22, T 2N R 37E (Linden Trails, Division No. 1). Planning Commission recommended approval as presented.
6. **PLAT16-015: PRELIMINARY PLAT.** M&B: 38.851 Acres Section 22, T 2N, R 37E (Linden Trails, Division No. 1). Planning Commission approved as presented.
7. **PUD16-005: PLANNED UNIT DEVELOPMENT.** Lot 1, Block 1, Linden Trails Division 1 (Linden Trails Townhomes). Planning Commission recommended approval as presented.
8. **PLAT16-018: FINAL PLAT.** George Washington Estates, Div. No 7, 1st Amended. Planning Commission recommended approval as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).

BGC/dp

cc: File

Idaho Falls Sister City Meeting Minutes

Monday, June 13th, 2016

Members in Attendance: Jovita and Michael Cosens, Janelle Tomchak, Kevin Fuhrman, Jim and Nancy Thorsen, Brian and Julie Wartchow, Paul and Sheri Hansen, Val Haddon, Dave and Carole Walters, Cal and Cindy Ozaki, Clarke Kido

Minutes: Approved

Treasurer's Report: Balance \$10,177.65

- \$492 paid for Salt Lake Express bus deposit
- \$500 paid for donation to the Friendship Garden
- \$22 paid to Sheri Hansen for Yellowstone book that will be used as a gift for the Tokai delegation

Business:

- Friendship Garden report: Work in the garden is on hiatus as Judy is not feeling well, but volunteers are still needed for when the work resumes. Recently, the garden had a special guest from Long Beach, California. This guest is a professor of Asian culture studies and was so impressed by the garden that he wants to publish an article in his journal. Ed Zaladonis is working on getting the pavers in and placed.
- On July 23rd, we will have tables set up from 9 am to 1 pm (during the time that the Farmers' Market is going) at the Friendship Garden to help spread the word about the organization and answer any questions citizens may have. We will be purchasing 100 bottles of water to hand out. It was decided that special labels with the Sister Cities' information on it would be made to put on the water bottles that are handed out. The information included on the labels will be the website, and phone numbers for both the adult and youth delegations. Sheri will work on designing and printing pamphlets with our information and history in it and Janelle will be making New Member Information sheets for those who are interested in joining. Receipts will be also be made for anyone wishing to donate during the event. Carole will see if the Mayor's office could put out a press release to bring awareness and interest to the event.
- We are now required, as an organization of the city, to post notices of public meetings in the newspaper. The notices will include the date and time of the meeting, the location, and the topics of discussion.

- Nancy met with Randy, the city attorney, regarding formal complaints from citizens about our funding. Before the next budget meeting, Sister Cities' will have to justify our existence, our value to the tax payers, historical importance, etc. Sister Cities' is in danger of losing funding from the city due to budget cuts and as a result could cease to exist. Every organization and department within the city is being required to do this, not just Sister Cities'. Nancy has thorough documentation from a past grant application that will assist greatly in showing the importance and value of Sister Cities' since it's conception. Carole and Nancy are requesting members to send them ideas to bolster our argument to continue funding. Some ideas include:
 - having current/former city council members who have visited Tokai to speak on behalf of our importance
 - possibly obtaining a letter from Patsy, Sam Sakaguchi's daughter
 - informing the committee that one of the businessmen that visited in March is planning on starting a business in Idaho Falls solely because of Sister Cities
 - the creation and maintenance of the Friendship Garden
- The bus deposit for the Chico/Yellowstone trip has been paid and 18 rooms have been reserved. Meals provided by the inn are dinner (in a private, reserved room), a buffet breakfast and a sack lunch for the bus trip back.
- As of this meeting, only one Tokai delegate has signed up for the visit in October.
- Yamahara-san has been moved to Tokyo due to serious heart problems.
- Keiko-san had surgery to remove part of her lung and is recovering well. She has also been deemed cancer free.
- A shopping opportunity for the Tokai delegates will be given the Monday before their departure.

The next meeting is July 18th, at 7 pm in the City Council Chambers.

Janelle Tomchak

Secretary, Idaho Falls Sister Cities



MEMORANDUM

TO: Rebecca Casper, Mayor
FROM: Mark McBride, Chief of Police
DATE: July 21, 2016
RE: Council Work Session Agenda Item / Discussion Dog Control Ordinance 5-6-1 and 5-6-7.

The Police Department respectfully requests that the Dog Control Ordinance 5-6-1 and 5-6-7 be placed on the 25 July 2016, City Council Work session Agenda for discussion.

Dog Control Ordinance 5-6-1 and 5-6-7 has references to Kennels as a PLACE; which is in conflict with current Zoning Ordinances. Zoning Ordinances define kennels as a USE, but doesn't list any Zones where a kennel is allowed.

WORK SESSION PURPOSE: to clarify the desire of Council Members related to the Dog Ordinance and discuss proposed changes so that staff can bring forward a recommendation for change that would remove the conflict of ordinances.

Approximate discussion time – 40 minutes.

COUNCIL AGENDA ACTION: For Council to make recommendation so that legal staff can then draft an ordinance change for final consideration and approval.

McBride-024.2016 MEMO Work Session Agenda Item Dog Control

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SECTION 5-6-1 AND 5-6-7 OF THE IDAHO FALLS CITY CODE; REPLACING THE CITY'S CURRENT LICENSING PROGRAM FOR COMMERCIAL AND NON-COMMERCIAL DOG KENNELS AND WITH AN ANNUAL ADDITIONAL DOG PERMIT PROGRAM FOR UP TO THREE (3) DOGS IN ADDITION TO THE TWO (2) CURRENTLY ALLOWED BY RIGHT WITHIN THE CITY'S LIMITS, WHICH INCLUDES FEES, INSPECTION AND REVIEW BY CITY STAFF, AND APPEALS FOR DENIAL AND REVOCATION OF SUCH PERMIT; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, City kennel licensing is currently required in commercial and noncommercial zoning districts for people who wish to have more than two (2) dogs and no more than a total of five (5) dogs; and

WHEREAS, such kennel licensing includes a requirement for consent of neighbors in order to successfully be granted such a license; and

WHEREAS, the kennel licensing program has not resulted in the desired regulation and control of potential nuisances; and

WHEREAS, the City staff believes that the current kennel licensing program is no longer necessary, if an adjustment in the Code is made; and

WHEREAS, complaints related to the number of dogs in any one (1) dwelling or any one (1) business property may be handled through general public nuisance Ordinances and statutes; and

WHEREAS, the City wishes to establish an annual additional dog permit which allows review by City staff, to include neighborhood input inspections, an annual non-refundable fee, decisions to be made regarding dog health and safety through an inspection, and insuring that the presence of additional dogs are permitted by the owner or landlord where the additional dog(s) will be located; and

WHEREAS, the City wishes to establish an appeal process and fee for denial or revocation of a permit; and

WHEREAS, in order to facilitate such appeal, the City establishes an Animal Control Review Board that consists of the City animal service manager, an Idaho Falls Police Department services captain, and a licensed veterinarian; and

WHEREAS, an appeal from the Animal Control Review Board may be made to the City Council; and

WHEREAS, a non-refundable fee for the application for the license for the Animal Control Review Board hearing and for the City Council review of a denial should be provided to reflect the amount the services required by such actions, and

WHEREAS, the City Council believes this to be a streamlining of the current process and a fair resolution of concerns regarding the current process.

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

SECTION 1. Section 5-6-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended, as follows:

5-6-1: DEFINITIONS:

Certain terms used in this Chapter shall have the meaning ascribed below:

A. ANIMAL CONTROL SHELTER: Any animal shelter, lot, premises or building maintained by the City for the confinement and care of animals.

B. AT LARGE: A dog shall be deemed to be at large when off the property of the owner, and not under restraint or control.

C. DOG: A dog of an age four (4) months or older that is kept as a household pet.

~~D. DOG KENNEL: Any place where more than two (2) dogs are kept.~~

DE. ENCLOSURE: A fence or structure suitable to prevent escape of the animal or the entry of young children.

EF. NEUTERED: Rendered permanently incapable of reproduction.

FG. NUISANCE ANIMAL: A nuisance animal, including a dog or cat, is one that:

1. Frequently runs at large;
2. Damages, soils, or defecates on private property other than property owned or controlled by the animal owner or on public property, including walks and recreation areas, unless such waste is immediately removed and properly disposed of by the animal owner or handler;
3. Causes unsanitary or dangerous conditions;
4. Causes a disturbance by excessive barking or other noise making
5. Creates a general public nuisance; and/or
6. Chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

GH. OWNER: A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied, owned, or controlled by that person.

HI. PERSON: Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

IJ. RESTRAINT: A dog shall be considered under restraint if it is confined within a structure or fenced yard, is secured by a leash, lead or chain or is confined within a vehicle in a manner that prevents escape.

JK. UNLICENSED DOG: A dog for which a license has not been issued for the current year, or to which the tag provided for in this Chapter is not attached.

KL. VACCINATION: The inoculation of an animal against rabies in accordance with state law and the "Compendium of Animal Rabies Prevention and Control" published by the National Association of the State Public Health Veterinarians and published annually in the Journal of the American Veterinary Medical Association.

SECTION 2. Section 5-6-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended, as follows:

5-6-7 OWNERSHIP OF DOGS LIMITED:

(A) It shall be unlawful to maintain upon the premises of any one (1) dwelling or upon the premises of any one (1) business property more than two (2) dogs except, where accommodation or variation from these requirements is appropriate under current Idaho or federal law or where allowed by the Zoning Code or by this Chapter. operate a dog kennel or to keep upon the premises of any one household or upon the premises of any one business property, more than two (2) dogs unless the owner or person in charge thereof has a commercial or noncommercial kennel license.

(B) Annual Additional Dog Permit.

1. Application. An application to have up to three (3) dogs in addition to the two (2) dogs allowed by this Chapter (for a total number of dogs not to exceed five (5)) shall be made to the Clerk. The application shall be accompanied by the following: (a) the annual non-refundable fee for the additional dog permit; (b) the name, address, and other contact information for the Owner of each dog and for the property on which the dog(s) will be kept; (c) identification of each dog (their breed(s), name and license number); (d) verification of spaying or neutering, where applicable; (e) a depiction of the outside area showing all fencing, kennel(s), and dog run(s) which are capable of confining dogs; (f) a statement signed by the person owning or controlling the property that permission has been granted to have more than two (2) dogs on such premises; and (g) a signed agreement that allows the City and its agents, to enter onto the property (including the dwelling and interior parts of the property) at any time 8:00 a.m. to 5:00 p.m., on any day, to conduct an inspection of the property for the purposes of verifying that the permittee is in compliance with the permit.

2. Annual Permit. The additional dog permit allowed by this Chapter shall be for a term of not more than one (1) calendar year and shall expire annually at midnight December 31 of every year.

3. Fee. A fee established from time to time by Resolution of the Council shall be charged for each additional dog permit allowed by this Chapter. Such fee shall be annual, non-refundable, and not pro-rated.

4. Neighborhood Input. Prior to approval or denial of the additional dog permit, the City shall send a copy of the application by mail to properties, including dwellings, that are within three hundred feet (300') from outside border of the location where additional dog(s) will be kept. The City shall consider comments on the application that are received within fourteen (14) days following notice, prior to determining whether to issue the additional dog permit.

5. Inspection. Prior to approved of the additional dog permit, the location where additional dog(s) shall be kept will be inspected by a City animal control officer who will verify that the planned location for the additional dog(s) is sanitary, safe, and that dog escape or nuisance is not likely.

6. Standards for Permit Approval. Upon receipt of the permit fee and a complete application, and following inspection and consideration of timely neighborhood comments, a permit shall be issued where, in the opinion of the City, approval of the permit is not reasonably likely to comprise a public nuisance.

7. When a City animal control officer or peace officer certifies to the Clerk in writing that there is an immediate danger to life or health of a person because of additional dogs, the application or license may be immediately and summarily denied or revoked. Under such conditions, notice of such denial or revocation will be given as soon as practicable thereafter.

8. Permit Denial or Revocation. Prior to the denial or revocation of the additional dog permit, the City shall provide written notice of the denial or revocation to the applicant or permittee. Such written notice shall be sent by mail or hand delivery to the address provided in the application. The written notice shall state the reason(s) for such revocation or denial and shall state that such applicant or permittee may appeal the decision to the Animal Control Review Board hearing, as provided herein. Notice of denial or revocation is effective on the date the notice is placed in the mailbox maintained by the U.S. Postal Service, or is hand delivered to the applicant or permittee.

9. Failure by the City to give notice as provided in this Chapter, shall not establish a right to the additional dog permit under this Chapter.

C. Appeals.

1. Appeal to the City Animal Control Review Board. If an application for the additional dog permit is denied or revoked, the applicant or permittee may give written notice of appeal of such denial or the permit is revocation to the Clerk. The Animal Control Review Board shall consist of the City Animal Service Manager, the Idaho Falls Police Department Services Captain, and currently licensed Idaho veterinarian. The Animal Control Review Board shall then set a time and a place for such hearing and the Clerk shall inform the applicant or permittee of the hearing date in writing, at least five (5) business days prior to such Board hearing. The Animal Control Review Board will review the application and any relevant testimony and materials submitted by the applicant, permittee, and City and will make a determination regarding issuance or revocation of the permit within twenty-one (21) calendar days following the date of the Board hearing.

2. Appeal to City Council. An applicant, permittee, or City Department(s) adversely affected by a decision made by the Animal Control Review Board may appeal the Board's decision to the Council by filing a notice of appeal in writing to the Clerk. A time and a place for such hearing shall be set within thirty (30) days following the receipt of the notice of appeal, and the Clerk shall inform the applicant or permittee and relevant City Department(s) of the hearing date in writing at least five (5) business days prior to such Council hearing. At or following the hearing, the Council may uphold the decision to deny or revoke or may direct the Clerk to issue a permit which has been denied or revoked, upon finding of good cause for the issuance of such permit.

3. Failure by person appealing (or their representative), to appear before the Council at the time scheduled to consider the appeal shall result in the automatic denial of the appeal.

4. Fee for appeal. A non-refundable fee shall for an appeal to the Animal Control Review Board or to the Council, shall be in an amount set from time-to-time by Resolution of Council.

~~(B) Noncommercial License: Applications for noncommercial kennel licenses shall be made to the Clerk. Such license shall not be issued unless at least seventy five percent (75%) of all the owners or persons in possession of premises located within one hundred feet (100') of the premises upon which said noncommercial kennel is to be maintained, have consented to the operation of such noncommercial kennel. Upon receipt of such application, the City Clerk shall request Animal Services to poll such owners to determine if they are willing to consent to the issuance of a noncommercial kennel license to the applicant. For the purposes of determining such percentage, persons having joint ownership or control of such premises shall be considered as one person. The applicant shall also pay a license fee of fifty dollars (\$50) annually, which fee shall be returned to the applicant if the license is not issued. The applicant shall allow an annual inspection of the kennel by Animal Services personnel and any inspections that may be warranted in response to complaints or violations of this Chapter supported by probable cause. The application shall state the name and address of the owner, the location of the non-commercial kennel, the number of dogs presently kept and the breed(s) of the dogs. Dogs kept in a noncommercial kennel shall be owned only by members of the immediate household and a~~

~~separate dog license shall be purchased for each dog. A noncommercial kennel license shall not be transferable and shall expire on December 31st of the year of issuance. Upon renewal of a noncommercial kennel license, a re-polling of neighboring owners shall not be required, unless within one (1) year prior to the expiration of such license, one or more complaints have been filed in writing with the Police Department or Animal Services regarding the applicant's maintenance of such kennel. In such event, no license shall be issued until Animal Services has conducted a new poll and the required consents have been obtained. No person holding a noncommercial kennel license shall keep any dog for breeding purposes or for the purpose of raising such dog for commercial sale. All dogs, except registered purebred dogs, kept pursuant to a noncommercial kennel license shall be sterilized within twelve (12) weeks after their date of birth. No license shall be issued unless the applicant i) provides written certification by a licensed veterinarian that all licensed animals, other than purebred animals, have been sterilized or the applicant provides a certificate from an Animal Control officer that he or she has inspected each animal and verified such sterilization, and ii) the applicant provides proof of registration by a recognized kennel club for each unsterilized purebred dog kept on the premises. In no event may the licensee or applicant keep more than one breed of unsterilized purebred dogs on the premises. A maximum of five (5) dogs may be kept upon the premises owned by a person holding a noncommercial kennel license.~~

SECTION 3. Non-Conforming Uses. Any lawful pet use established pursuant to the City's Zoning Code prior to the effective date of this Ordinance shall be allowed to continue as a non-conforming use pursuant to such Zoning Code. No non-conforming pet use shall be allowed to increase in extent or intensity and no dogs in excess of the three (3) dogs allowed by this Ordinance shall be allowed to replace any dog owned at the time that such non-conforming use was recognized in an attempt to allow such non-conformity to continue.

SECTION 4. Intent. It is Council's intent hereby to allow the owners of property with lawful uses, to keep up to five (5) dogs currently owned until the number of such dogs naturally decreases to not more than three (3) dogs per dwelling. It is also Council's intent that current non-conforming pet uses are extinguished as soon as possible under the law.

SECTION 5. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance. The remaining Sections of Title 5, Chapter 6, shall be in full force and effect.

SECTION 6. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 7. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2016.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

“AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SECTION 5-6-1 AND 5-6-7 OF THE IDAHO FALLS CITY CODE; REPLACING THE CITY’S CURRENT LICENSING PROGRAM FOR COMMERCIAL AND NON-COMMERCIAL DOG KENNELS AND WITH AN ANNUAL ADDITIONAL DOG PERMIT PROGRAM FOR UP TO THREE (3) DOGS IN ADDITION TO THE TWO (2) CURRENTLY ALLOWED BY RIGHT WITHIN THE CITY’S LIMITS, WHICH INCLUDES FEES, INSPECTION AND REVIEW BY CITY STAFF, AND APPEALS FOR DENIAL AND REVOCATION OF SUCH PERMIT; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

KATHY HAMPTON, CITY CLERK

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