

OCTOBER 28, 2004

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 28, 2004, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

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

Also present:

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

CONSENT AGENDA ITEMS

Mayor Milam requested Council confirmation for the Re-Appointment of Sharon Parry to serve on the Planning and Zoning Commission.

The City Clerk requested approval of the Minutes from the October 14, 2004 Regular Council Meeting.

The City Clerk presented several license applications, including a BEER TO BE CONSUMED ON THE PREMISES License to Compass Group USA, Inc. dba Chartwells, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on October 28, 2004.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
October 19, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise and receive bids for Thirty (30) Yard Roll-Off Refuse Containers and Three (3) Yard Refuse Containers.

s/ S. Craig Lords

Mayor Milam requested to know whether there were any items on the Consent Agenda that should be withdrawn and considered under the Regular Agenda.

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Councilmember Lyon requested that the Minutes from the October 14, 2004 Regular Council Meeting be removed from consideration under the Consent Agenda. Mayor Milam stated that the Minutes would be considered under the Municipal Services Division on the Regular Agenda.

It was moved by Councilmember Groberg, seconded by Councilmember Hally, that the Consent Agenda be approved, with the exception of the Minutes from the October 14, 2004 Regular Council Meeting, in accordance with the recommendations presented. Roll call as follows:

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

Nay: None

Motion Carried.

REGULAR AGENDA ITEMS

Mayor Milam requested Councilmember Hardcastle to conduct a public hearing for consideration of the expenditure of the Local Law Enforcement Block Grant Funds. At the request of Councilmember Hardcastle, the City Clerk read the following memo from the Police Chief:

City of Idaho Falls
October 22, 2004

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Police Chief
SUBJECT: 2004 LAW ENFORCEMENT BLOCK GRANT

Our Law Enforcement Block Grant this year is for the amount of \$11,390.00. The process to obtain the grant requires that a committee consisting of a school district representative, a prosecutor's representative, a court representative and a volunteer group representative approve the items requested on the grant proposal. Sharon Parry represents the school district, Dane Watkins, the prosecutor's, Burt Butler, the courts, and Dave Walters, the volunteers; they each have given approval.

The proposal for use of this money is to use it for specific training needs.

Also, as part of the grant process, the recommendation of the grant committee must be approved at a public hearing. The public hearing is on the agenda for the October 28, 2004 City Council Meeting.

Thank you for your consideration in this matter.

s/ J. K. Livsey

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

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to approve the expenditure of funds for the 2004 Law Enforcement Block Grant for specific training needs. Roll call as follows:

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

Nay: None

Motion Carried.

Mayor Milam requested Councilmember Hally to conduct Annexation Proceedings for Sunnyside Park Subdivision No. 1, Block 2, Lots 1 and 2 and Metes and Bounds Property located in the Northwest Corner of Section 32, Township 2 North, Range 38, East of the Boise Meridian – 3333 South Handly Avenue. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Zoning Director:

City of Idaho Falls
October 26, 2004

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION AND INITIAL ZONING OF 3333 HANDLY AVENUE

Attached is the Annexation Agreement and Annexation Ordinance for 3333 South Handly Avenue, a single-family home owned by Peter Y. S. and Marylyn P. K. Hsu. The requested initial zoning is R-1. This property is located immediately south and adjacent to Sunnyside Road between Handly Avenue and Grove Lane. The Planning Commission considered this annexation request at its August 3, 2004 Meeting and recommended approval of the annexation and initial zoning of R-1. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

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

Slide 1 Vicinity Map showing surrounding zoning
Slide 2 Aerial Photo
Slide 3 Site Photo of Site
Slide 4 Site Photo looking across Sunnyside Road at Site

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- Exhibit 1 Planning Commission Minutes dated August 3, 2004
Exhibit 2 Planning Commission Minutes dated July 6, 2004
Exhibit 3 Staff Report dated July 6, 2004

This land is contiguous with the City of Idaho Falls and the zoning is in accordance with the Comprehensive Plan.

Marylyn Hsu, 3333 South Handly Avenue, appeared to answer any questions from the Mayor and City Council. There were none.

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

It was moved by Councilmember Hally, seconded by Councilmember Lyon, to approve the Annexation Agreement for Sunnyside Park Subdivision No. 1, Block 2, Lots 1 and 2 and Metes and Bounds Property located in the Northwest Corner of Section 32, Township 2 North, Range 38, East of the Boise Meridian (3333 South Handly Avenue) and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

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

Nay: None

Motion Carried.

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

ORDINANCE NO. 2559

SUNNYSIDE PARK SUBDIVISION NO. 1, BLOCK 2,
LOTS 1 AND 2 AND METES AND BOUNDS PROPERTY
LOCATED IN THE NORTHWEST CORNER OF SECTION 32,
TOWNSHIP 2 NORTH, RANGE 38, EAST OF THE BOISE
MERIDIAN (3333 SOUTH HANDLY AVENUE)

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 Hally moved, and Councilmember Lyon seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed

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with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

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

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 Hally, seconded by Councilmember Lyon, to establish the initial zoning of Sunnyside Park Subdivision No. 1, Block 2, Lots 1 and 2 and Metes and Bounds Property located in the Northwest Corner of Section 32, Township 2 North, Range 38, East of the Boise Meridian (3333 South Handy Avenue) as R-1 (Single-Family Residential) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

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

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memo:

City of Idaho Falls
October 25, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Mark Gendron, Idaho Falls Power Director
SUBJECT: AGREEMENT WITH PACIFICORP FOR RELOCATION OF POWER LINES ON SUNNYSIDE ROAD – YELLOWSTONE TO I-15B - JOINT OPERATION AND MANAGEMENT AGREEMENT

Attached for your consideration is a Joint Operation and Management Agreement with PacifiCorp for relocation of power lines located generally on

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Sunnyside Road from Yellowstone Avenue to I-15B. The Agreement has been reviewed by the City Attorney.

Idaho Falls Power requests approval of this Agreement and authorization for the Mayor to execute the document.

s/ Mark Gendron

It was moved by Councilmember Lehto, seconded by Councilmember Shurtleff, to approve the Joint Operation and Management Agreement with PacifiCorp for relocation of power lines located generally on Sunnyside Road from Yellowstone Avenue to I-15B and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The City Clerk requested Council approval for the Minutes for the October 14, 2004 Regular Council Meeting.

Councilmember Lyon requested to have the slides listed as "Photo of Animal" that were presented under a Power Point Presentation from Councilmember Larry Lyon for the Wild Animal Ordinance, be identified with the specific animal on each slide for any future reference.

Councilmember Groberg requested Councilmember Lyon to provide the names of the animals for those slides, then the City Clerk would change the name of the slide now labeled as "Photo of Animal".

It was moved by Councilmember Groberg, seconded by Councilmember Lyon, to approve the Minutes for the October 14, 2004 Regular Council Meeting, changing those slides that are identified as "Photo of Animal" in Councilmember Larry Lyon's Power Point Presentation, being further designated by the type of animal. Roll call as follows:

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

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

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City of Idaho Falls
October 19, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO PURCHASE POLICE VEHICLES

Municipal Services respectfully requests authorization to purchase the following used vehicles: Three (3) 2003 Ford Explorer XLT, 4 X 4, One (1) 2003 Ford Crown Victoria, and Two (2) 2003 Toyota Camry LE unmarked, for a total amount of \$114,575.00. The vehicles are available through the Salt Lake County's vehicle sale.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to authorize the purchase of used vehicles for use as Police Vehicles from the Salt Lake County's vehicle sale as presented. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 22, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 2004-2005 LEGAL SERVICES

Attached for your consideration is the Legal Services Contracts with Dale Storer and Holden Kidwell Hahn and Crapo. It is the recommendation of Municipal Services that the Council approve the contracts and authorize the Mayor to sign said contracts.

s/ S. Craig Lords

It was moved by Councilmember Groberg, seconded by Councilmember Hally, to approve the 2004-2005 Legal Services Contract with Dale Storer and Holden Kidwell Hahn and Crapo and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Lehto
Councilmember Groberg
Councilmember Hardcastle
Councilmember Hally

Nay: Councilmember Shurtleff
Councilmember Lyon

Motion Carried.

The Police Chief submitted the following memo which was passed on the First Reading Only on September 23, 2004 and passed on the Second Reading Only on October 14, 2004:

City of Idaho Falls
September 16, 2004

MEMORANDUM

TO: Mayor and Council
FROM: J. K. Livsey, Chief of Police
SUBJECT: COUNCIL AGENDA ITEM

I respectfully request the attached Ordinance repealing and re-enacting Section 5-9-9 of the City Code of Idaho Falls, Idaho, prohibiting certain wild animals within the City Limits, providing for severability and establishing the effective date, be heard at the City Council Meeting of Thursday, September 23, 2004.

If you have any questions or comments, please call Councilmember Ida Hardcastle, 529-5204.

Thank you for your consideration.

s/ J. K. Livsey

Councilmember Hardcastle explained that at the last two Council Meetings, comments have been taken from the public. She requested that this issue be open for Council discussion.

Councilmember Lyon stated that there were several people present who wished to make further comments to this Wild Animal Ordinance. He also submitted the following items:

Thomas W. Moe, D. V. M.
Eastside Pet Clinic
285 South Woodruff Avenue
Idaho Falls, Idaho 83401
Phone: 208-529-2217
Fax: 208-529-2690
E-mail: moevet@ida.net
October 27, 2004

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- > Cannot be kept under the immediate control of the owner
 - > Cannot be given adequate care and attention
- Slide 12 So what is the problem???
- Some people in the city government want to prohibit animals not because they are a threat to public safety, but simply to impose their own personal biases on other people.
- Slide 13 How did we get here?
- > 2002 - J. W. had lunch with Mayor Milam. He talked about the possibility of he and his wife moving here. His desire to be good neighbors and BOB and TAZ their pet bobcats. Mayor Milam did not give J. W. any reason to believe BOB and TAZ would be unwelcome.
- Slide 14 How did we get here? Cont.
- > Fall 2002 – J. W. and Carol leased their house on Whittier. They check all state, county and city laws to make sure BOB and TAZ are legal. They are legal.
 - > March 2003 – J. W. and Carol buy their house. City animal control is invited to audit the Everett’s home for adequacy of the bobcats enclosure and the quality of care they receive. Kris Carlson assures the Everett’s that they are in compliance with the law and everything is ok.
- Slide 15 How did we get here? Cont.
- > October 2003 – After a frivolous complaint by a neighbor, and because he was unhappy about J. W.’s “not guilty” verdict the police chief orders animal control to site the Everett’s for BOB and TAZ. Kris Carlson tries to explain to the Chief that the bobcats are not a problem.
 - > The Chief’s motives are political; however, so he simply puts a gag order on Kris Carlson to make sure she won’t say anything politically incorrect.
- Slide 16 How did we get here? Cont.
- > November 2003 – Chief Livsey plans to seize BOB and TAZ by force, (I heard him discussing preparations to do this) even though, as has been demonstrated by a common sense look at the existing ordinance, their possession as pets is completely within the law.
 - > Late November 2003 – The intervention of the Humane Society and local media attention cause him to abandon his plan.
- Slide 17 How did we get here? Cont.
- > December 2003 – Kimball Mason decides the current ordinance doesn’t prohibit BOB and TAZ.
 - > That should have been the end of the story.
 - > December 2003 – The City Attorneys and the Police Chief will not let the Everett’s alone.
 - > They rewrite the animal ordinance to turn a law abiding activity into a crime.
- Slide 18 How did we get here? Cont.
- > June 2004 – Get the council to approve the new ordinance by disguising it as a “clarification” of the existing ordinance.

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- Slide 19 What now?
- > Pass the ordinance “as is”
 - > Have a law that contradicts state law and is void.
 - > Trigger a lawsuit the City cannot win.
 - > Force the taxpayers to spend hundreds of thousands of dollars to defend a law that was unconstitutional to begin with.
 - > Revise the ordinance to delete the fur bearing animals whose right to own is guaranteed by state law.
- Slide 20 What now?
- > Drop the issue.
 - > There is no threat or likelihood that there will be a threat to public safety from wild animals in the City.
 - > The current ordinance is adequate to address a threat to public safety from wild animals should one arise.
 - > Its whole purpose of rewriting the ordinance (to force the Everett’s to get rid of BOB and TAZ) is ridiculous because:
- Slide 21 What now?
- > 1) Mayor Milam gave her implicit approval to BOB and and TAZ when she didn’t give J. W. any reason to think they would be a problem when he told her they might be moving to the City.
 - > 2) Kris Carlson has already determined that the bobcats are in compliance with City Code.
 - > 3) Idaho Code 25-3001 says, “It shall be lawful for any person” to own a bobcat; so we could pass 100 laws to the contrary and they would all be void.
- Slide 22 What now?
- > The Council should honor it’s pledge to conduct itself with the highest of ethical standards and honor the implicit approval given by the Mayor and explicit approval given by Kris Carlson to BOB and TAZ.
 - > J. W. and Carol acted with due diligence and in good faith. To do a 180 on them now would be to dishonor ourselves and undermine public trust and confidence in us.
 - > If we as a council break faith with one citizen, we have broken faith with every citizen.
- Slide 23 Questions
- > Why did the Chief “end run” his council committee and initiate an ordinance rewrite without their specific direction?
 - > Why did the Chief not let the issue go when he found out that BOB and TAZ are legal?
 - > Why has the Chief locked the person who should be at the center of this process: Kris Carlson, out of the process?
- Slide 24 More Questions
- > What are the answers to the issues raised by Carol Chaffee in her letter dated June 24, 2004?

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- > A city ordinance in conflict with a state law of general application is invalid.
- > The right to keep domestic fur bearing animals as pets is protected by state law.
- > The City has no authority to outlaw conduct the state has made legal.
- > The proposed animal ordinance is invalid with respect to bobcats and other fur bearing animals.

Following a discussion among the Mayor and City Council, it was determined that additional new public comment would be taken.

Councilmember Lyon stated that he did not wish to have repeat comments on the Wild Animal Ordinance. He requested those present in the audience that opposed the Wild Animal Ordinance to raise their hands. There were approximately 75% of those present in the audience who raised their hands to oppose the Wild Animal Ordinance.

Chaz Houpt, 1954 North Yellowstone Avenue, owner of Peaches Pets, appeared to clarify some of the information presented at the last City Council Meeting regarding some of the animals that Peaches sells. One variety of animals that Peaches sells is known as "feeders". Those are animals that are part of another animal's food chain. They sell more than 1,000 goldfish, over 6,000 crickets, 200 white clouds, 10-20 containers of mealworms, 50-100 mice, and 20-30 rats per week. Many of these animals are being fed to exotic animals. Families that own exotic animals tend to be a little exotic in their own beliefs. They do not like to be told what they can and cannot have. Mr. Houpt requested to know where the supporters of the Wild Animal Ordinance were. He cited that there were two reasons for the Wild Animal Ordinance revision. One reason was because of a situation. This was a specific situation and not an overall problem in this community. He explained that this ordinance is being driven by a mandate from the National Humane Society. He believed that PETA is behind this mandate. This is not a desirable organization. Boise lawyers are following similar procedures at this time. Boise's existing code does not have a listing of animals. Boise's law is weaker than the present Idaho Falls code. Mr. Houpt stated that it might be wise for Idaho Falls to observe successes and failures of other communities adopting Wild Animal Ordinances, before this community is upset with an ordinance that does not have support. The opinions of the City Attorney and the City Prosecutor do not mesh with the opinions of the residents of Idaho Falls. For 15 years, Idaho Falls City Code 5-9-9 has received a few tests. Each situation that arose was handled under the current City Code. Mr. Houpt stated that the City Attorneys do not know how to stop this process. This ordinance is headed for anarchy among the intelligent, common-sense residents of Idaho Falls with the potential destruction of loved and innocent animals. There will be a great amount of confusion among the law enforcement personnel as to the definition of a certain animal and whether it is legal or not. The second issue regarding this ordinance is the criminalization of citizens in Idaho Falls who own some of the subject animals. Mr. Houpt expressed his concern for the animals in question. These animals have not done anything to be condemned. He blessed the animals of Idaho Falls and the City Councilmembers and Mayor in this process. The citizens depend on the Mayor and Council's good judgment.

Councilmember Groberg asked Mr. Houpt whether he thought there were hundreds, or possibly thousands, of animals that would be prohibited under the Wild Animal Ordinance. Mr. Houpt agreed with Councilmember Groberg, and stated that he has talked with local veterinarians who have indicated that they attend to approximately 10% to 20% of their clientele as being one or more of the listed animals. Mr. Houpt stated that squirrels and geese cause more damage around the City than any wild animal listed in the Ordinance.

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Councilmember Groberg stated that, according to the Wild Animal Ordinance, animals are considered to be living in the wild if they are in your back yard. Mr. Houpt stated that he understood that the definition of "harbor" means to maintain a place for an animal. That makes the residents responsible for harboring squirrels and geese.

Carol Chaffee, 117 Whittier Street, appeared to correct Councilmember Hardcastle for stating that there have been two Council Meetings where the public could make comments on the Wild Animal Ordinance. The first Council Meeting was for the City Council to place the Ordinance being considered before the public. The second Council Meeting is the only meeting where the public was allowed to make comment. Councilmember Hardcastle apologized to Ms. Chaffee for that mistake. Ms. Chaffee stated that Councilmember Hardcastle stated at the last Council Meeting that everyone that she had talked with about this Wild Animal Ordinance were in support of this Ordinance. Those people were conspicuous by their absence. Ms. Chaffee stated that Councilmember Hardcastle has worked hard on this Wild Animal Ordinance, but she has not worked any harder than Councilmember Lyon has or than Ms. Chaffee has. Ms. Chaffee stated that she has had to work herself into this process. Neither Councilmember Hardcastle nor the City Attorneys have sought her input on this matter. She stated that she has made trips to City Hall to review the meeting board about any potential meetings that were to be held on this matter. Ms. Chaffee stated, further, that Councilmember Hardcastle had lied to her regarding this Wild Animal Ordinance. After the first Council Meeting in August, 2004 Councilmember Hardcastle took Ms. Chaffee aside to tell her that she had all the votes she needed to pass the previous version of this Wild Animal Ordinance which would have required a 75% approval of her neighbors in order for her to keep her bobcats. Councilmember Hardcastle then said that she would delete the 75% provision out of concern for Ms. Chaffee's circumstances. Ms. Chaffee moved on to the matter at hand. She stated that at the last Council Meeting, Councilmember Hally commented that the Ordinance was never going to be perfect and there would always be things to nitpick about. This is not a first rough draft and the flaws are not minor nitpicking matters. She suggested that the City Attorneys had provided shoddy legal services to the City. More should be demanded of the City Attorneys.

Mayor Milam stated that the City Council needed to stay on the subject at hand.

Councilmember Groberg stated that Ms. Chaffee's observations on her sense of being mistreated or misled are not relevant at all to the Council's discussion on the Wild Animal Ordinance. He stated that he was interested in questions relating to the Wild Animal Ordinance itself.

Ms. Chaffee stated that Councilmember Groberg, as an attorney, should understand better than anyone else the problem that a defective ordinance presents. Ambiguous laws end up on the courts sooner or later. Ms. Chaffee stated that in her 15 years with the Nevada Supreme Court and the Washington Court of Appeals, a great percentage of case load was there because of sloppy drafting.

Councilmember Groberg stated that the City Council would like to hear about the potential defects in the Ordinance, not in her motives and the type of information that is being presented.

Ms. Chaffee stated that the ordinance before the City Council contains conflicting impound clauses. The City can destroy an animal under one section of the impound section before a private citizen has a right to exercise privileges under another section of the impound section. The Wild Animal Ordinance lacks required due process provisions. With all of these types of flaws, she requested to know why the City Council was considering this ordinance. Protecting the public is a valid legislative purpose. The legislative process was started in this case due to a small neighborhood dispute. This began when she and her husband complained about a neighbor's barking dog and

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some neighborhood children. One child ran his dirt bike up and down the street. Other children threw illegal fireworks into the Chaffee/Everitt's front yard. The neighbors got even and complained about the Chaffee/Everitt's bobcats. This argument was never about the bobcats, but it was right for the police officers to investigate any such claims. Once the City learned that this was not about the bobcats, the City should have dropped the matter. Instead of handling this matter as the neighborhood dispute that it was, a handful of City officials sided with the neighbors to build a small dispute into a major grudge. The City officials declared that they would get rid of the bobcats. Even the Police Chief did not come after the bobcats on the basis that they were dangerous. City officials have a personal agenda and closed their minds to all other alternatives. That is improper. Countless amounts of paper and taxpayer dollars have been used trying to get rid of the bobcats. Ms. Chaffee stated that the City Council has constantly touted Dave Pauli's input. Mr. Pauli has stated that the bobcats are in good, responsible hands and should be left where they were. The grandfather clause was added to allow the bobcats to stay where they were. Ms. Chaffee stated that there were hundreds of signatures collected on a petition that stated that exotic animals should not be outlawed, but that they should be regulated. She stated that she appreciated the support that she has received. The City has a prohibition on dangerous animals. Dangerous animals are already outlawed for public safety reasons. The fundamental question for the City Council is about freedom of choice and responsibility. City Attorneys do not need the revised ordinance in order to prosecute irresponsible exotic pet owners. Ms. Chaffee stated that like doctors, legislators should consider the old saying, "First do no harm." The proposed Wild Animal Ordinance creates problems where none exist. She requested Councilmember Shurtleff, Lehto, and Groberg to put an end to the whole personal grudge match and the colossal waste of time by joining Councilmember Lyon in opposing this Wild Animal Ordinance. Personal choice is part of what makes us a free people in this country. Personal choice should not be constrained by governmental officials unless it has to be. The City Council should give the fine people of this community credit for being smart enough to make their own decisions and to take responsibility for those decisions. Ms. Chaffee stated that the City Attorneys and the Chief of Police are not elected officials. They can treat the citizens of Idaho Falls as idiots who have no ability to make their own choices. They can ignore the overwhelming outpouring of support against this ordinance. Those who are elected cannot. She urged the Mayor and Council to listen to the people who have spoken on this issue and vote against this ordinance.

Jeff Southwick, 255 Butterfly Drive, appeared to state that he is the owner of Predators Paradise which is a reptile specialty store. He stated that fines should be imposed and animals taken away from bad people that let them run loose, cause personal injury, and destroy private property.

Councilmember Lyon requested Mr. Southwick to comment on how this proposed Ordinance has affected his business.

Mr. Southwick stated that his business has slowed down. People are afraid to purchase certain types of animals for fear that this animal might be added to the list addressed in the Wild Animal Ordinance at a later date.

Councilmember Lyon requested to know how much money Mr. Southwick has invested in starting his business.

Mr. Southwick stated that he has approximately \$23,000.00 invested to date in his reptile business. He has been open for 3 months. He has considered, on numerous occasions, closing his business. He has considered providing educational classes to schools, but wanted to wait until a decision has been made on this Ordinance as to whether he would pursue that.

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Councilmember Hardcastle requested to know whether Mr. Southwick was selling anything in his store that would be prohibited under this Ordinance. Mr. Southwick stated that there was nothing in the Ordinance that affected his store.

Councilmember Lyon requested to know whether Mr. Southwick was selling reticulated Pythons in his store. Mr. Southwick stated that he has sold one reticulated Python. Councilmember Lyon requested to know how long a reticulated Python would get in his lifetime. Mr. Southwick stated that a reticulated Python would reach approximately 22 to 23 feet in length. Councilmember Lyon stated that this type of a snake could be considered illegal under the Wild Animal Ordinance. Mayor Milam and Councilmember Hardcastle stated that a reticulated Python is not prohibited under the Wild Animal Ordinance as proposed.

Councilmember Hardcastle stated that the City Council needed to stick to the Ordinance as it was presently drafted.

Mr. Southwick stated that he appreciated Councilmember Hardcastle for working with him. He also stated that he has worked with the Police Chief as well.

Tom Albaugh, 665 H Street, owner of Tom's Shoe Repair, appeared to state that he was in opposition of the proposed Wild Animal Ordinance. He has lived in this community most of his life. In his business, he has a police scanner. Not once in 27 years has he heard about an attack by an exotic animal. He has heard about attacks from dogs. He stated that it was ridiculous to spend taxpayers' money on an ordinance that is not needed. Mr. Albaugh stated that he and his son took care of the Chaffee/Everitt bobcats while they were out of town on business. They are wonderful animals. They are not a danger to anyone. He believed that there were some personal vendettas being taken against this couple.

Councilmember Hardcastle requested to know whether Mr. Albaugh had read the proposed Ordinance. Mr. Albaugh stated that he has read some of the ordinance.

Councilmember Lyon stated that most people who were in opposition to this ordinance were based upon fundamental principle. They do not believe that it is the government's business to dictate what kind of animals they can and cannot have as pets. Government has a duty to protect against dangerous animals. He requested to know whether Mr. Albaugh agreed with that assessment. Mr. Albaugh stated that if there was a dangerous animal, police officers or animal control officers would take care of that situation. Councilmember Lyon stated that he has not found any instance where an exotic animal has been a problem.

Ted Milton, 189 College Avenue, appeared to state that he had a friend, as he was growing up, who raised two bobcats. These bobcats were not nearly as tame as the Chaffee/Everitt's bobcats are. He believed that this has become a personal issue. Because of that, this ought to be put to rest. He commented that he has a son who is visually impaired and physically impaired. It would be a shame for his son not to have the opportunity to be around different types of animals.

Councilmember Lehto requested Councilmember Hardcastle, as the Chairperson for the Public Safety Council Committee, to try to put this issue back on task. The City Council is trying to receive comments that are pertinent to the ordinance as it is written. Councilmember Lehto stated that the bobcats will stay in their home under the current ordinance. There are grandfather provisions under the proposed ordinance.

Stuart Haroldsen, 975 Iona Street, appeared to state that in 1867, President Grant was in office. The Congress was passing laws that he did not like. President Grant stated that the most effective way to destroy a bad law was to enforce it vigorously. When the citizens started to find out how these heavy handed things came down, they put the pressure on the legislature to appeal the laws. He feared that with the way this ordinance is being approached, many people will be criminalized that do not represent a threat. They will probably not be prosecuted. He requested to know what the point was then. When a

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law is passed, which by nature is restrictive, it should be uniformly enforced. He requested the City Council to reconsider adoption of this ordinance. Councilmember Hardcastle requested Mr. Haroldsen's letter be submitted as follows:

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My name is Stuart Haroldsen. I don't have any pets, I don't sell any pets. I have little vested interest in this subject beyond that of being a citizen of this community. But I might claim an interesting perspective on this subject.

I am a bicyclist. I ride about 8800 miles year in all kinds of weather and in all kinds of traffic. I don't personally own a car and were it not for pressure from the family I would not have a driver's license. People frequently ask about my safety in traffic. I usually surprise them when I tell them that my experience which actually reflects national safety statistics indicates that my life is four times more imperiled by dogs than motorists. Every serious injury I have ever received has been the result of dog attacks. At one time, I aspired to be a professional violinist. As slim as that chance might have been, a dog on Lewisville Highway destroyed any such possibility.

In every case the law enforcement agencies, be it Bonneville County Sheriff's Office or the Idaho Falls Police have never done a single thing to address my injuries. I have been told that since the dog died in the collision, they can't prove ownership (one begins to imagine a police lineup with Muffy picking out her owner) or since I only knew the dog owner's name, but not the name of the dog, they could do nothing, or because it was a Saturday, there were no officers available. In short, the attitude exhibited sounded with clarion clearness that my value as a human being was minimal, the dogs have more rights than people, and my life is expendable.

Do I hate dogs? Not in the slightest. I have some misgivings about their owners sometimes.

About seven weeks ago on the corner of Canyon Avenue and Iona Street a part Mastiff/Boxer came after me. Sadie, as she is called, is a dog that specializes in barking, charging and darting at the last moment. But on this occasion, she bit into my heel. My cycling shoes have Kevlar heel cups and so she couldn't penetrate the shoe, but I was having some difficulty navigating with 55 pounds of half insane dog hanging on my right heel. The owner, David Holland, who is not only my neighbor, but my bishop, not wanting to have to restart his lawn mower if he let go, called after her, but didn't seem to think it was worth intervening. So I am still dragging Sadie on my shoe. What a Drag! I saw an Idaho Falls Police vehicle coming towards me. I wondered if an officer actually seeing this might respond instead of the total lack of concern shown when I try to file a report. Well, the answer would seem to be an emphatic and resounding "NO!" because not only did he drive past me with me still dragging Sadie, but he was laughing as he passed. Now I might conclude that not only is my life of little value to my community, but apparently it is of little value to my clergy as well. But, instead I am wondering why is my community trying to outlaw animals that have no record of hazarding the lives of citizens when it

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has no interest in enforcing existing laws nor in protecting its citizens from animals that have an outstanding record of creating problems.

Bicycling Magazine reported that in the average year, 207 serious adult cyclists are killed in the United States. But some are agonizing over some de-clawed bobcats. A cyclist who obeys the laws, wears a helmet and exercises caution is four times more likely to be taken out or seriously injured by a dog than a car and some are fretting over somebody's Monitor lizard.

Why don't they dedicate their efforts to seeing existing laws enforced against a clear and present danger instead of some vague, imaginary threat. Is it because they like their dogs and don't believe that Muffy would hurt anyone regardless of the record of complaints? Is it due to laziness by the law enforcement community? Is it because the prosecutor can't win a case against dog owners because the jury is composed of dog owners? Is the proposed legislation motivated by desires for revenge against certain parties? Is it some petty control fetish?

I don't know what the reasons are, but I clearly see an inconsistency that mixed with a real lack of concern with the real dangers to citizens. I would typify it as gross hypocrisy.

s/ Stuart W. Haroldsen

Dan Maglio, 225 Ash Street, No. 7, appeared to state that he lived in California for many years. He went to many schools, colleges, Sheriff Departments, zoos, and reptile holding pens to educate people on the other side that these animals are seen. He stated that many people do not see the gentle side of reptiles. If the owner of a reptile is improperly educated as to the handling of reptiles, there will be problems. The idea behind this ordinance should be to educate and deal with people that do not know how to take care of exotic animals. It is improper to pass a law that would condemn a responsible owner.

Councilmember Groberg stated that an animal is not automatically grandfathered under this ordinance. A person having a wild animal must come in to file an application for a permit to keep that animal. If it is pertinent, then the owner will receive that permit.

Councilmember Hardcastle stated that anyone with a wild animal may apply to grandfather their animal.

Mr. Maglio stated that at the present time, none of his animals are on the list of prohibited animals. He requested to know whether he would have to spend a great deal of money for a permit for each of his animals should the law change in the future. Mayor Milam stated that an amendment to the ordinance would have to be approved in order to make a change to the list of prohibited animals. Councilmember Hardcastle stated that there is no cost for the permit.

Councilmember Hardcastle, again, requested that comments be addressed to the proposed ordinance before the City Council.

J. W. Everitt, 117 Whittier Street, appeared to state that he has known for some time that the bobcats would be grandfathered. That does not keep him from being outraged that someone is going to tell someone else that they cannot have an certain type of animal, particularly if they are responsible people. He discourages others from finding an exotic animal to have as a pet. They do not make good pets unless a large amount of time, effort and energy is invested in them. Mr. Everitt stated that he is aware of numerous cats

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that are owned in this town that are exotic animals. People are scared to come forward because they do not want to be harassed. He requested the Mayor and City Council not to prohibit animals, but regulate them. Make it difficult and expensive for people who want to have these types of animals. The City has a great Animal Control Facility, and has Animal Control Officers that can inspect the homes of these types of animals, check the credentials of the owners, and make a decision as to whether they should be allowed in the City.

Carla Brown, 1675 Ponderosa, appeared to state that she does not have any exotic animals. She has a day care in her home. Some of the children in her day care can not have the common household pet due to allergies or asthma. She would hate for them not to have the opportunity to love and have affection towards an animal.

Councilmember Hardcastle requested to know whether Ms. Brown had taken the opportunity to read the ordinance. Ms. Brown stated that she has not read the ordinance.

Councilmember Hally stated that many times when issues like this are discussed, the City Council becomes polarized. Similar ordinances have been taken from surrounding neighbor cities, who have experienced similar issues, in developing the ordinance before the City Council.

Following a brief discussion, it was determined that 25 ordinances have been reviewed in developing the proposed ordinance before City Council. Councilmember Hally stated that these are not irrational ideas that have been put together. Much research has gone into the development of this ordinance.

Councilmember Lyon stated that when this process was in the early stages, he requested a copy of the ordinances that were being reviewed from the Police Chief. He reviewed each of those ordinances. Other than the fact that some cities are approving these ordinances, Councilmember Lyon has not received an answer as to whether these ordinances are any good. He stated that it was interesting that there was no comparison done with the City of Pocatello's ordinance. Pocatello does not have a list of animals in their ordinance. He commented that he has talked with Pocatello's City Attorneys and Animal Control Officers, who told him that their ordinance is very effective. Pocatello's ordinance focuses on prohibiting animals that are dangerous.

Councilmember Groberg requested to know whether the ordinance being considered by City Council was patterned after a standard Wild Animal Ordinance. The City Attorney stated that he did not believe that there was any standard Ordinance. A number of ordinances have been looked at. The City Attorney has tried to extract the best provisions out of each one of them. The City Attorney has also looked at model ordinances from the International Lawyers Association. Councilmember Groberg questioned the City Attorney as to whether any other cities in Idaho have adopted such ordinances. The City Attorney stated that Boise is looking at adopting a similar ordinance.

Councilmember Groberg stated that he wants to understand the impact of the ordinance. He was given the impression that the principal purpose of this ordinance was because of the questionable enforceability of the existing ordinance. Most of the discussion has been that the proposed ordinance expands the classification of animals that would be prohibited. He requested to know whether there are more animals or different animals prohibited under the proposed ordinance than would be prohibited or enforced under the existing ordinance. The City Attorney stated that this was difficult to answer, in that there is a slightly different tactic that is employed. The existing ordinance prohibits dangerous, fetid animals. The "catch-all" provision prohibits any other wild animal that weighs more than 25 lbs. From the evolution of the ordinance, the City Attorney stated that the proposed ordinance is substantially watered down and more relaxed than the existing ordinance. The City Attorney explained, further, that the grandfather clause is totally

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unrestricted and that is a broad exception to the existing ordinance. The grandfather clause could allow a significant number of wild animals that are not currently allowed.

Councilmember Groberg requested to know to what extent is the City Council prohibiting animals that previous to the passage of the Wild Animal Ordinance would not have been prohibited. The City Attorney explained that the listed animals in the existing ordinance that might weigh in excess of 25 lbs., with the exception of young animals, every animal on the list in the proposed ordinance would weigh in excess of 25 lbs.

Councilmember Groberg stated that there are many animals that would be prohibited under the proposed ordinance, but would have the opportunity to be grandfathered if the owner came in to apply for the permit. There is no way of knowing how many wild animals exist in Idaho Falls. He expressed his concern over those who have wild animals who would not take the opportunity to apply for a permit under the grandfather clause. Councilmember Groberg stated that he did not believe that it would be the City's responsibility to have the most wide open laws with respect to owning wild animals. He had no problem with the City determining that wild animals do not belong in the City. He did not want to have a law that catches people unawares or leads to unfair results.

Councilmember Lehto stated that the wild animals in the City limits now are most likely illegal under the current ordinance. The proposed ordinance gives those owners the opportunity to become legal.

Councilmember Lyon stated that he talked with Dr. Moe early in this process. Dr. Moe stated that there could be as many as 8,000 to 12,000 of the exotic animals in Idaho Falls now. Councilmember Lyon stated that he talked with Kris Carlson a short time ago. She told him that there are twice as many dogs as there are people in Idaho Falls. Councilmember Lyon stated that he did not believe that people would come in to apply for the permit. People are scared and do not trust the City government.

Councilmember Lehto repeated his previous statement, in that under the current Section 5-9-9 these animals are already illegal under the "dangerous" provision.

Councilmember Lyon stated that "dangerous" or "vicious" as defined under the Code, is an animal that has a known propensity to attack humans or other animals. Councilmember Lyon stated that there are more animals prohibited under the proposed ordinance than are addressed under the current ordinance. Councilmember Lyon stated that animals are prohibited under the existing ordinance based upon whether they are dangerous or vicious. He listed bobcats, lynx, fox, raccoons, de-scented skunks, and small non-human primates would be outlawed just because they exist. These are animals that are under 25 lbs. and are specifically outlawed under the proposed ordinance. Councilmember Lyon stated that people who own the non-traditional pets are people with an independent spirit and want to live the American dream. The people he visited with that own these non-traditional pets resent the idea that government would dictate the types of animals that can be had as pets.

A brief discussion was held among the Mayor, City Attorney and City Council regarding the types of animals that would not be prohibited under the current ordinance and the types of animals that would be prohibited under the proposed ordinance. The current ordinance states that if the animal is under 25 lbs. and is not poisonous, dangerous or fetid, it would be permitted in the City limits. Councilmember Groberg stated that the effort to come up with an ordinance that achieves fairness and objectivity is done with the best of intentions. He has not sensed any partisanship. The issue was entirely the enforceability of the existing ordinance. That needed to be corrected. He expressed his concern for the information that has come from the veterinarians and the pet store owners that there may be a whole group of people who now own pets that would be prohibited under the proposed ordinance but that were not prohibited under the existing ordinance. It may be difficult to get those pet owners grandfathered. Councilmember Groberg expressed

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his concern as to whether those types of animals should be grandfathered. He stated that he had no problem with the City Council passing and enforcing laws prohibiting animals if they are dangerous or diminish the quality of life in the City.

Councilmember Shurtleff stated that the City Council is trying to create a problem that does not exist. He agreed with the previous statement that “legislators should do no harm”.

Councilmember Lyon questioned the City Attorney regarding whether the owners of the bobcats would be prosecuted if the bobcats had bitten someone. The City Attorney stated that the question in this particular case is whether or not the animal exceeded 25 lbs. If that question were ignored, if there is evidence that the animals were dangerous or had a danger propensity, the owners could have been prosecuted under the dangerous animal provision. Councilmember Lyon requested to know that if the animals were running at large and they were under 25 lbs., whether the owners would be prosecuted. The City Attorney stated that if the animals were not dangerous and were under 25 lbs, the owners would not be prosecuted. The current ordinance does not speak to being at large, but addresses the character of the animal.

Councilmember Lyon shared an example of a friend’s son who had two dogs, acting aggressively toward another little girl and her dog. The City Prosecutor was able to successfully prosecute the case. The City Attorney stated that the trust should be placed in the wisdom of the court. The court heard the testimony from all witnesses and made a decision. This was not a decision by the City Prosecutor, it was a decision by the judge. Councilmember Lyon stated, further, that there is not an enforcement problem with the current ordinance. Councilmember Lyon addressed some concerns expressed by Councilmember Lehto. The proposed Wild Animal Ordinance is open for abuses. He shared the following three examples:

1. If a person has a pet Cayman impounded (and the Police Officer does not know the difference between a Cayman and an Alligator – the Cayman being legal under the proposed ordinance).

2. If a person owns a reticulated Python since 1994. It is now 2004 and the snake is 10 feet long. The owner’s son gets into a fight with a boy across the street. The next day, a Police Officer shows up to impound the snake as a dangerous animal, according to the catch-all portion of the proposed ordinance. The parents of the boy who lost the fight had called Animal Control. They are terrified of the threat that the 10-foot snake poses to the neighborhood. Three weeks ago, both families were barbecuing together.

3. An animal that looks like a wolfdog is impounded for running at large. The owner goes to the Animal Shelter to get his wolfdog hybrid. He bought it from the original owner when it was 9 months old. This wolfdog has a dog tag associated with the City that he moved from two months ago. The owner is asked if this wolfdog is a first generation hybrid, since they are prohibited. The owner states that he believes that it is. There is no way to know for sure. He is told that he will have to remove the animal from the City and sign a form holding the City harmless. The owner does so, but does not remove the animal from the City. An Animal Control Officer sees the man and his wolfdog walking the Greenbelt a few months later and reports the site to his Supervisor. The animal is taken by Animal Control from its kennel while the owner is at work. When the owner calls Animal Control, he finds that his dog has been destroyed as required by the proposed ordinance. The animal was humanely treated and cared for by its owner except for the one time that it was at large. The animal was always under the immediate control of the owner. It had never shown any aggression toward people or other animals. The owner was a disabled Veteran and the wolfdog hybrid had been serving as a therapy animal in a VA hospital in the state where he had previously lived.

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Councilmember Lyon stated that the above examples are fictitious, but there are elements of truth in all of them.

ORDINANCE NO. 2560

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 5-9-9 OF THE CITY CODE OF IDAHO FALLS, IDAHO; PROHIBITING CERTAIN WILD ANIMALS WITHIN THE CITY LIMITS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

Councilmember Hardcastle moved, and Councilmember Hally seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read once in full be waived. Roll call as follows:

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

Nay: None

Motion Carried.

It was moved by Councilmember Hardcastle, seconded by Councilmember Hally, to enact the Wild Animal Ordinance as presented and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Hardcastle
Councilmember Hally

Nay: Councilmember Groberg
Councilmember Shurtleff
Councilmember Lyon

There being a tied vote, Mayor Milam broke the tie by voting in the affirmative. Motion carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
October 25, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: RAILROAD CROSSING AGREEMENT – SOUTH SEWER TRUNK LINE

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Attached is a proposed agreement between the City and Union Pacific Railroad which will allow the City to cross beneath the railroad right-of-way at Jamestown Road and South Yellowstone Highway. This agreement includes two (2) existing lines with the South Sewer Trunk Line for a one time crossing fee of \$1,500.00.

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

s/ Chad Stanger

RESOLUTION NO. 2004-10

WHEREAS, UNION PACIFIC RAILROAD COMPANY has tendered to CITY OF IDAHO FALLS an agreement covering a pipeline crossing at Idaho Falls, Bonneville County, Idaho; and,

WHEREAS, the City Council of CITY OF IDAHO FALLS has said proposed agreement before it and has given it careful review and consideration; and,

WHEREAS, it is considered that the best interests of said City will be subserved by the acceptance of this agreement;

THEREFORE, BE IT RESOLVED by City Council of CITY OF IDAHO FALLS:

That the terms of the agreement submitted by UNION PACIFIC RAILROAD COMPANY as aforesaid be, and the same are hereby, accepted on behalf of said City;

That the Mayor of said City is hereby authorized, empowered and directed to execute said agreement on behalf of said City and that the City Clerk of said City is hereby authorized and directed to attest said agreement and to attach to each duplicate original of said agreement a certified copy of this Resolution.

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, Rosemarie Anderson, City Clerk of CITY OF IDAHO FALLS, hereby certify that the above and foregoing is a true, full and correct copy of a resolution adopted by the City Council of CITY OF IDAHO FALLS, at a meeting held according to law at Idaho Falls, Idaho, on the 28th day of October, 2004, as the same appears on file of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 29th day of October, 2004.

s/ Rosemarie Anderson
City Clerk of CITY OF IDAHO FALLS
State of Idaho

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It was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, to approve the Agreement and Resolution between the City of Idaho Falls and Union Pacific Railroad allowing the City to cross beneath the railroad right-of-way at Jamestown Road and South Yellowstone Highway and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

City of Idaho Falls
October 25, 2004

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: OUTSIDE CITY SEWER SERVICE CONTRACT, COUNTY L. I. D.
NO. 2 – KOKA MOKA

Attached is a proposed Outside City Sewer Service Contract with Koka Moka which is located in the service area included in County L. I. D. No. 2.

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

s/ Chad Stanger

It was moved by Councilmember Shurtleff, seconded by Councilmember Groberg, to approve the Outside City Sewer Service Contract with Koka Moka which is located in the service area included in County L. I. D. No. 2 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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There being no further business, it was moved by Councilmember Shurtleff, seconded by Councilmember Lehto, that the meeting adjourn at 9:25 p.m.

CITY CLERK

MAYOR
