

**MARCH 12, 2009**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 12, 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:

Rosemarie Anderson, City Clerk  
All available Division Directors

Mayor Fuhriman requested Boy Scout J. D. Henman to lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes for the February 24, 2009 Council Work Session and the February 26, 2009 Regular Council Meeting.

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 February 1, 2009 through February 28, 2009, after having been audited by the Fiscal Committee and paid by the Controller:

<b>FUND</b>	<b>TOTAL EXPENDITURE</b>
General Fund	\$ 2,156,889.58
Street Fund	44,267.18
Recreation Fund	53,658.97
Library Fund	82,335.21
Municipal Equipment Replacement Fund	69,391.75
Electric Light Public Purpose Fund	64,758.96
Golf Fund	9,293.21
Municipal Capital Improvement Fund	31,620.17
Water Capital Improvement Fund	5,063.82
Airport Fund	156,603.31
Water and Sewer Fund	497,912.55
Sanitation Fund	5,411.88
Ambulance Fund	8,443.85
Electric Light Fund	4,133,245.46
Payroll Liability Fund	2,183,233.10
<b>TOTALS</b>	<b>\$ 9,502,129.00</b>

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

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on March 12, 2009.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
March 10, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: CONSENT AGENDA – REQUEST AUTHORIZATION TO  
ADVERTISE TO RECEIVE BIDS FOR IMPROVEMENTS TO THE  
BOAT LAUNCH AT SOUTH TOURIST PARK

Idaho Falls Power respectfully requests authorization to advertise to receive bids for improvements to the boat launch at South Tourist Park.

Attached is a copy of the project detail sheet for this project from the Capital Improvement Plan.

s/ Jackie Flowers

**IDAHO FALLS POWER  
CAPITAL IMPROVEMENT PROGRAM  
PROJECT DETAIL SHEET**

Operation: Bulb Turbine Project  
Project Title: South Tourist Park Boat Launch  
Estimated Project Cost: \$55,000.00  
Anticipated Budget Year: 2009  
Anticipated Construction Year: 2009  
Description and Justification: Deteriorated concrete ramp, public safety hazard. This boat ramp falls within the boundary of the bulb turbine project.  
Project Location: South Tourist Park  
Project Delay Consequences: Closure of Boat Launch  
Internal Forces Used to Complete Project: No, need design and outside contractor  
Relationship to Comprehensive Plan or Other Divisional Capital Plans: Independent of any other divisional plan

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls  
March 12, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: AUTHORIZATION TO BID, PINECREST CLUBHOUSE  
SPRINKLER SYSTEM

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The Division of Parks and Recreation respectfully requests authorization to receive bids for installation of the Pinecrest Golf Course Clubhouse Sprinkler System.

s/ David J. Christiansen

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 Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Parry  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

**REGULAR AGENDA ITEMS**

Mayor Fuhriman stated that he wanted to present the Proclamation for the Girl Scouts, as follows:

**PROCLAMATION**

WHEREAS, Wednesday, March 12, 2008 marks the 97<sup>th</sup> Anniversary of the Girl Scouts of the USA, founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and,

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of character, conduct, and patriotism; and,

WHEREAS, through Girl Scout leadership experience, girls develop the skills and lessons that will serve them a lifetime so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology, and other fields that can expand their horizons; and,

WHEREAS, more than 3 Million current Girl Scout members nationwide will be celebrating 97 years of this American tradition, with nearly 50 Million women who are former Girl Scouts and living proof of the impact of this amazing movement;

NOW, THEREFORE, I, JARED D. FUHRIMAN, by virtue of the authority vested in me as Mayor of the City of Idaho Falls, do hereby applaud the commitment Girl Scouting has made to support the leadership

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development of America's girls and proudly proclaim the week of March 8th, 2009, as

**GIRL SCOUT WEEK**

s/ Jared D. Fuhriman  
Jared D. Fuhriman  
Mayor  
City of Idaho Falls

Mayor Fuhriman requested a representative from the Mayor's Youth Advisory Council to come forward and report to the Mayor and City Council.

Jordan Hinckley, 1305 Abbey Court, appeared as the representative from the Mayor's Youth Advisory Council. She explained that the Mayor's Youth Advisory Council is planning on holding two summer camps this year. All committees are planning their activities for these events. She stated, further, that the Mayor's Youth Advisory Council will be leaving for France to tour the Areva facility on March 21 and will be returning March 28.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
March 4, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, General Manager  
SUBJECT: AUTHORIZE CONTRACT NEGOTIATIONS WITH POWER ENGINEERS FOR THE STEEL POLE AND BATTERY BANK PROJECTS

On October 20, City Council authorized Idaho Falls Power to solicit proposals for a steel pole and battery bank projects. Attached are copies of the project detail sheets from the Idaho Falls Power Capital Improvement Plan.

Five firms responded to the solicitation. Idaho Falls Power has completed a thorough review of the proposals. Staff recommends awarding the project to Power Engineers. In addition to the quality of the proposal and the approach proposed by Power Engineers, Idaho Falls Power has used Power Engineers in previous steel pole projects.

Staff requests Council approval to negotiate a contract with Power Engineers for the Steel Pole and Battery Bank Projects.

s/ Jackie Flowers

**IDAHO FALLS POWER  
CAPITAL IMPROVEMENT PROGRAM  
PROJECT DETAIL SHEET**

Operation: Transmission  
Project Title: Substation Battery Replacements

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Estimated Project Cost: \$60,000.00 per year  
Anticipated Budget Year: 2010 and 2011  
Anticipated Construction Year: 2010 and 2011  
Description and Justification: Replace existing undersized or expended battery banks with new battery banks.  
Project Location: Primarily with fiber hubs but could include other banks as needed.  
Project Delay Consequences: Loss of power to the fiber network leads to loss of emergency service's communication including but not limited to fire and police.  
Internal Forces Used to Complete Project: Yes  
Relationship to Comprehensive Plan or Other Divisional Capital Plans: Project independent of other plans.

**IDAHO FALLS POWER  
CAPITAL IMPROVEMENT PROGRAM  
PROJECT DETAIL SHEET**

Operation: Transmission  
Project Title: Steel Poles  
Estimated Project Cost: \$450,000.00  
Anticipated Budget Year: 2009  
Anticipated Construction Year: 2009  
Description and Justification: Replace existing wood poles at key location in our transmission system. This will increase safety for workers and traffic; it will also increase reliability. Increase transmission flexibility do to added switches at these locations.  
Project Location: 17<sup>th</sup> Street and Holmes Avenue, Rack river crossing.  
Project Delay Consequences: Increased risk of lost revenue if the transmission was struck by a vehicle. Increase risk to employees of switch failures at these locations due to age.  
Internal Forces Used to Complete Project: Yes and No  
Relationship to Comprehensive Plan or Other Divisional Capital Plans: Project independent of other plans.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to give authorization to Idaho Falls Power to negotiate a contract with Power Engineers to complete the engineering of three substation battery bank upgrades and engineering of three self-supporting steel poles and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

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City of Idaho Falls  
March 10, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: RESOLUTION RELATING TO THE NORTHWEST'S FEDERAL DAMS AND HYDRO SYSTEM

In March 2007, the City Council approved a resolution related to the Northwest's Federal Dams and Hydro System responding to mounting pressure to breach the four lower Snake River dams. As a Bonneville Power System Customer, Idaho Falls has worked through our partnership with the Northwest River Partners to state our position.

A revised resolution is being presented to account for the new Biological Opinion that has been collaboratively developed, new information that has been identified over the past couple of years and to offer perspective as to the impact of dam removal on certain industry issues that have developed in recent years.

Staff recommends City Council approve this resolution relating to the Northwest's Federal Dams and Hydro System.

s/ Jackie Flowers

**RESOLUTION NO. 2009-04**

**RESOLUTION RELATING TO THE NORTHWEST'S  
FEDERAL DAMS AND HYDRO SYSTEM**

WHEREAS, the Columbia and Snake Rivers provide multiple benefits to the Northwest's economy: including energy production, irrigation, flood control, trade, and fish and wildlife conservation and fishing;

WHEREAS, the lower Snake River dams significantly support grid stability and the system's ability to meet multiple system uses due to their location, size, and ability to meet peak power loads;

WHEREAS, the lower Snake River dams contribute to transmission system reliability due to the point of integration and their ability to provide necessary voltage regulation on the long transmission path;

WHEREAS, the federal dams and hydro system provide the Northwest's utility customers and businesses with a critical source of clean, renewable, reliable energy capacity and generation and save 4.4 million metric tons of CO<sub>2</sub> from reaching the atmosphere each year;

WHEREAS, the energy generation provided by the federal dams and hydro power system cannot be replaced by other forms of renewable energy generation;

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WHEREAS, BPA maintains system reliability with more than 1,600 megawatts (3,000 megawatts expected by the end of 2009) of variable wind power in its grid with its hydro power resources;

WHEREAS, any losses in federal hydro system capacity and energy will necessarily result in development of more fossil-fueled generation to replace more than 3,000 megawatts of capacity, accelerating global warming and climate change concerns;

WHEREAS, several Northwest salmon and steelhead species are listed under the Endangered Species Act, only four of which inhabit the Snake River, and require that a comprehensive approach be taken to protect them, which includes addressing harvest, habitat, hatcheries in addition to hydro system operation;

WHEREAS, northwest utility customers and businesses have made significant investments in improvements to the dams and hydro system operations to benefit fish and wildlife including installing fish friendly ladders and by-pass systems with high survival rates;

WHEREAS, salmon runs vary widely from year-to-year, between 2001 and 2004 and again in 2006 and 2008, some of the highest salmon runs in history occurred – with the lower Snake River dams in place;

WHEREAS, a new Biological Opinion has been collaboratively developed under the ESA to protect listed salmon and steelhead stocks which entails the investment of nearly \$10 billion dollars in the next ten years;

NOW, THEREFORE, BE IT RESOLVED, that the City of Idaho Falls opposes removing the lower Snake River dams or onerous changes in federal hydro system operations that are not science-based or cost-effective, because they will have devastating impacts on the Northwest's economy, unnecessarily remove a clean, renewable and reliable energy resource with questionable benefits for listed fish.

DATED this 13<sup>th</sup> day of March, 2009.

CITY OF IDAHO FALLS

s/ Jared D. Fuhriman  
Jared D. Fuhriman  
Mayor

ATTEST:

s/ Rosemarie Anderson  
Rosemarie Anderson  
City Clerk

(SEAL)

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Councilmember Lehto stated that the City enjoys receiving approximately 95% of its power from the hydro system on the Snake River. That resource supplies the City with some of the lowest electric power costs in the country. There are other groups that want to take hydropower out of the system. They do not consider that it is a green energy source.

Councilmember Hally stated that the four dams on the lower Snake River provide enough power to provide electricity to a city the size of Seattle, Washington. The western region will have one of the greatest power needs going forward to 2025. If dams are breached, the energy will have to come from coal-fired plants. That will increase CO<sub>2</sub> emissions. This is a green proposal.

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Resolution related to the Northwest's Federal Dams and Hydro System responding to mounting pressure to breach the four lower Snake River dams 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 Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls  
March 5, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: APPROVE SUPPLEMENTAL ALLOCATION AGREEMENT  
BETWEEN ROCKY MOUNTAIN POWER AND CITY OF IDAHO  
FALLS RELATED TO SAND CREEK GOLF COURSE

Attached is the Supplemental Allocation Agreement between Rocky Mountain Power and the City of Idaho Falls related to customer exchange of Sand Creek Golf Course. The City Attorney has reviewed the Agreement.

Staff recommends that Council approve the Supplemental Allocation Agreement and that the Mayor be authorized to execute the document.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Supplemental Allocation Agreement between Rocky Mountain Power and the City of Idaho Falls related to customer exchange of Sand Creek Golf Course and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

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

Nay: None

Motion Carried.

The Human Resources Director submitted the following memo:

City of Idaho Falls  
March 3, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Brian J. Sagendorf, Director of Human Resources  
SUBJECT: HUMAN RESOURCE MANAGEMENT CONSULTING PROJECT

It is respectfully requested the Council approve the request to proceed with an HR Consulting Project with Personnel Systems and Services, Inc. and to authorize the Mayor to sign the related Project Agreement. The complete Project Proposal and Project Agreement are attached for your consideration.

s/ Brian J. Sagendorf

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the Project Proposal and Project Agreement for a Human Resource Management Consulting Project and, further, give authorization for the Mayor 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 Municipal Services Director submitted the following memos:

City of Idaho Falls  
March 5, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: DEQ VOLUNTARY CONSENT ORDER – NICK'S TRADING

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Attached for your consideration is a copy of the Voluntary Consent Order from the Department of Environmental Quality, regarding the environmental clean-up process that the City of Idaho Falls is responsible for completing.

Dale Storer, City Attorney, has reviewed and approved the Voluntary Consent Order.

It is respectfully requested that City Council approve the attached Voluntary Consent Order and authorize the Mayor to execute said document.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Voluntary Consent Order from the Department of Environmental Quality regarding the environmental clean-up process that the City of Idaho Falls is responsible for completing at the Nick's Trading site on Constitution Way and, further, give authorization for the Mayor 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  
March 5, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-09-12, ELECTRICAL CONDUCTOR

Attached for your consideration is the tabulation for Electrical Conductor. It is the recommendation of Municipal Services to accept the low evaluated bid as listed on Attachment "A".

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low evaluated bid as listed on Attachment "A" for Electrical Conductor. Roll call as follows:

Aye: Councilmember Parry  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor

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Councilmember Hardcastle  
Councilmember Lehto

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memos:

City of Idaho Falls  
March 12, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: LEASE AND CONCESSION AGREEMENT – SAGE LAKES GOLF COURSE

Attached for your consideration is a Lease and Concession Agreement between the City of Idaho Falls and Service Vending of Idaho, Inc. This Agreement will provide for the concession operation at Sage Lakes Golf Course for a term of one year. The City Attorney has drafted and reviewed the Lease Agreement.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said Lease Agreement.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Lease and Concession Agreement between the City of Idaho Falls and Service Vending of Idaho, Inc. providing for the concession operation at Sage Lakes Golf Course and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. 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  
March 12, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: LEASE AND CONCESSION AGREEMENT – SAND CREEK GOLF COURSE

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Attached for your consideration is a Lease and Concession Agreement between the City of Idaho Falls and Service Vending of Idaho, Inc. This Agreement will provide for the concession operation at Sand Creek Golf Course for a term of one year. The City Attorney has drafted and reviewed the Lease Agreement.

The Parks and Recreation Division respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said Lease Agreement.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the Lease and Concession Agreement between the City of Idaho Falls and Service Vending of Idaho, Inc. providing for the concession operation at Sand Creek Golf Course 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 Cornwell  
Councilmember Hally  
Councilmember Parry  
Councilmember Taylor

Nay: None

Motion Carried.

The Police Chief submitted the following memos:

City of Idaho Falls  
March 11, 2009

MEMORANDUM

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

Attached are the following City of Idaho Falls Code Sections from Title 4 Business Regulations that prohibit dancing on premises on Sunday:

Chapter 2 Liquor by the Drink (4-2-23);

Chapter 3 Beer (4-3-13); and,

Chapter 4 Wine (4-4-14).

I respectfully request repeal of these Code Sections at the City Council Meeting of March 12, 2009.

s/ Steve Roos

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

**ORDINANCE NO. 2804**

AN ORDINANCE REPEALING SECTION 4-2-23, 4-3-13, AND 4-4-14 OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING DANCING ON PREMISES ON SUNDAYS WHERE ALCOHOL IS SERVED; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE.

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

City of Idaho Falls  
March 11, 2009

MEMORANDUM

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

Attached is an Ordinance amending Title 5 Chapter 10 of the City Code of Idaho Falls, Idaho regarding Dog Control; establishing methodology, providing for severability; providing for preservation of prior ordinance and establishing effective date.

I respectfully request approval of this Ordinance at the City Council Meeting of March 12, 2009.

s/ Steve Roos

Irene Brown, Animal Control Supervisor, appeared to state that the ordinance amendment for Title 5, Chapter 9, adds definitions that make it easier to enforce the law. Also, an anti-entanglement clause has been added to the "Cruel Treatment of Animals" provision. This

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anti-entanglement clause reads as follows: "Chaining or tethering which causes entanglement so that the dog cannot reach its food, water, or shelter because of the entanglement, is prohibited. Any law enforcement or animal control officer may impound any animal that is being held in violation of this section." Under Title 5, Chapter 10, additional definitions and clarifications were added to allow the law to be enforced. Mandatory microchips would be placed in all reclaimed dogs and cats. A new provision has been added as follows: "An unneutered dog that has been impounded at the Animal Control Shelter on two (2) previous occasions during one (1) year period shall be required to be spayed or neutered prior to the owner redeeming the animal. The impound and boarding fees shall be applied toward the cost of spay or neuter." A Small Breeders Kennel License has been added. No license shall be issued until the applicant has provided proof of registration by a recognized kennel club for each purebred dog licensed. Each kennel shall be licensed for one (1) breed of dog only and the applicant shall provide written certification by a licensed veterinarian that all licensed non-breeding animals have been sterilized. A maximum of five (5) dogs may be kept upon the premises owned by a person holding a Small Breeders Kennel License. On all kennel licenses, a poll will be taken of those neighbors that are within one hundred feet (100') of that property line, which is a change from the two hundred foot (200') requirement now regulated. A rabies clause has been added whereby all dogs over the age of four (4) months must now be vaccinated against rabies. Idaho Falls is the only City in the State of Idaho that does not have a "rabies" law. A nuisance cat ordinance has been added. Cats do not require a license, but if a cat is causing a nuisance to neighbors, a citation can be written. The portion of the Ordinance addressing "Vicious Dogs" has been removed and replaced with an "At-Risk Dogs" and "Dangerous Dogs" provision with specific procedures and sanctions being addressed.

Councilmember Hardcastle requested those in favor of this ordinance amendment to come forward at this time.

Kathy Helm, 5240 East Powerhouse Drive, appeared to state that she is the Secretary for Eagle Rock Kennel Club. She stated that the Eagle Rock Kennel Club is in support of the Small Breeders Kennel License provision that is included in the Ordinance amendment. Most members do not have many dogs and are not breeding commercially. Those dogs are most likely to be actively involved in the sport of confirmation. The AKC does not allow a dog to be sterilized as this is the reason for confirmation events. This provides for the promotion and betterment of a breed. That is the reason for this particular license. This amendment would provide Animal Control the tools they need to monitor the breeders in our area. The kennel club does not condone the random breeding of dogs and tries to educate the public against doing so; it is a step in the right direction. Ms. Helm gave examples of what some other states are doing in this regard. She stated, further, that Eagle Rock Kennel Club will continue to work with Animal Control in any way that they can to assist the public.

Jindra Miniver, 1275 East 25<sup>th</sup> Street, appeared to state that she wanted to see more protection for animals that are being abused. She stated that she has seen animal abuse all over the City.

Suzanne Belger, 994 Lowell Drive, appeared to state that she is a member of the Upper Snake River Valley Training Club. As a club, they support the ordinance amendment and the Small Breeder Kennel License.

Marie Nollinger, 4800 Pevero Drive, appeared to state that she is a representative for an organization called "Dogs Deserve Better". This is a nationwide organization that supports anti-chaining efforts. She supported the anti-chaining provisions of this ordinance. She stated, further, that this is a big step for dogs.

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Andy Elliott, 2498 East 2100 North, Hamer, Idaho, appeared to state that she is the President of the Humane Society of the Upper Valley. She supports the Ordinance amendments that are being made. She was meeting with the Jefferson County Commissioners to try to provide for an animal control department. She was going to let them know of the steps that the City of Idaho Falls has taken. She stated, further, that she would do everything that she could to support the Ordinance.

Valerie Gust, 525 West Anderson Street, appeared to support the Animal Control Ordinances being proposed. It is encouraging to move forward as a community. She was particularly in support of the anti-chaining provision.

Connie Morishita, 695 Clarence Drive, appeared to state that she was with the Bonneville Humane Society. She stated that she supported the Animal Control Ordinance being proposed. She requested to know whether there was anything that could be done with people who carry their dogs loose in the back of their pickups. That is a safety issue for everyone.

Councilmember Hardcastle requested those to come forward who were against this Ordinance amendment.

Gaye Puphal, 6121 North Derek Lane, appeared to express her concern for the requirement of a rabies shot. She provided the following information regarding the detriment of rabies shots:

1. Article entitled, "They Shoot Horses but Vaccinate Dogs".
2. Article entitled, "What About Vaccines?"
3. Article entitled, "Annual Vaccinations for Your Dog?"
4. Article entitled, "Vaccinations"
5. Article entitled, "Puppy Shots and Dog Vaccinations"

She stated, further, that information has been accumulated recently that cancer has begun where the chips are inserted. The microchips are emitting some type of current and causing cancer in animals. The cost of rabies shots is prohibitive. People will dump their pets if they cannot afford to keep their pets vaccinated.

John Rhoades, 370 East 18<sup>th</sup> Street, appeared to express his concern about the "Vicious Dog" provision of the City Code. He read for the City Council what the code is at this time and requested to know what the changes would be to that provision. He requested to know how Animal Control would handle an animal that was just protecting his family or property. He stated, further, that he likes the City of Boise's ordinance regarding "vicious animals". They take into consideration personal harm and property protection. He read the following quote: "No animal may be declared vicious if an entry or damage is sustained by a person who at the time of injury or such damage was sustained was committing a willful trespass or other toward upon the premises occupied by the owner of the animal or was teasing, tormenting, abusing, or assaulting the dog or committing or attempting to commit a crime."

Kathy Helm, 5240 Powerhouse Drive, re-appeared to state that she has multiple breeds at her residence. She is careful to be sure that the breeds do not intermingle. Most breeders are cautious for that not to happen.

Gaye Puphal, 6121 North Derek Lane, re-appeared to question what the definition of "vicious" is.

The Animal Control Supervisor re-appeared to state that the "Vicious Dog" provision has been repealed and replaced with the following:

5-10-13: "At Risk" Dogs:

(A) An "at risk" dog is one that:

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1. Menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person.

2. Causes physical injury to any domestic animal while at large.

3. Repeatedly runs at large.

(B) Procedure for classifying a dog as “at risk”:

1. The Animal Services Officer shall investigate the circumstances of any complaint filed against a dog alleged to be at risk and notify the dog owner of the charge. The results of the investigation will be reported to the Animal Services Manager and to the dog owner. If the Animal Services Manager deems the dog to be at risk, the dog owner has the option of filing an appeal with the courts. The dog owner shall file such appeal with the courts within thirty (30) days from the date of the designation.

2. Notwithstanding the above, the Animal Services Manager or his representative shall have discretionary authority to refrain from classifying a dog as at risk (potentially dangerous), even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was:

i. The result of the victim abusing or tormenting the dog;

ii. Was directed towards a trespasser or a person committing or attempting to commit a crime; or,

iii. Involved other similar mitigating or extenuating circumstances.

5-10-14: “Dangerous” Dogs:

(A) A “dangerous” dog is one that:

1. Has previously been classified as at-risk and exhibits escalating aggressive behaviors that result in further complaint.

2. A dog that, without provocation, inflicts severe injury on a human being.

3. Menaces, maims, or kills domestic animals when off its owner’s property.

4. Is used in the commission of a crime, including but not limited to animal fighting or guarding illegal operations.

The Animal Control Supervisor stated, further, that there are some dogs like people that have allergic reactions to shots. The instances of these are fairly rare. She has not seen anything that addresses cancer-causing issues with microchips. The microchips are completely inert. There is no power source in a microchip. The power source is in the scanner. She stated, further, that veterinarians charge from \$20.00 to \$40.00 for rabies

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shots. The first shot lasts for one year, with the following shots lasting for three years. Under the anti-chaining provision, a dog can still be tied up in the back yard. There are pros and cons to this provision. The provision reads, "Chaining or tethering which causes entanglement so that the dog cannot reach its food, water and/or shelter because of the entanglement, is prohibited."

George Haller, 1040 11<sup>th</sup> Street, appeared to state that every year veterinarians hold a rabies clinic where rabies shots can be purchased for \$15.00. Senior citizens will be able to get their first animal vaccinated at no charge.

Gaye Puphal re-appeared to state that she hoped that the Mayor and City Council would read the information that she provided. She expressed her concern for the chaining law. She cited examples of abuse from chaining. To allow chaining without supervision was inappropriate.

The Animal Control Supervisor stated that she agreed with Mrs. Puphal's comments. She stated, further, that if anyone finds a dog with the chain growing into its skin, to call Animal Control and a citation will be written. The City cannot legislate people loving and caring for their animals.

LaDawn Mode, 6333 East First Street, appeared to request that a titer blood test should be allowed in place of annual vaccinations to determine whether the animal has sufficient immunity against disease.

Andi Elliott, Humane Society of the Upper Valley, 2498 East 2100 North, Hamer, Idaho, re-appeared to state that 70% to 80% of their cruelty cases involve chained dogs. She stated, further, that some veterinarians have suggested that vaccinations not be given after five years, except for the rabies vaccination every three years. The titer blood test is a good way to be sure that the dog has immunity.

Bill Orr, 3910 East 132 North, Rigby, Idaho, appeared to state that he is currently on the Board of Directors for the Eagle Rock Kennel Club. He wanted to reinforce for the City Council's knowledge under the Small Breeders Kennel License being restricted to one intact breed. There are many show families that are currently showing more than one breed. This law would be problematic for those families.

Gaye Puphal re-appeared to express her concern for the definition of shelter. She stated that she lives in the County. Councilmember Hardcastle told Mrs. Puphal that the proposed Ordinance amendments would not help her as she lives in the County. These are strictly City rules and regulations.

The Animal Control Supervisor re-appeared to give the definition for "adequate care" as being care of an animal to include, but not be limited to, a clean, safe shelter that provides protection from the weather, sufficient heat and ventilation, wholesome food and water, proper veterinary care and exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

John McGimpsey, 2122 Calkins Avenue, appeared to question whether this Ordinance was placed on-line so that the public might have the opportunity to review the ordinance before appearing before the City Council.

Valerie Gust, 525 West Anderson Street, re-appeared to state that California, Texas, and Maryland have passed legislation regarding anti-chaining. The law actually provides parameters regarding the length of chain and the length of time to be allowed on a chain. Further, New Jersey, New York, North Carolina, South Carolina, and Nevada are in the process of passing similar legislation.

Councilmember Parry questioned the Animal Control Supervisor regarding the Small Breeders Kennel License and only allowing for one breed per home.

The Animal Control Supervisor stated that she would not have a problem with allowing more than one breed if she could guarantee that all breeders would be responsible and not allow interbreeding. The puppies from interbreeding end up at the Animal

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Shelter because the owners could not get rid of them. That is the reasoning behind that rule.

Councilmember Parry requested to know more about the titer blood test and whether that was a part of the ordinance.

The Animal Control Supervisor explained that this was not a provision of the ordinance. This was discussed with the veterinarians when she met with them. A titer test can be taken and everything will be fine, but it is not known how long the dog is protected.

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

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING TITLE 5, CHAPTER 10, OF THE CITY CODE OF IDAHO FALLS, IDAHO; REGARDING DOG CONTROL; ESTABLISHING METHODOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Hardcastle moved, and Councilmember Parry 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.

The Animal Control Supervisor indicated that there was another Ordinance that needed to be passed. Following a brief discussion regarding the second Ordinance, it was determined that this was not addressed in the Police Chief's memo and placed on the Council Agenda. This amendment will be considered at the next Regular Council Meeting to be held on April 9, 2009.

The Public Works Director submitted the following memo:

City of Idaho Falls  
March 3, 2009

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: 2008 WASTEWATER FACILITIES PLAN STUDY – AMENDMENT NO. 1, TASK ORDER NO. 08-01

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The City has an Engineering Services Agreement with Murray, Smith, and Associates to provide a Wastewater Facilities Plan Study. Additional work, not anticipated with the original project scope involving ammonia and phosphorous compliance is necessary. Attached is a proposed Amendment to perform that work in an amount estimated to be \$25,000.00.

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

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the 2008 Wastewater Facilities Plan Study – Amendment No. 1, Task Order No. 08-01 with Murray, Smith and Associates in an amount estimated at \$25,000.00 and, further, give authorization for the Mayor 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.

It was moved by Councilmember Hardcastle, seconded by Councilmember Parry, to recess consideration of the Annexation Prior to Platting Proceedings for Ashpark Estates Addition, Division No. 1 to the April 9, 2009 Regular Council Meeting. 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 Parry, seconded by Councilmember Lehto, that the meeting adjourn at 8:43 p.m.

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CITY CLERK

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MAYOR

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