

CITY OF POCA TELLO, IDAHO  
CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 15, 2018

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AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:03 p.m.  
ROLL CALL AND by Mayor Brian Blad. Council members present were Heidi  
PLEDGE OF Adamson, Roger Bray, Rick Cheatum, Jim Johnston and  
ALLEGIANCE Linda Leeuwrik.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Tony Seikel, Portneuf Sangha.  
INVOCATION

AGENDA ITEM NO. 3: Council was asked to consider the following business items:  
CONSENT AGENDA

-MINUTES (a) Waive the oral reading of the minutes and approve the minutes from  
the Study Session of January 11, 2018; the January 18, 2018 Study  
Session Clarification Working Lunch; the January 18, 2018 Agenda Clarification meeting; January 18,  
2018 Regular Council meeting; Council Liaison Working Lunch of February 1, 2018; and Special City  
Council Meeting Fire Union Quarterly Update meeting of February 1, 2018.

-TREASURER'S (b) Consider the Treasurer's Report for January showing cash and  
REPORT investments as of January 31, 2018 in the amount of  
\$52,992,810.00.

-ANIMAL SHELTER (c) Confirm the Mayor's appointment of Cheryl Loisselle to serve as the  
ADVISORY BOARD Bannock Humane Society's representative on the Animal Shelter  
APPOINTMENT Advisory Board, replacing Eileen Jackson whose term expired. Ms.  
Loisselle's term will begin February 16, 2018 and will expire February  
16, 2020.

-COUNCIL DECISION (d) Adopt the Council's decision to approve the annexation of a parcel  
-ANNEXATION OF of land comprised of approximately 13.91 acres owned by Juniper  
LAND EAST OF Land Corporation. The parcel is located east of Juniper Reserve  
JUNIPER RESERVE Division 1 and south of Partridge Ridge Subdivision – Fifth Division  
DIVISION 1 and will be zoned Residential Low Density (RL).

-COUNCIL DECISION (e) Adopt the Council's decision amending the final plat for Mountain  
-AMENDED CITY West Subdivision – Division 1, subdividing the approximately 9.889  
COUNCIL DECISION acres of land from ninety-three (93) lots to twenty-eight (28) lots;  
FOR MOUNTAIN WEST twenty-four (24) buildable lots, two (2) lots dedicated for future  
SUBDIVISION right-of-way for Hawthorne Road and two (2) lots for stormwater  
-DIVISION 1 and open space, subject to conditions.

-COUNCIL DECISION (f) Adopt the Council's decision granting a request by North Star  
-REZONE BY Supply, LLC to rezone by contract approximately 2.99 acres of  
CONTRACT – NORTH undeveloped land located south of the intersection between South  
START SUPPLY, LLC 5<sup>th</sup> Avenue and Hildreth Drive, from Residential Commercial  
Professional (RCP) to Light Industrial (LI) for the sole use of  
wholesale sales, pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.

-COUNCIL DECISION (g) Adopt the Council's decision approving the Final Plat for Crestview  
-CRESTVIEW ESTATES Estates – Division 2, which subdivides approximately 28.73 acres of  
DIVISION 2 FINAL PLAT land into thirty-three (33) lots, subject to conditions. The property is  
APPROVAL located north of Crestview Estates – Division 1 and east of  
Satterfield Drive and is zoned Residential Low Density (RL).  
Andrew Street and Legacy Drive provide access to the site from the north and will extend southward.  
Iron Bend Drive, a new street, will provide access from the east.

-COUNCIL DECISION (h) Adopt the Council's decision approving the Final Short Plat for Net  
-NET PROPHET Prophet Subdivision, which subdivides approximately .50 acres of  
SUBDIVISION FINAL land into two (2) residential lots, subject to conditions. The property  
SHORT PLAT APPROVAL is located at the South 72 1/2' of Lot 2 (Less West 10.71' on the  
North and 25' on the South), Block 1, Richland Townsite, Bannock  
County, Idaho and is zoned Residential Medium Density Single Family (RMS). Lot 1 will have direct  
access from Poole Avenue and Lot 2 from McKinley Avenue.

-EXCEPTION (i) Council was asked to grant an exception to City Ordinance  
REQUEST – 21<sup>ST</sup> 12.36.030 “Dogs and Animals in Ross Park” for the day of Saturday,  
ANNUAL RUN WITH April 21, 2018 so the Animal Shelter can hold their 21<sup>st</sup> Annual  
THE BIG DOGS EVENT Fundraiser event. Dogs, under control of their owners, will be  
attending the event. The Pocatello Animal Shelter seeks continued  
approval for annual events and associated exceptions to City Ordinances 12.36.020 and 5.06.101 in  
future years, subject to the Parks and Recreation Director's review, and barring any significant change or  
changes to events.

A motion was made by Mr. Johnston, seconded by Ms. Adamson, to approve the items on the consent agenda. Upon roll call, those voting in favor were Johnston, Adamson, Bray, Cheatum and Leeuwrik.

Mayor Blad announced Agenda Item No. 10 had been pulled from the agenda.

AGENDA ITEM NO. 4: Mayor Blad announced there were no communications or  
COMMUNICATIONS proclamations.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the following meetings to be  
CALENDAR REVIEW held: March 1<sup>st</sup> Budget Development meeting at 9:00 a.m.  
immediately followed by a City Council Liaison Working lunch; 5:30  
p.m. Clarification meeting; 6:00 p.m. Regular City Council meeting; March 8<sup>th</sup> Study Session at 9:00 a.m.  
immediately followed by a Budget Development Meeting; and the March 9<sup>th</sup> Joint Cities meeting at  
12:00 p.m. at Chubbuck City Hall.

Mayor Blad announced Simplot Games will be held at Holt Arena February 15-17, 2018, and City offices will be closed on February 19<sup>th</sup> for Presidents' Day. However, garbage and recycle pick-ups will remain on schedule.

AGENDA ITEM NO. 6: This time was set aside for the Council to hear comments from the  
PUBLIC HEARING public regarding a request by Jeff Maffuccio on behalf of Idaho  
-CORNER OF Power Company (mailing address: PO Box 70, Boise, ID 83707) to  
POLE LINE AND rezone by contract a parcel of vacant land at the northwest corner of  
ELDREDGE ROADS Pole Line and Eldredge Roads and east of Faith Lutheran Church

from Residential Commercial Professional and Residential Medium Density Single Family to Light Industrial to be utilized for the sole use of a power substation.

At their meeting on January 24, 2018, the Planning and Zoning Commission recommended approval of the request.

Mayor Blad opened the public hearing.

Mayor asked about exparte communication.

Mr. Johnston indicated he had spoken with Idaho Power officials and City staff, as well as visited the site.

Mr. Cheatum and Ms. Leeuwrik indicated they had both spoken to Idaho Power officials about vacant land options but not about the request itself.

Jeff Maffuccio, Idaho Power Company, gave an overview of the power grid and explained the need for a new substation. He also explained the site selection process, as well as the 30 year plan for buildout of the site. He clarified that the entrance to the facility would be from Pole Line Road and discussed the noise level to be expected from the facility. Mr. Maffuccio also stated Idaho Power was in the process of purchasing the 15-foot strip of property on West Eldredge Road abutting the site.

In response to a question from Mr. Johnston, Mr. Maffuccio stated they would be willing to consider an entrance off Eldredge Road.

In response to a question from Ms. Adamson, Mr. Maffuccio explained the fence would be built immediately and landscaping would be done after the substation was operational.

In response to questions from Mr. Bray, Mr. Maffuccio confirmed that the transmission lines would be taller than existing lines in the area. He also explained using the former Hoku location was not ideal. There were no transformers currently at the property, and Idaho Power would have to build additional distribution lines.

Tim Phillips, Idaho Power Company, explained the voltage loss would be too great between the former Hoku property and the proposed service area.

In response to a question from Mr. Cheatum, Mr. Maffuccio confirmed Idaho Power would add and replace transmission lines.

In response to a question from Ms. Leeuwrik, Mr. Maffuccio acknowledged the presence of a Fort Hall Irrigation District pipe and believed there would be no issues.

Carl Anderson, Senior Planner, gave an overview of the proposed rezone by contract for the parcel of vacant land at the northwest corner of Pole Line and Eldredge Roads. He stated four written comments had been received. In response to a question from Mr. Bray, Mr. Anderson confirmed transmission lines were permitted.

In response to questions from Council, Jeff Mansfield, Public Works Director/City Engineer, stated there were no foreseeable plans to expand Pole Line Road. He did not know if Idaho Power would be required to relocate the lines, should the road be expanded.

Nikki Taysom spoke in opposition to the proposal. She stated the location was not appropriate and the transmission noise would be too loud for a residential area. She asked to have written comments read into the record.

In response to Ms. Taysom's request, Jared Johnson, City Attorney, stated that was unnecessary.

In response to questions from Mr. Bray, Mr. Maffuccio confirmed Idaho Power entered into an option agreement with Faith Lutheran Church in December and was in the process of buying the 15-foot strip owned by a separate party. He indicated Idaho Power had met with the neighbors to discuss concerns, and that Idaho Power would actively maintain the property.

At Mr. Johnston's invitation, resident Sheila Griffiths explained her concerns regarding the proposal were satisfied after speaking to Idaho Power officials.

There being no further public comments, Mayor Blad closed the public hearing.

A motion was made by Mr. Johnston, seconded by Mr. Cheatum, to approve the request by Jeff Maffuccio on behalf of Idaho Power Company to rezone by contract a parcel of vacant land at the northwest corner of Pole Line and Eldredge Roads and east of Faith Lutheran Church and that the property will be rezoned from Residential Commercial Professional and Residential Medium Density Single Family zoning districts to Light Industrial zoning district with the following conditions: 1) Upon rezone by contract, the subject property shall be zoned as Light Industrial (LI) for the sole use of an electrical substation owned by Idaho Power; 2) Upon the cessation of the proposed use of a substation, the City Council will consider the adoption of an ordinance reverting the subject real property to its previous land use zoning district, or the zone most appropriate at that time. The substation and accessory equipment shall be removed from the site at the time that the substation is no longer in operation at the subject property; 3) The site shall be screened from public view through the use of non-transparent fencing and landscaping to be approved by City staff prior to the issuance of a building permit; 4) All outdoor lighting shall meet the requirements as provided under Pocatello Municipal Code Section 17.05.420; 5) Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; 6) Any activity requiring a separate development or building permit shall comply with applicable regulations; and 7) All applicable federal and state regulations shall be strictly adhered to and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Johnston, Cheatum, Adamson, Bray and Leeuwrik.

AGENDA ITEM NO. EXCEPTION AND PROPOSAL REQUEST -ELSTON	7:	Council was asked to consider a request and a proposal from Art Elston (mailing address: 4424 Chukar Drive, Chubbuck, Idaho, 83202) for the following at the northwest intersection of Highland Boulevard and Gwen Drive on a parcel of land approximately four (4) acres:
EXCEPTION TO CITY CODE	a)	An exception to City Code 12.02.040 and 12.04.030 requiring Mr. Elston to install curb, gutter and sidewalk and/or signing a real covenant obligating said improvements in the future; and
FIRE HYDRANT FUNDING PROPOSAL	b)	Proposal for a City-funded fire hydrant line under Highland Boulevard.

Staff recommended upholding the City Ordinance and Standards for private development within the City Limits.

Art Elston gave an overview of his requests. He expressed concern that the City was requiring him to pay to install a fire hydrant, water lines and curb, gutter and sidewalk. Instead, he would like the City to request an easement through the property and install the infrastructure. He further stated there were not sidewalks in many other areas of the city, and he believed a real covenant would make the property unsellable.

In response to a question from Mr. Bray, Mr. Elston reiterated he believed the real covenant would be like a lien on the property making it unsellable and the cost to install the infrastructure was too much.

In response to a question from Ms. Adamson, Merrill Quayle, Public Works Engineer, stated that historic buildout of the city and changes to code requirements over the years had created areas lacking in fire hydrant coverage. There were two hydrants in the area at the top of Gwen Drive and the intersection of Valleyview Drive and Highland Boulevard. He stated the Water Department can address issues with their capital improvement plans, at no additional cost to citizens, but there were currently no plans for improvement to this area. Mr. Quayle also noted that other developers are required to pay for all infrastructure requirements for each project before the City accepts ownership.

In response to a question from Ms. Leeuwrik, Mr. Quayle confirmed that over 35 real covenants have been signed in the last 20 years and that another real covenant was signed regarding a property in Mr. Elston's neighborhood.

At this time, Mr. Johnston recused himself from the deliberations and vote as his company sold Mr. Elston the property.

In response to a question from Mr. Cheatum, Travis Smith, Assistant Fire Chief of Operations, said he was not familiar with this specific issue but explained the department was able to move water over distances for fire suppression but volume and pressure could be diminished.

In response to a question from Ms. Leeuwrik, Mr. Quayle confirmed that without curb and gutter there could be a problem with asphalt and shoulder preservation.

In response to a question from Ms. Adamson, Mr. Johnson confirmed that waiving these requirements could create an unfair situation and most likely subject the City to liability, since the City had applied the requirements to other properties in the area.

The item failed for lack of a motion.

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| AGENDA ITEM NO.<br>GRANT APPLICATION<br>-IFFT FOUNDATION | 8: | Council was asked to approve the submission of the following grant application for a photography exhibit at the Airport terminal:  |
| IFFT FOUNDATION<br>GRANT APPLICATION                     | a) | Ifft Foundation grant in the amount of \$4,500.00 to be used to help fund a new photography exhibit in the Airport terminal; and   |
| AUTHORIZE<br>MAYOR'S<br>SIGNATURE                        | b) | Authorize the Mayor's signature on documents related to the grant, subject to Legal Department review, to help fund a new photography exhibit in the Airport terminal. The grant requires no matching funds. |

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve the submission of a grant application for a photography exhibit at the Airport terminal as outlined in Agenda Item No. 8(a) and 8(b). Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson, Bray and Johnston.

AGENDA ITEM NO. 9: Council was asked to approve the submission of the following grant application for the First Avenue/Terry Street Livability Improvement Project and overlay district:  
GRANT APPLICATION  
-FIRST AVENUE/  
TERRY STREET  
LIVABILITY  
IMPROVEMENT  
PROJECT

COMMUNITY BUILDERS GRANT APPLICATION a) A grant application to Community Builders in an amount not to exceed \$40,000.00 for direct technical assistance to develop a vision for the First Avenue/Terry Street Livability Improvement Project and overlay district, for the area bounded by East Lovejoy Street to the north; East Putnam Street to the south; South 5<sup>th</sup> Avenue on the east and South 1<sup>st</sup> Avenue on the west; and

AUTHORIZE MAYOR'S SIGNATURE b) Authorize the Mayor's signature on all related contract documents, subject to Legal Department review.

Funds for the \$5,000.00 suggested match are available in Fund 955.

A motion was made by Mr. Bray, seconded by Ms. Leeuwrik, to approve the submission of a grant application for the First Avenue/Terry Street Livability Improvement Project and overlay district as outlined in Agenda Item 9(a) and 9(b). Upon roll call, those voting in favor were Bray, Leeuwrik and Adamson. Those voting in opposition were Cheatum and Johnston. The motion passed.

AGENDA ITEM NO. 10: As announced earlier, Agenda Item No. 10, regarding an agreement with Medical Transportation Management, Inc., was pulled from the agenda.  
NON-EMERGENCY  
MEDICAL  
TRANSPORTATION  
BROKER AGREEMENT  
-TRANSIT

AGENDA ITEM NO. 11: Council was asked to consider bids received on January 23, 2018 for materials to be used by the Water Department for capital improvement projects and to replenish materials inventory. The bid was separated into twelve (12) separate lots in an effort to guarantee the lowest price for the City. The recommendations are as follows:

FERGUSON WATERWORKS a) Lot Ten (\$44,763.00);

CORE & MAIN LP b) Lot One (\$113,976.60); Lot Three (\$31,232.00); Lot Five (\$8,560.00); Lot Six (\$7,514.00); Lot Seven (\$5,110.50); Lot Eight (\$4,289.60); Lot Nine (\$5658.50); and Lot Twelve (\$267,254.21) for a total of \$443,696.41; and

HD FOWLER CO           c)     Lot Two (\$28,732.88); Lot Four (\$74,543.956); and Lot Eleven (\$12,375.00) for a total of \$115,651.83.

All vendors submitted the low responsive bid for each of the lots indicated. The total cost of the materials bid is \$604,010.24. Funds are available in the Water Department Fiscal Year 2018 budget to cover the expense.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, to accept the bids received on January 23, 2018 and award the bids received as outlined in Agenda Item No. 11(a) through 11(c). Upon roll call, those voting in favor were Adamson, Cheatum, Bray, Johnston and Leeuwrik.

AGENDA ITEM NO.    12:     Council was asked to adopt a Resolution changing the name of the RESOLUTION                   Housing Authority of the City of Pocatello to “Housing Alliance and -CHANGING THE NAME         Community Partnerships” and providing an effective date of OF HOUSING AUTHORITY        February 15, 2018. OF THE CITY OF POCATELLO TO “HOUSING ALLIANCE AND COMMUNITY PARTNERSHIPS”

A motion was made by Mr. Johnston, seconded by Mr. Cheatum, to adopt a Resolution (2018-02) changing the name of the Housing Authority of the City of Pocatello to “Housing Alliance and Community Partnerships” and that the effective date will be February 15, 2018. Upon roll call, those voting in favor were Johnston, Cheatum, Adamson, Bray and Leeuwrik.

AGENDA ITEM NO.    13:     Council was asked to adopt a Resolution determining that the RESOLUTION                   Northgate area described in the Eligibility Report is a deteriorated -ADOPTING NORTHGATE        area or a deteriorating area, or a combination thereof, and that such ELIGIBILITY REPORT         area is designated as appropriate for an urban renewal project. AND DIRECTING                Further, the Council may wish to direct the Pocatello Development PREPARATION OF AN         Authority (PDA) to commence preparation of an Urban Renewal URBAN RENEWAL PLAN        Plan for consideration by the PDA Board and, if acceptable, final consideration by the City Council in compliance with Chapters 20 and 29, Title 50, Idaho Code, as amended.

A motion was made by Mr. Cheatum, seconded by Mr. Johnston, to adopt a Resolution (2018-03) determining that the Northgate area described in the Eligibility Report is a deteriorated area or a deteriorating area, or a combination thereof, and that such area is designated as appropriate for an urban renewal project and to direct the Pocatello Development Authority (PDA) to commence preparation of an Urban Renewal Plan for consideration by the PDA Board and, if acceptable, final consideration by the City Council in compliance with Chapters 20 and 29, Title 50, Idaho Code, as amended. Upon roll call, those voting in favor were Cheatum, Johnston, Adamson, Bray and Leeuwrik.

AGENDA ITEM NO.    14:     Council was asked to consider an ordinance which annexes a parcel ORDINANCE                   of land comprised of approximately 296.82 acres owned by Town -ANNEXATION OF               Center JV; Portneuf Development, LLC; Millennial Development 296.82 ACRES EAST OF        Partners, LLC; Robert Hart and Portneuf Health Trust, Inc. The I-15 AND NORTH OF         parcel is located east of Interstate-15 and north of East Chubbuck EAST CHUBBUCK ROAD        Road and will be zoned as follows: Commercial-General (CG) covering 145.00 acres; Residential Commercial Professional (RCP) covering 108.52 acres, which includes 21.04 acres of Open Space; Residential Medium Density Single

Family (RMS) covering 32.40 acres; Residential Estate (RE) covering 2.00 acres; and Olympus Road with roundabout covering 8.90 acres.

A motion was made by Mr. Bray, seconded by Mr. Johnston, that the ordinance, Agenda Item No. 14, be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Cheatum and Leeuwrik.

Jared Johnson, City Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance which annexes a parcel of land comprised of approximately 296.82 acres owned by Town Center JV; Portneuf Development, LLC; Millennial Development Partners, LLC; Robert Hart and Portneuf Health Trust, Inc. The parcel is located east of Interstate-15 and north of East Chubbuck Road and will be zoned as follows: Commercial-General (CG) covering 145.00 acres; Residential Commercial Professional (RCP) covering 108.52 acres, which includes 21.04 acres of Open Space; Residential Medium Density Single Family (RMS) covering 32.40 acres; Residential Estate (RE) covering 2.00 acres; and Olympus Road with roundabout covering 8.90 acres. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston and Leeuwrik. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3001 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 15: REAL COVENANT AND ANNEXATION AGREEMENT FOR NORTHGATE DEVELOPMENT	Council was asked to approve and authorize the Mayor to execute a Real Covenant and Annexation Agreement between the City of Pocatello and Town Center JV; Portneuf Development, LLC; Millennial Development Partners, LLC; Robert Hart; and Portneuf Health Trust, Inc., which delineates the terms and conditions for the annexation of approximately 296.82 acres of land located east of Interstate-15 and north of East Chubbuck Road.
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The conditions include the payment of water acquisition by the Developer in an amount to be determined. This land is scheduled to be annexed by City Ordinance on February 15, 2018.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to approve and authorize the Mayor to execute a Real Covenant and Annexation Agreement between the City of Pocatello and Town Center JV; Portneuf Development, LLC; Millennial Development Partners, LLC; Robert Hart; and Portneuf Health Trust, Inc., which delineates the terms and conditions for the annexation of approximately 296.82 acres of land located east of Interstate-15 and north of East Chubbuck Road with conditions to include the payment of water acquisition by the Developer in an amount to be determined. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Cheatum and Leeuwrik.

AGENDA ITEM NO. 16: DISCUSSION ITEMS	Dr. Mike Riley discussed a dog at-large that attacked his service dog and the potential consequences for his service dog. He asked that citizens control their pets.
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Mayor Blad reminded citizens to keep their pets on a leash, as well as reminded people not to pet service animals without permission, as they are working animals.

Nikki Taysom discussed her experiences while in the Bannock County Jail and her belief that a larger facility was not needed.

Frank Rosa addressed inefficiencies in city government, specifically the utility deposit fee requirement for existing customers and parking requirements for recreational vehicles.

Cathy McPhearson discussed the issue of marmots in her neighborhood due to a new business's landscaping. She requested the City hire an exterminator rather than make individuals pay the expense.

There being no further business, Mayor Blad adjourned the meeting at 7:53 p.m.

APPROVED BY:

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BRIAN C. BLAD, MAYOR

ATTEST:

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RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

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ANNE L. NICHOLS, CAP,OM, ASSISTANT TO THE MAYOR