

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
MARCH 19, 2009

CLARIFICATION MEETING The City Council Agenda Clarification Meeting was called to order at 5:32 PM by Council President Gary Moore. Council members present were Roger Bray, Robert Richway, and Brian Underwood. Council member Eva Johnson Nye arrived at 5:34 PM. Mayor Roger Chase and Council member Ron Frasure were excused. No motions, resolutions, orders, or ordinances were proposed. No vote was taken.

REGULAR CITY COUNCIL MEETING

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:00 PM by Council President Gary Moore. Council members present were Roger Bray, Eva Johnson Nye, Robert Richway, and Brian Underwood. Mayor Roger Chase and Council member Ron Frasure were excused.

Council President Moore led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was given by Reverend Pamela Mayes of the First Presbyterian Church.

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

-TREASURER'S REPORT (a) The Treasurer's Report for February, showing cash and investments as of March 1, 2009, in the amount of \$31,819,472.62.

-HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENT (b) Confirm the Mayor's appointment of Tyler Moore to serve as a member of the Human Relations Advisory Committee, replacing Jewell Harris who resigned. Mr. Moore's term will begin March 20, 2009, and will expire April 20, 2012.

-PARKS AND RECREATION ADVISORY BOARD APPOINTMENT (c) Confirm the Mayor's appointment of Margaret Barrett to serve as the Fort Hall Replica Commission representative to the Parks & Recreation Advisory Board, replacing Jason Vaughn who resigned. Ms. Barrett's term will begin March 20, 2009, and will expire June 8, 2009.

-NCOA ANIMAL LICENSING CAMPAIGN (d) Authorize the Non Commissioned Officers Association (NCOA) of the United States of America to conduct the May 2009 half price

pet licensing campaign by selling license tags in supermarkets and other venues as they have done since 1977.

A motion was made by Mr. Bray seconded by Mrs. Nye, to approve the items on the consent agenda. Upon roll call, those voting in favor were Bray, Nye, Richway, Underwood, and Moore.

AGENDA ITEM NO. 4: Council President Moore stated that there
COMMUNICATIONS AND were no communications or proclamations.
PROCLAMATIONS

AGENDA ITEM NO. 5: Council President Moore reminded the Council
CALENDAR REVIEW of the April 2nd Service Level Report meeting
at 9:00 AM and the Regular City Council
meeting at 6:00 PM; and also the April 9th Study Session at 9:00 AM.

Council President Moore also mentioned that the Annual Spring cleanup at Mountain View and Restlawn Cemeteries will begin March 30th and the Chrome in the Dome event was being held March 20th and 21st at the Holt Arena.

AGENDA ITEM NO. 6: Council President Moore announced that there
DISCUSSION ITEMS were no discussion items from the audience.

AGENDA ITEM NO. 7: Council was asked to authorize the Street
SALVAGE DISPOSITION Department to dispose of a 1980 Norland Snow
-SNOW REMOVAL Removal Unit in a salvage sale to Norland
EQUIPMENT Manufacturing Company of Paul, Idaho, for
\$5,000. The unit is currently in Paul,
Idaho, with problems that are uneconomical to repair.

A motion was made by Mr. Underwood, seconded by Mr. Richway, to authorize the Street Department to dispose of the 1980 Norland Snow Removal Unit in a salvage sale to Norland Manufacturing Company of Paul, Idaho. Upon roll call, those voting in favor were Underwood, Richway, Bray, Nye, and Moore.

AGENDA ITEM NO. 8: Council was asked to authorize, subject to
IDAHO COMMUNITY Legal Department approval, the Zoo's
FOUNDATION GRANT application for a \$5,000 Idaho Community
-GRIZZLY BEAR EXHIBIT Foundation Grant for the new Grizzly Bear
Exhibit and acceptance of the funds if the
application is successful. No matching by City funds is required.

A motion was made by Mr. Bray, seconded by Mrs. Nye, to authorize, subject to Legal Department approval, the Zoo's application for a \$5,000 Idaho Community Foundation Grant and acceptance of the funds if the grant is awarded. Upon roll call, those voting in favor were Bray, Nye, Richway, Underwood, and Moore.

AGENDA ITEM NO. 9: Council was asked to approve a Merchant Services Agreement with Heartland Payment Systems to process credit card and debit card payments. The contract costs less than the current vendor and Heartland was recommended for approval by the Purchasing Committee. However, there were concerns regarding a recent data security breach. The concerns were discussed with Heartland representatives during the Study Session of March 12th. The matter is being returned to the Council for their decision.

A motion was made by Mr. Underwood, seconded by Mr. Bray, to approve, subject to Legal Department approval, a Merchant Services Agreement with Heartland Payment Systems to process credit card and debit card payments.

Mr. Richway mentioned that he had concerns with the timeliness of customers being notified of the data security breach. However, those concerns were addressed during the Study Session.

At this time, a vote was taken on Mr. Underwood's motion. Upon roll call, those voting in favor were Underwood, Bray, Nye, Richway, and Moore.

AGENDA ITEM NO. 10: Council was asked to authorize execution of an Agreement with Keller Associates and the City of Pocatello for engineering services for the Gould Street Bridges. Under this Agreement, Keller Associates will produce engineering drawings and specifications to federal aid standards for the repair of the bridge deck joint seal and associated concrete work. Project cost is \$24,000. This project is a proposed economic stimulus project and, as such, is expected to be constructed in 2009.

A motion was made by Mr. Richway, seconded by Mrs. Nye, to approve, subject to Legal Department approval, an Agreement with Keller Associates for engineering services for the Gould Street Bridges. Upon roll call, those voting in favor were Richway, Nye, Bray, Underwood, and Moore.

AGENDA ITEM NO. 11: Council was asked to approve a Use Agreement with Eastern Idaho Sports Car Club, subject to Legal Department approval, for three rallies to be held in May, August, and September on Airport property. The rental rate for all three events is \$600.00.

A motion was made by Mr. Underwood, seconded by Mr. Bray, to approve, subject to Legal Department approval, a Use Agreement with

Eastern Idaho Sports Car Club for three rallies to be held in May, August, and September.

Joe Kramer, 7715 Gathe Road, informed the Council that Eastern Idaho Sports Car Club is working with the promoters of the Chrome in the Dome Event. He mentioned that Eastern Idaho Sports Car Club has insurance through Sports Car Club of America.

At this time, a vote was taken on Mr. Underwood's motion. Upon roll call, those voting in favor were Underwood, Bray, Nye, Richway, and Moore.

AGENDA ITEM NO. 12: Council was asked to consider a Use AGREEMENT Agreement with Southwick Academy for use of -SOUTHWICK ACADEMY facilities at the Community Recreation Center for their martial arts program. This Agreement, similar to the previous year, would be for one year beginning March 15, 2009. The rental would be \$565.00 per month (a 5% increase over the previous year). The Academy would be required to provide liability insurance, naming the City as an additional insured. The Agreement provides an additional program offering at the Recreation Center as well as providing additional operating revenue.

A motion was made by Mr. Bray, seconded by Mrs. Nye, to approve, subject to Legal Department approval, a Use Agreement with Southwick Academy for use of the facilities at the Community Recreation Center. Upon roll call, those voting in favor were Bray, Nye, Richway, Underwood, and Moore.

AGENDA ITEM NO. 13: Council was asked to consider a Use AGREEMENT Agreement with Bannock Baseball for use of -BANNOCK BASEBALL various parks for their youth baseball program. The Agreement, which is similar to last year's, requires Bannock Baseball to be responsible for field maintenance, care of the facilities and any damage resulting from their use. Although there will be no charge for this usage, Bannock Baseball will be required to provide liability insurance, naming the City as an additional insured.

A motion was made by Mr. Underwood, and seconded by Mrs. Nye, to approve, subject to Legal Department approval, the Use Agreement with Bannock Baseball.

Kirk Bybee, Chief Civil Deputy Attorney, clarified for the Council that the Legal Department reviews documents to ensure they meet legal requirements before they are signed.

At this time a vote was taken on Mr. Underwood's motion. Upon roll call, those voting in favor were Underwood, Nye, Bray, Richway, and Moore.

AGENDA ITEM NO. 14: Council was asked to consider a Use
USE AGREEMENT Agreement, subject to Legal Department
-POCATELLO 50 approval, with Ryan McDermott and Jared
ENDURANCE RACE Campbell of Salt Lake City, Utah, who wish
to use the City Creek recreation area as
part of the trail for a fifty-mile endurance race on May 23, 2009.
The Use Agreement for the premises shall be for May 22 through 24,
2009, to allow for course set up and cleanup and the fee for use
shall be \$100.00. User shall be required to provide proof of
liability insurance.

Ryan McDermott, representing the Pocatello 50 Mile Endurance Race, anticipates approximately 100 entries. The event organizers will make sure that the participants know the importance of staying on the trails and keeping the area clean.

In response to questions from Kirk Bybee, Chief Civil Deputy Attorney, Mr. McDermott stated that the trail will be walked before the race to make sure the trail is clear of hazards and to mark the trail. When the race is over the trail will be walked again to remove the trail markings. Mr. McDermott informed the Council that there will be an aid station for the participants in the City Creek area.

A motion was made by Mr. Richway, seconded by Mr. Bray, to approve, subject to Legal Department approval, a Use Agreement with Ryan McDermott and Jared Campbell who wish to use the City Creek recreation area as part of the trail for a fifty-mile endurance race on May 23, 2009. Upon roll call those voting in favor were Richway, Bray, Nye, Underwood, and Moore.

AGENDA ITEM NO. 15: Council was asked to consider an ordinance
ORDINANCE updating Title 15 of the Pocatello Municipal
-AMENDING Code to include amendments to the
INTERNATIONAL regulations and exceptions of the
BUILDING CODE International Residential Building Code,
amending the duties and responsibilities of
contractors, and amending the designation of permittees performing
gas piping or mechanical HVAC work.

Kirk Bybee, Chief Civil Deputy Attorney, read the ordinance by title.

Council President Moore declared the final reading of the ordinance updating Title 15 of the Pocatello Municipal Code to include amendments to the regulations and exceptions of the International Residential Building Code, amending the duties and responsibilities of contractors, and amending the designation of permittees performing gas piping or mechanical HVAC work. Council President Moore asked "Shall the ordinance pass?" Upon roll call, those voting in favor were Bray, Nye, Richway, Underwood, and Moore.

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Council President Moore declared the ordinance and summary sheet passed, that it be numbered 2863 and be submitted to the Idaho State Journal for publication.

There being no further business, Council President Moore adjourned the meeting at 6:24 PM.

APPROVED BY:

ROGER W. CHASE, MAYOR

ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

RUTH E. WHITWORTH, CMC, DEPUTY CLERK