

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
MARCH 5, 2009

CLARIFICATION MEETING The City Council Agenda Clarification Meeting was called to order at 5:36 PM by Mayor Roger Chase. Council members present were Roger Bray, Ron Frasure, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood. 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 5:58 PM by Mayor Roger Chase. Council members present were Roger Bray, Ron Frasure, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood.

Mayor Chase led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was given by Reverend Jonathan Dinger, Grace Lutheran Church.

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

Mayor Chase announced that agenda item 3(g) Carri M. Smith Hemsley Day Care Employee License denial had been pulled from the agenda.

-MINUTES (a) Waive the oral reading of the minutes and approve the minutes from the Agenda Clarification and Regular City Council meeting of February 5, 2009; the Study Session of February 12, 2009; and the Agenda Clarification and Regular City Council meeting of February 19, 2009.

-PAYROLL AND MATERIAL CLAIMS (b) Payroll and material claims for the month of February in the amount of \$ 4,373,559.09.

-FRIENDS OF THE CEMETERY COMMITTEE REAPPOINTMENT (c) Confirm the Mayor's reappointment of Delores Sample to continue her service as a member of the Friends of the Cemetery Committee. Ms. Sample's term will begin March 18, 2009, and will expire March 18, 2011.

-HISTORIC PRESERVATION COMMISSION APPOINTMENT (d) Confirm the Mayor's appointment of Jennifer Heisler to serve as a member of the Historic Preservation Commission, replacing Karen Kearns who resigned. Ms. Heisler's term will begin March 6, 2009, and will expire June 7, 2011.

-PROPERTY MAINTENANCE APPEAL BOARD REAPPOINTMENT (e) Confirm the Mayor's reappointment of John Moore to continue his service as a member of the Property Maintenance Appeal Board. Mr. Moore's term will begin March 4, 2009, and will expire March 4, 2011.

-SISTER CITIES COMMITTEE APPOINTMENT (f) Confirm the Mayor's appointment of Gordon Clark to serve as a member of the Japanese Sister Cities Subcommittee, replacing Doug Andersen who resigned. Mr. Clark's term will begin March 6, 2009, and will expire March 6, 2013.

-DAY CARE EMPLOYEE LICENSE DENIAL (g) As stated earlier, the recommendation of the Police Chief to deny the Day Care Employee License of Carri M. Smith Hemsley was pulled from the agenda as the Police Department did additional research and determined that Ms. Hemsley would be granted a license.

A motion was made by Mr. Moore, seconded by Mr. Richway, to approve consent agenda items 3(a) through 3(f). Upon roll call, those voting in favor were Moore, Richway, Bray, Frasure, Nye, and Underwood.

AGENDA ITEM NO. 4: Mayor Chase announced that there were no COMMUNICATIONS AND PROCLAMATIONS communications or proclamations.

AGENDA ITEM NO. 5: Mayor Chase reminded the Council of the CALENDAR REVIEW March 12th Study Session immediately followed by Service Level Reports; the March 19th Service Level Reports at 9:00 AM; and the March 19th Regular Council meeting at 6:00 PM. Mayor Chase encouraged citizens to attend the Service Level Report meetings which are part of the budget process.

Mayor Chase announced that the annual Water Department Open House will be held March 9th through 13th; the Eating Healthy on the Cheap Program at Marshall Library will be March 19th at 7:00 PM; and that curbside recycling begins April 20th.

Mayor Chase extended his congratulations to winners of the State Wrestling Tournament and wished area high schools luck at the State Basketball tournaments.

AGENDA ITEM NO. 6: Mayor Chase announced that there were no DISCUSSION ITEMS discussion items from the audience.

AGENDA ITEM NO. 7: This time was set aside for Council to hear PUBLIC HEARING public comments on proposed fees related to -EROSION CONTROL PERMIT FEES the erosion control permit process provided for under Pocatello Municipal Code Chapter

8.44, and in accordance with the regulations mandated under the City's National Pollutant Discharge Elimination System Permit. Subsequent to the public hearing, Council may wish to consider a resolution establishing permit fees and other related miscellaneous fees in an effort to control and eliminate the introduction of pollutants into the municipal storm sewer system and the air shed.

Mayor Chase opened the public hearing.

Mayor Chase gave a brief presentation on the proposed fees. He outlined some of the federal regulations related to pollutants and training requirements. He mentioned that all of the proposed fees are related to the federal requirements to keep the Portneuf River clean.

Mayor Chase announced that no written correspondence had been received regarding the proposed fees.

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

A motion was made by Mr. Underwood, seconded by Mrs. Nye, to approve a Resolution (#2009-01) outlining proposed fees related to the erosion control permit process provided for under Pocatello Municipal Code Chapter 8.44, and in accordance with the regulations mandated under the City's National Pollutant Discharge Elimination System Permit. Upon roll call, those voting in favor were Underwood, Nye, Bray, Frasure, Moore, and Richway.

Mayor Chase welcomed representatives from Boy Scout Troop 323.

AGENDA ITEM NO. 8: This time was set aside for Council to hear PUBLIC HEARING public comments on proposed fees for the -ZOO CLASS FEES EdZOOcational Class Fees and the Zoo 4 Tots Class Fees which were inadvertently omitted from the Fiscal Year 2009 fee resolution for the Parks and Recreation Department. Subsequent to the public hearing, Council may wish to consider a resolution establishing said fees for the remainder of Fiscal Year 2009.

Mayor Chase opened the public hearing.

Mayor Chase reviewed the proposed zoo fees for outreach classroom programs and pre-school programs which were inadvertently omitted from Resolution 2008-19.

Mayor Chase announced that no written correspondence had been received regarding the proposed fees.

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

A motion was made by Mr. Richway, seconded by Mr. Bray, to adopt a Resolution (#2009-02) modifying fees for the EdZOOcational Class Fees and the Zoo 4 Tots Class Fees which were inadvertently omitted from the Fiscal Year 2009 fee resolution for the Parks and Recreation Department. Upon roll call, those voting in favor were Richway, Bray, Frasure, Moore, Nye, and Underwood.

AGENDA ITEM NO. 9: This time was set aside for Council to hear
PUBLIC HEARING public comments regarding an appeal by Julie
-APPEAL OF HEARING Taylor of New Life Preschool (mailing
EXAMINER'S CONDITIONS address: 1475 Satterfield Drive, Pocatello
OF APPROVAL AT ID 83201). Ms. Taylor is appealing two
1475 SATTERFIELD conditions, related to parking, on the
Hearing Examiner's decision for a
Conditional Use Permit to allow her to increase the number of
children from 12 to 20 at her in-home daycare at 1475 Satterfield.

Mayor Chase opened the public hearing.

Julie Taylor, 1475 Satterfield Drive, stated that she has been in business for six years and during that period she has not received any complaints. Mrs. Taylor stated that it wasn't until she applied for an increase in the number of children in her preschool that complaints about parking began to arise.

In response to questions from Council, Mrs. Taylor stated that in the decision which allows her to have a preschool for 20 children it requires employees and parents dropping off children to park in the driveway. She fears that if more children start attending the preschool there will not be enough room in the driveway for parking and the street would need to be used for the overflow. Mrs. Taylor added that the street is a public area and feels individuals should be able to park there. She noted that they have not considered putting in a circular driveway to accommodate parking because parents dropping off their children use the back door and she did not feel that a circular driveway would be practical because of the way the home is situated on the lot.

Terri Neu, Associate Planner, reviewed the application and the conditions set out by the Hearing Examiner which were: 1) those dropping off day care clients will park in the driveway of the Preschool only. This condition is to provide for the safety of the clients and to alleviate parking concerns raised by neighbors; 2) all New Life Preschool staff shall park in areas provided in the driveway of the Preschool only; and 3) New Life Preschool will work with the neighbors with a view of the property to resolve issues regarding storage of seasonal toys. Mrs. Neu stated that Mrs. Taylor is appealing condition No 1 regarding parking. There are three parking spaces in the driveway with one or two being used by Preschool employees. She explained that this only leaves one to two spaces for client parking. Mrs. Neu reported that no problems

have been reported to the city about the preschool. Planning staff received correspondence in opposition to the application from Brandy Bates, 2434 South Fairway; Connie Huber 2601 Sonoma Street; Deborah Bloom Anderson, 1470 Satterfield Drive; and Jim and Marla Cunnian, 2615 Sonoma Street; including a list of suggestions from citizens with their ideas to correct the parking issues. A letter in support of the application was received from Matthew C. David, 1491 Sierra Drive, who takes his daughter to the preschool.

In response to questions from Council, Mrs. Neu clarified that the Council is considering an appeal on the parking condition for the Conditional Use Permit and not the Conditional Use Permit itself. She added that the Hearing Examiner's decision does not need Council approval as the Council only hears appeals on the Hearing Examiner's decisions.

In response to questions from Council, Rich Diehl, Deputy City Attorney, stated that the Council cannot override the Hearing Examiner's decision and that only the street parking condition could be considered.

Mayor Chase announced that as noted earlier, written correspondence had been received regarding the appeal.

John Schaller, 1690 Satterfield Drive, stated that he is the property owner and that the fundamental reason they asked for the appeal was to allow a better breakdown of the parking issues. Mr. Schaller stated that employees use two of the three spaces in the driveway and did not feel parents should be forced to wait until a parking space becomes available in the driveway. He added that parents will more than likely park on the street if there are no spaces in the driveway. Mr. Schaller noted that Mrs. Taylor has notified her clients of the Hearing Examiner conditions. He feels that adding a circular driveway would take away from the value of the home.

In response to questions from Council, Mr. Schaller stated that the Taylors park their vehicles in the garage. He added that some of the neighbors did not want vehicles parked on the road all day near their homes so the Hearing Examiner required employees to park in the driveway.

In response to a question from Council, Mrs. Taylor stated that she will not need to hire additional employees if she begins caring for 20 children. However, there may be a higher volume of traffic if her business grows.

Discussion continued regarding the availability of parking near the day care.

Mayor Chase excused Mr. Underwood from the meeting at this time.

Mr. Frasure commented on the construction of a circular driveway in the front of the home. He feels the driveway would help solve the parking issue for the day care.

Mary Dugger, 1735 Cottage Avenue, stated her grandson has gone to Mrs. Taylor's preschool for almost six years and she does not see any problem with people parking on the street. Because the daycare entrance is located in the rear of the house, it would make it difficult for her to pick-up her grandson if parents were required to park in a circular driveway toward the front of the home.

Dianne Brush, Licensing Enforcement Officer, stated that Mrs. Taylor is currently licensed for 12 children. She noted that since Mrs. Taylor already has one employee, if the number of children increases to 20 she will not need an additional employee unless the ages of the children being taken care of are 18 months and under.

Deborah Anderson, 1470 Satterfield Drive, stated that she lives across the street from the preschool. She shared a list of her concerns with the Council. Mrs. Anderson also reviewed a summary of the neighbor's concerns and distributed the list to the Council. She feels that there are speeding issues on Satterfield and that the parking issue was not presented accurately to the Hearing Examiner.

In response to a question from Council, Mrs. Anderson stated that she would prefer the preschool employees to park down the street.

In response to a question from Mayor Chase, Mrs. Anderson said that she feels that the parking has always been a problem and would like zoning laws to prohibit any business to operate in a residential area.

Don Anderson, 1470 Satterfield, clarified that the Taylors have two vehicles and they park one in the garage and the other in the driveway or on the street.

Mrs. Taylor felt that the idea of having employees parking on the street would not be well received. She feels it would be safer to have parents drop off the children while parked in the street allowing the child to exit the vehicle onto the sidewalk. Mrs. Taylor noted that Mrs. Anderson's home is not located directly across from her home.

In response to a question from Council, Mrs. Taylor stated that she currently cares for 11 to 12 children and because of the economic situation, it is hard to determine when the number will increase.

In response to a question from Council, Mr. Schaller stated that an additional parking space could be added on the property but it would be difficult and he did not feel it was necessary.

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

Mr. Moore commented that it did not appear that the issue could be resolved at this meeting.

A motion was made by Mr. Frasure, seconded by Mrs. Nye, to uphold the Hearing Examiner's recommendation with the following modifications: 1) three parking spaces will be provided in the driveway of the Preschool for those dropping off day care clients, and 2) all New Life Preschool employees and the Taylor's personal vehicles shall not be parked in the driveway during business hours.

A motion was made by Mr. Bray, seconded by Mr. Moore, to remand the Hearing Examiner's decision back to the Hearing Examiner so the parking issues can be addressed.

Discussion continued about the request going back to the Hearing Examiner for further review.

Mr. Bray's motion was voted upon at this time. Upon roll call, those voting in favor were Bray, Moore, and Richway. Frasure and Nye voted in opposition to the motion. The motion passed.

Mayor Chase clarified that Mrs. Taylor's current Preschool business would not be affected by the Council's decision. The decision only applied to her application for an increase in the number of children from 12 to 20.

AGENDA ITEM NO. 10: Council was asked to consider a request by "COUNCIL SELECT" the Yellow Ribbon Campaign of Idaho for REQUEST-YELLOW RIBBON "Council Select" funds in the amount of CAMPAIGN OF IDAHO \$275.07 to pay for portable restroom facilities for the Field of Heroes event. As of February 27, 2009, there was \$10,000.00 in the "Council Select" fund.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to use "Council Select" funds in the amount of \$275.07 to pay for portable restroom facilities for the Field of Heroes event. Upon roll call, those voting in favor were Moore, Nye, Bray, Frasure, and Richway.

A representative for the Field of Heroes gave a brief overview of the event and why the event is so unique. He encouraged the Council to attend and talked about the various volunteers that make the event possible. He stated that last year a couple came from Illinois and walked through the rows of white crosses until they found the name of their deceased son on a cross and that the event does make an impact on others.

AGENDA ITEM NO. 11: Council was asked to consider a request from ROAD CLOSURE AND Penny Pink of Portneuf Valley Brewing LLC OPEN CONTAINER WAIVER (mailing address: 615 South First Avenue, REQUESTS-615 SOUTH 1ST Pocatello ID 83201), to close a portion of South First Avenue, and waive City ordinances regarding open containers to allow the sell of beer and wine at two fundraising block parties. The May 2, 2009, fundraiser is for KISU and Poky Free Bike Shop. The September 26, 2009, fundraiser is for Pebble Creek Ski Patrol. Portneuf Valley Brewing requested that the streets be closed from Noon until Midnight for both events. If the open container ordinance is waived it should be contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased.

In response to questions from Council, Penny Pink, 202 Hawthorne Avenue, stated that she would prefer that the music portion of the event move from the street and into the building by 9:00 PM so the street can be cleared and re-opened. Mrs. Pink also outlined the security that has been arranged for the beer garden. She added that because the event is open to all ages, activities for children are being arranged at the business next door.

A motion was made by Mrs. Nye, seconded by Mr. Moore, to approve a request from Penny Pink of Portneuf Valley Brewing, LLC. to close a portion of South First Avenue from noon to midnight, and waive City ordinances regarding open containers to allow the sell of beer and wine at fundraising block parties on May 2, 2009, and September 26, 2009, contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased. Upon roll call, those voting in favor were Nye, Moore, Bray, Frasure, and Richway.

AGENDA ITEM NO. 12: Council was asked to authorize submission of IFFT GRANT a grant application to the IFFT Foundation APPLICATION for landscaping improvements around the -SACAJAWEA PARK parking area for Sacajawea Park. The grant PARKING AREA application is for \$10,000.00 which would be used for a drip irrigation system and plant materials. No match is required. Council may wish to authorize the acceptance of the grant, if awarded, and authorize the Mayor to sign any related contracts or documents, subject to Legal Department approval.

A motion was made by Mr. Frasure, seconded by Mr. Bray, to authorize the submission of a grant application to the IFFT Foundation, subject to Legal Department approval, in the amount of \$10,000.00 for landscaping improvements around the parking area for Sacajawea Park. Upon roll call, those voting in favor were Frasure, Bray, Moore, Nye, and Richway.

AGENDA ITEM NO. 13: Council was asked to award the contract for
CONTRACT the purchase of recyclable materials
-RECYCLABLE MATERIALS collected from the City's curb-side
WESTERN RECYCLING recycling program to Western Recycling. The
contract runs from April 20, 2009, to
September 30, 2011.

A motion was made by Mr. Richway, seconded by Mrs. Nye, to award a contract, subject to Legal Department approval, to Western Recycling for the purchase of recyclable materials collected from the City's curb-side recycling program.

Mr. Frasure stated that he felt that transporting the recyclable materials to Portland was not energy efficient and therefore does not support the contract.

Mr. Richway's motion was voted upon at this time. Upon roll call, those voting in favor were Richway, Nye, Bray, and Moore. Mr. Frasure voted in opposition to the motion. The motion passed.

AGENDA ITEM NO. 14: 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.

Rich Diehl, Deputy City Attorney, read the ordinance by title.

Mayor Chase declared the second 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.

There being no further business, Mayor Chase adjourned the meeting at 7:19 PM.

APPROVED BY:

ROGER W. CHASE, MAYOR

REGULAR CITY COUNCIL MEETING
MARCH 5, 2009

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ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

RUTH E. WHITWORTH, CMC, DEPUTY CLERK