

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
MAY 21, 2009

CLARIFICATION MEETING The City Council Agenda Clarification Meeting was called to order at 5:33 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 6:03 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: Julie Larson, from the Church of Jesus Christ of Latter Day Saints, gave the invocation.

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

-MINUTES (a) Waive the oral reading of the minutes and approve the minutes from the City Council meeting for Budget Development on May 7, 2009, and the Executive Session of May 7, 2009.

-TREASURER'S REPORT (b) Treasurer's Report for April, showing cash and investments as of May 1, 2009, in the amount of \$27,830,992.52.

-PARKS AND RECREATION ADVISORY BOARD REAPPOINTMENT (c) Confirm the Mayor's reappointment of Stacie Gebo to continue her service as a member of the Parks and Recreation Advisory Board, representing the Pocatello Zoological Society. Ms. Gebo's term will begin May 23, 2009, and will expire May 23, 2011.

-INTERN AGREEMENT IVES (d) Approve a Volunteer Intern Agreement with Tamara Douglas-Ives for intern work with the Mayor's Office. Ms. Ives' Agreement will extend from June 1, 2009, until August 7, 2009.

-INTERN AGREEMENT MCATEER (e) Approve an Intern Agreement with Nick McAteer for intern work with the Engineering

Department. Mr. McAteer's Agreement will begin May 22, 2009, and is for 480 hours of work.

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

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

Mayor Chase welcomed members from Boy Scout Troop 315.

AGENDA ITEM NO. 5: Mayor Chase reminded the Council of the June CALENDAR REVIEW 4th Budget Meeting at 9:00 AM; the June 4th Regular Council meeting at 6:00 PM; and the June 11th Study Session at 9:00 AM.

Mayor Chase announced that an Animal Shelter Volunteer Orientation will be held on May 22nd; that City Offices will be closed on May 25th for the Memorial Day holiday and that garbage and recycling pickups will remain on schedule; the Field of Heroes event is taking place May 22 through May 25; the second open house for Cheyenne Overpass will be held May 26th in the Council Chambers; the Marshall Library program - A Road Map to Education will be held on May 27th; and the Parks and Recreation Department is hosting a Hershey's Track and Field Competition on May 30th at Davis Field.

Mayor Chase extended congratulations to area High School graduates and wished them luck in their future endeavors.

Mayor Chase reminded citizens that the dust and debris containment and covered load education campaign was extended through the month of June. Police officers will hand out information about the new ordinance instead of tickets through June 30th.

AGENDA ITEM NO. 6: Kathy Wiggington, 260 Mingo Lane, stated DISCUSSION ITEMS that she has concerns with a city ordinance that she feels prohibits her from decorating family graves. Mrs. Wiggington asked the Council to change the ordinance to allow individuals to place various items on grave sites to honor their dead. She extended an invitation to citizens to attend the compassionate friends group of which she is a member.

Bill Wiggington, 260 Mingo Lane, stated that he would like there to be some kind of an agreement to allow individuals to place items on the graves. He feels a compromise could be worked out.

Kelli Horrocks, 424 North 12th Avenue, stated that when she has placed fresh flowers on a grave they were removed the following day. In another incident, she claimed that two vases she placed in

the ground near a relative's headstone were suddenly missing. After contacting the cemetery office, Mr. Peace advised her to purchase new vases. Ms. Horrocks feels that the grave space is their property and when City employees remove items it should be considered as theft. She added that since she owns the property it should fall under the same guidelines as caring for her residential property.

Donna Cluff, 776 Krista Court, stated that she has relatives buried at Restlawn Cemetery and Mountain View Cemetery and is upset that she cannot place various items on their graves. She feels individuals should be allowed to put items on graves that show respect to the person buried there. Ms. Cluff agreed that they own the property and should have the right to place any items they choose.

Beverly Jensen, 409 Taft Avenue, stated that she supports the other individuals who spoke out about decorating graves.

Josephine Sisneros, 1143 North Harrison, stated that she also supports the comments of the rest of the group. Ms. Sisneros shared her experiences with having items removed or stolen from the graves of loved ones.

Mayor Chase stated that there is an alternate ordinance that is being prepared regarding the placement of items at the cemetery. He added that he has received more calls in support of the change than against.

Mr. Underwood stated some of the ladies from the Women's Prison are assigned to clean up the cemetery. Since he is the Warden at the Prison, he offered to meet with the citizens group to help resolve their concerns.

Mr. Frasure stated that City employees should wait until flowers are wilted before removing them from the gravesite.

Mrs. Nye stated the employees are not the only individuals who remove items. She added that numerous people visit the cemeteries and some remove items for no apparent reason.

Mayor Chase noted that he has spoken to Mayors from other cities that also are struggling with similar issues.

AGENDA ITEM NO. 7: Council was asked to consider accepting the
BIDS recommendations of staff on the following
bids:

- SANITATION COMPACTORS (a) Bid for three 2010 cab and chassis with Heil 5000 rear load compactors to Northwest Equipment Sales in the amount of \$485,340.00;
- WATER WATER LINE REPLACEMENT (b) Bid for the West Whitman and West Clark Water Line Replacement project to Bodiford Construction who submitted the low bid in the amount of \$182,268.00 and an additional \$178,155.00 for the alternate bid for a total bid amount of \$360,423.00;
- WATER SOUTH VALLEY WATER TANK (c) Bid for the South Valley Water Tank, subject to approvals from the Department of Environmental Quality and the Environmental Protection Agency, to Building, Inc., who submitted the low bid in the amount of \$1,736,131.00.

A motion was made by Mr. Frasure, seconded by Mr. Richway, to approve bids, as recommended by staff, subject to Legal Department approval, with the condition that 7 (c) is approved subject to the Department of Environmental Quality and Environmental Protection Agency approval. Upon roll call, those voting in favor were Frasure, Richway, Bray, Moore, Nye, and Underwood.

AGENDA ITEM NO. 8: This time was set aside for the Council to hear comments on a request from the Church of Jesus Christ of Latter Day Saints (LDS) (mailing address: Attn: Terry Bradshaw, 7770 Makayla Drive, Nampa ID 83686), represented by Rocky Mountain Engineering and Surveying (mailing address: 2043 East Center Street, Pocatello ID 83201), to vacate and abandon the public's interest in approximately 3,040 square feet of alley right-of-way south of 446 Jefferson Avenue.

Mayor Chase opened the public hearing.

Jay Cornelison, Rocky Mountain Engineering and Surveying, stated that he did not have any comments regarding the vacation request.

Matthew Lewis, Planning Division Manager, informed the Council that the City of Alameda vacated alleys running north/south in January 1950. However, the alley in question runs east and west. Mr. Lewis stated that the alleyway is unimproved and has never been used by the public. He added that since the alley has not been used for 50 years the alley reverts back to the adjoining property owners. However, the applicant would like to go through the public hearing process to make sure the property title is clear. Mr. Lewis reviewed the history of the property noting that staff recommended approval with the following conditions: 1) all public/private utility lines, services, fire hydrants and equipment

shall be protected by easement, or relocated or removed to the satisfaction of the utility owner. Further, all costs associated with the potential removal/relocation of utilities, both public and private, as a result of the vacation, shall be the responsibility of the petitioner; and 2) all comments/requirements noted by public utilities and City representatives in the Staff Report shall be adhered to.

Mayor Chase announced that no written comments were received regarding the request.

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

A motion was made by Mr. Moore, seconded by Mr. Richway, to approve a request from the LDS Church to vacate and abandon the public's interest in approximately 3,040 square feet of alley right-of-way south of 446 Jefferson Avenue, with conditions recommended by staff and that the Decision be set out in appropriate format. Upon roll call, those voting in favor were Moore, Richway, Bray, Frasure, Nye, and Underwood.

AGENDA ITEM NO. 9: Council was asked to consider a request from "COUNCIL SELECT" the Portneuf Greenway Foundation to use FUNDING REQUEST "Council Select" funds for the following -PORTNEUF GREENWAY items associated with the June 20, 2009, FOUNDATION RiverFest: 1) an amount not to exceed \$508.52 be used to pay Sanitation fees, and 2) an amount not to exceed \$212.00 be used to pay for table moving and rental fees for 10 tables. The total amount requested is \$720.52. As of May 18, 2009, \$1,800.93 remained in the "Council Select" line item.

Mr. Underwood stated that the "Council Select" fund balance is very minimal and explained that there are other organizations that have yet to make their annual request for funds. As a result, he felt it would be fair to approve \$250.00 for the Portneuf Greenway's request in order to make Council Select Funds available for requests from other organizations.

A motion was made by Mr. Underwood, seconded by Mr. Bray, to approve the use of "Council Select" funds in the amount of \$250.00 for sanitation and table moving costs associated with the June 20, 2009, RiverFest. Upon roll call, those voting in favor were Underwood, Bray, Frasure, Moore, Nye, and Richway.

AGENDA ITEM NO. 10: Council was asked to consider a request from BEER PERMIT Portneuf Greenway Foundation to obtain a TAYSOM ROTARY PARK beer permit for Taysom Rotary Park for the -PORTNEUF GREENWAY RiverFest on June 20, 2009. City Code FOUNDATION 12.26.060 does not allow for the issuance of

such a beer permit without the prior approval of the City Council. Since beer would be sold at the event, the Foundation would also need to obtain a separate permit for such sale through the State of Idaho.

Mayor Chase stated that the City is requiring organizations to provide their own security because the City does not have the funds to pay Police Department staff overtime.

In response to questions from Council, Tamara Rayborn, Executive Director Portneuf Greenway Foundation, stated that the Foundation would like to use volunteer off-duty police officers or sheriff deputies for their event.

Mike Stayner, Police Major, stated that officers who volunteer are still under the criteria of the Fair Labor Standard Act and the City would have to pay them overtime. Mr. Stayner suggested the Foundation hire a company such as Amerigo for traffic control. He stated that traffic control on Bannock Highway during the event is one of the biggest concerns for the Police Department.

Council discussion continued about the Fair Labor Standards Act and how it has limited both Police and Fire Department staff from volunteering at local events in past years. Emergency staff may no longer volunteer for events as an EMS or security officer because it violates the Fair Labor Standards Act.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve a beer permit request from Portneuf Greenway Foundation for Taysom Rotary Park for the RiverFest on June 20, 2009, with the condition that the Foundation obtain the appropriate permits, liability insurance, and provide security for the event that meets Police Department approval. Upon roll call, those voting in favor were Moore, Nye, Bray, Frasure, Richway, and Underwood.

AGENDA ITEM NO. 11: Council was asked to consider a request from "COUNCIL SELECT" Cooperative Wilderness Handicapped Outdoor FUNDING REQUEST Group (CW HOG) to use "Council Select" funds -CW HOG for the following items associated with the September 12, 2009, CW HOG Pig Out: 1) an amount not to exceed \$300.00 be used to pay Sanitation fees, and 2) an amount not to exceed \$530.00 be used to pay for table moving and rental fees for 25 tables. The total amount requested is \$830.00.

As of May 18, 2009, \$1,800.93 remained in the "Council Select" line item.

A motion was made by Mr. Bray, seconded by Mr. Moore, to approve the use of "Council Select" funds in the amount of \$250.00 for expenses associated with the CW HOG event on September 12, 2009.

Upon roll call, those voting in favor were Bray, Moore, Frasure, Nye, Richway, and Underwood.

AGENDA ITEM NO. 12: Council was asked to consider a request from FEE WAIVER REQUEST Steve Millward (mailing address: 1385 -MILLWARD Chokecherry, Pocatello ID 83204), to waive 323 WEST CARTER the sewer capacity fee associated with services to property located at 323 West Carter. Staff recommended denial of the request.

Steve Millward, 1385 Chokecherry, stated that he owns a building at 323 West Carter and gave a brief history of the building, which he called a warehouse. He noted that at one time, a home and the warehouse were both served by one water and sewer line connection. Mr. Millward stated that he acquired the building in 2002 and would like to develop the structure into a community center because it has the basic proportions of the Greek Parthenon but on a smaller scale. He reviewed the different types of events that could be held in the building. Mr. Millward stated that he was told by city staff that if he uses the warehouse as a community center it would require a sewer service that has larger capacity. He agrees that a larger service is needed because of the use but does not feel he should be charged a capacity fee for the larger connection.

Merrill Quayle, Engineering Department, reviewed the history of the lot. He stated that the lot has never been set up on a water or sewer account or contributed to the sewer infrastructure. Mr. Quayle explained that water service is determined on consumption which is metered while sewer service is determined on a per connection basis and is billed as such. He added that because this is a change of use, grandfather rights do not apply and that City staff recommended denial of the request.

Council discussion regarding the types of connections and requirements for water and sewer service continued.

In response to questions from Council, Mr. Quayle stated that the home located at 711 South Main is connected to the water and sewer but the building (warehouse) next door at 323 West Carter has not been connected to the sewer. He mentioned that 711 South Main has not been billed for multiple services. Mr. Quayle added that the property at 323 West Carter has never paid into the structure or backbone of the sanitary sewer system.

Greg Lanning, Public Works Director, explained that residential sewer is a flat rate per connection and is not based on the amount of water used.

Discussion and clarification continued regarding sewer fees and how water use is determined.

Mr. Millward stated that since the computer records do not go back past 1980, staff may not be able to determine whether or not sewer fees were paid to the City.

Mr. Frasure noted that over the years, even though individuals used the property, they did not pay into the system like other individuals have been required to.

Mr. Millward referred back to the ordinance that requires the capacity fee and does not feel that he should be required to pay the fee because he is moving the sewer service to the main line and disconnecting the line that went to the home's service line.

Discussion continued to clarify connection fees and how first time connections are determined.

A motion was made by Mr. Bray to deny the request to waive the sewer capacity fee associated with services to property located at 323 West Carter. Mr. Bray's motion died for lack of a second.

Following additional discussion, a motion was made by Mr. Bray, seconded by Mr. Frasure, to deny the request to waive the sewer capacity fee associated with services to property located at 323 West Carter.

Mayor Chase noted that these are tough decisions and he understands Mr. Millward's concerns. He noted that service rate amounts have been studied and capacity fees were established for a reason. Mayor Chase noted that the City of Pocatello fees are much lower than other cities and connections being added to the sewer system need to support the system.

Dean Tranmer, City Attorney, stated that the connection is considered a new connection to the sewer mainline because it will not use the same connection as the home at 711 South Main. He added that the previous use is not the same and therefore a different type of connection is required. Mr. Tranmer reviewed the reason separate connections are required and made reference to the plumbing code.

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

AGENDA ITEM NO. 13: Council was asked to consider granting CONCESSION PERMITS approval to the following parties to allow concession sales in parks and public places:

-YOUTH FORUM (a) Pocatello Youth Forum for May 30, 2009, Lower Ross Park;

-THE FROZEN GATOR (b) The Frozen Gator for May thru October 2009,
City streets;

-IDAHO STATE (c) Idaho State Journal "Family Fun Days" on
JOURNAL June 13, 2009, Lower Ross Park.

A motion was made by Mr. Richway, seconded by Mrs. Nye, to approve the concession permits, as outlined in Agenda Items 13(a) through 13(c), subject to Legal Department approval. Upon roll call, those voting in favor were Richway, Nye, Bray, Frasure, Moore, and Underwood.

AGENDA ITEM NO. 14: Council was asked to consider approving a CONCESSION LICENSE Concession License Agreement between the AGREEMENT-CASTRO City of Pocatello and Joseph Castro, d/b/a ACM Concessions to provide food and beverages at the Optimist/Tydeman Park facility from May 22, 2009, through September 30, 2009, and at the Halliwell Field area during flag football season.

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve a Concession License Agreement, subject to Legal Department approval, with Joseph Castro, d/b/a ACM Concessions for the period of May 22, 2009, through September 30, 2009. Upon roll call, those voting in favor were Moore, Bray, Frasure, Nye, Richway, and Underwood.

AGENDA ITEM NO. 15: Council was asked to approve a Lease LEASE AGREEMENT Agreement with Claudia Walter d/b/a -POCATELLO SPEEDWAY Pocatello Speedway, Inc. (mailing address: 2403 South Bannock Highway, Pocatello ID 83204), for property at the Pocatello Regional Airport. The Speedway operates a circle track located at the Airport which is used for auto races and other special events and a new lease is needed for the property on which the track lies. The lease is for approximately 18 acres and will be for a one-year term with up to four one-year renewal options. The rental rate is \$3,000.00 per year and will be increased annually based on the CPI. This item was postponed from the May 7, 2009, Regular City Council Meeting.

A motion was made by Mr. Richway, seconded by Mr. Moore, to approve a Lease Agreement with Claudia Walter d/b/a Pocatello Speedway, Inc. for property at the Pocatello Regional Airport for a one-year term with up to four one-year renewal options in the amount of \$3,000.00 per year, to be increased annually based on the CPI.

Mr. Underwood stated that he feels the lease should be postponed in order to allow Ms. Walter's attorney to meet with City staff. He added that Ms. Walter's attorney just recently contacted the City's attorney to discuss the lease and has requested additional time to review the lease.

A motion was made by Mr. Frasure, seconded by Mr. Underwood, to postpone the Lease Agreement for Pocatello Speedway until the Regular Council meeting of June 4, 2009.

In response to a question from Council, David Allen, Airport Manager, stated that although Ms. Walter's contract has already expired, she has paid rent through May 31, 2009. Mr. Allen did not have any concerns with events taking place at the Speedway through the end of May.

Mr. Bray felt that if the signing of the lease is postponed until June 4th, no events should be held at the Speedway after May 31, 2009.

Mr. Frasure amended his motion to include that no events can be held at the Speedway after May 31, 2009, unless a new lease has been signed. Mr. Underwood accepted the amendment.

Mr. Richway stated that he feels postponing the lease just encourages more negotiation and litigation. He would like the lease considered as written and if Ms. Walter does not wish to sign the lease, she can contact City staff to discuss the lease.

Mr. Frasure withdrew his motion. Mr. Underwood accepted the withdrawal.

Council discussion continued regarding the conditions of the motion.

In response to questions from Council, Mr. Allen stated that a final date of operation would need to be established if a new lease is not signed by Ms. Walter.

Mr. Richway modified his motion to state if the lease is not signed by May 31, 2009, no further events can take place at the Speedway. Mr. Moore accepted the modification.

Mayor Chase clarified that the motion is to approve a Lease Agreement with Claudia Walter d/b/a Pocatello Speedway, Inc. for property at the Pocatello Regional Airport for a one-year term with up to four one-year renewal options in the amount of \$3,000.00 per year, to be increased annually based on the CPI, with the condition that if the new lease has not been signed by May 31, 2009, Ms. Walter will be instructed to vacate the property on June 4, 2009.

Mr. Richway's motion, as clarified by the Mayor, was voted upon at this time. Upon roll call, those voting in favor were Richway, Moore, Bray, Frasure, Nye, and Underwood.

- AGENDA ITEM NO. 16: Council was asked to approve, subject to
AIRPORT LEASE Legal Department approval, the following
AGREEMENTS Lease Agreements for properties at the
Pocatello Regional Airport:
- EASTERN IDAHO (a) Eastern Idaho Aeromodelers-8.26 acres of
AEROMODELERS land, one year with three one year renewal
options, \$261.38 per year;
 - ISU ACCELERATOR (b) ISU Accelerator Center-52,600 square feet of
CENTER building space, fifteen years, \$3,500.00 per
month or equivalent in repairs increased to
\$5,000.00 per month on July 1, 2011;
 - POCATELLO TRAP (c) Pocatello Trap Club-approximately 36 acres
CLUB of land, one year with nine one year renewal
options, \$1,188.56 per year;
 - PORTNEUF (d) Portneuf Electric-5,000 square feet of
ELECTRIC warehouse and 15,000 square feet of land,
one year with four one year renewal options,
\$831.20 per month;
 - TOM JOHANSEN (e) Tom Johansen-9,500 square feet of warehouse,
one year with two one year renewal options,
\$267.50 per month.

All rates, except ISU, will be reviewed annually and increased at least by the amount of the commercial price index increase for the previous year.

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve Airport Leases, subject to Legal Department approval, as outlined in Agenda Item No. 16(a) through 16(e). Upon roll call, those voting in favor were Moore, Bray, Frasure, Nye, Richway, and Underwood.

AGENDA ITEM NO. 17: Council was asked to authorize the Mayor to
GRANT-AIRPORT accept, if awarded, a grant from the Federal
Aviation Administration (FAA). The Grant is for up to \$2,250,000 and is part of the American Recovery and Reinvestment Act and will be used for the terminal renovation project in which a new screening and boarding area will be constructed. There is no local match required for the grant.

It was clarified that per instructions from FAA the grant amount being requested should be increased to \$2,500,000.

A motion was made by Mr. Underwood, seconded by Mr. Moore, to approve the acceptance of a grant, if awarded and subject to Legal Department approval, from the FAA for up to \$2,500,000 for the

terminal renovation project. Upon roll call, those voting in favor were Underwood, Bray, Frasure, Moore, Nye, and Richway.

AGENDA ITEM NO. 18: Council was asked to approve a Professional Services Agreement with HiTechGov LLC to upgrade the Geographic Information System software for an amount not to exceed \$9,365.00. There are funds budgeted to cover the cost associated with the upgrades.

A motion was made by Mrs. Nye, seconded by Mr. Bray, to approve a Professional Services Agreement, subject to Legal Department approval, with HiTechGov LLC to upgrade the Geographic Information System software for an amount not to exceed \$9,365.00. Upon roll call, those voting in favor were Nye, Bray, Frasure, Moore, Richway, and Underwood.

AGENDA ITEM NO. 19: Council was asked to adopt a resolution identifying records eligible to be sent to the State Historical Society and destruction of the records eligible pursuant to Idaho Code §50-907 and the City's Records Retention Policy and authorizing the City Clerk to dispose of said records.

A motion was made by Mr. Bray, seconded by Mr. Richway, to adopt a Resolution (#2009-05) identifying records eligible to be sent to the State Historical Society and destruction of the records eligible pursuant to Idaho Code §50-907 and the City's Records Retention Policy and authorizing the City Clerk to dispose of said records. Upon roll call, those voting in favor were Bray, Richway, Frasure, Moore, Nye, and Underwood.

AGENDA ITEM NO. 20: Council was asked to consider waiving City ordinances to allow the Pocatello Zoological Society to assist with the fundraising event, A Midsummer's Night for the Zoo, on June 27, 2009, at the Outdoor Amphitheater area behind the Fort Hall Replica. The Society requested a waiver to allow them to sell beer and wine, until 11:00 PM, and permission to stay in the area until 1:00 AM on June 28, 2009, to clean-up after the event. One of the items that will be auctioned is an after hours dinner at the Zoo. The date of the event will be picked by the individual who receives the dinner. The society would like permission to serve beer and wine, if the individual so chooses and have the event in the park after hours. Guidelines for the dinner will be set by the Parks and Recreation Director and Zoo Superintendent.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the request to waive ordinances to allow the Pocatello Zoological

Society to assist with the fundraising event, A Midsummer's Night for the Zoo, on June 27, 2009, at the Outdoor Amphitheater area behind the Fort Hall Replica allowing them to sell beer and wine, until 11:00 PM, and permission to stay in the area until 1:00 AM on June 28, 2009, to clean-up after the event and to allow beer and wine at an after hours dinner, subject to the guidelines set by the Parks and Recreation Director and Zoo Superintendent. Upon roll call, those voting in favor were Moore, Nye, Bray, Frasure, Richway, and Underwood.

AGENDA ITEM NO. 21: Council was asked to approve a contract with CONTRACT-EATON Steve Eaton for the Pocatello Zoo's annual fundraiser, A Midsummer's Night for the Zoo on June 27, 2009.

A motion was made by Mr. Frasure, seconded by Mrs. Nye, to approve a contract with Steve Eaton for the Pocatello Zoo's annual fundraiser on June 27, 2009. Upon roll call, those voting in favor were Frasure, Nye, Bray, Moore, Richway, and Underwood.

Mayor Chase welcomed additional members from local Boy Scout Troops.

AGENDA ITEM NO. 22: Council was asked to approve an agreement AGREEMENT-PRIME with Prime Time Auctions, Inc. for the Live TIME AUCTIONS Auction at the Pocatello Zoo's June 27, 2009, fundraiser.

A motion was made by Mr. Richway, seconded by Mr. Bray, to approve an agreement, subject to Legal Department approval, with Prime Time Auctions, Inc. for the Live Auction at the Pocatello Zoo's June 27, 2009, fundraiser. Upon roll call, those voting in favor were Richway, Bray, Frasure, Moore, Nye, and Underwood.

AGENDA ITEM NO. 23: Council was asked to consider a Professional PROFESSIONAL Services Contract with CTA Architects SERVICES CONTRACT Engineers in an amount not to exceed -GRIZZLY BEAR EXHIBIT \$76,681.83. If awarded, CTA will provide architectural and engineering services for the design, development and construction of the Pocatello Zoo Grizzly Bear Exhibit. The funding for this contract will be paid through the City's Memorandum with the Pocatello Zoological Society.

A motion was made by Mr. Underwood, seconded by Mrs. Nye, to approve a Professional Services Contract, subject to Legal Department approval, with CTA Architects Engineers in an amount not to exceed \$76,681.83 to provide services related to the Pocatello Zoo Grizzly Bear Exhibit. Upon roll call, those voting in favor were Underwood, Nye, Bray, Frasure, Moore, and Richway.

AGENDA ITEM NO. 24: Council was asked to accept the Pocatello REPEAL EAST CENTER Development Authority's recommendation for URBAN RENEWAL AND early repeal of the revenue allocation REVENUE ALLOCATION provision of the East Center Street Urban DISTRICT Renewal Area, effective tax year 2009. If the Council accepts the recommendation, an ordinance is prepared for reading under the Ordinance Agenda Item.

Mayor Chase gave a brief history of the Urban Renewal District and explained why the early repeal was being considered at this time.

A motion was made by Mr. Moore, seconded by Mr. Richway, to accept the Pocatello Development Authority's recommendation for early repeal of the revenue allocation provision of the East Center Street Urban Renewal Area, effective tax year 2009. Upon roll call, those voting in favor were Moore, Richway, Bray, Frasure, Nye, and Underwood.

AGENDA ITEM NO. 25: Council was asked to consider the following ORDINANCES ordinances:

-REPEAL EAST (a) An ordinance repealing the revenue CENTER STREET allocation provisions of the East Center URBAN RENEWAL AREA Street Urban Renewal Area, effective tax year 2009, and providing for notification of same to the taxing entities.

A motion was made by Mr. Moore, seconded by Mr. Bray, that the ordinance, Agenda Item 25(a) be read only by title on three separate occasions and only the ordinance summary sheet be submitted for publication. Upon roll call, those voting in favor were Moore, Bray, Frasure, Nye, Richway, and Underwood.

Dean Tranmer, City Attorney, read the ordinance by title.

Mayor Chase declared the first reading of the ordinance.

-FLOOD HAZARD (b) An ordinance updating Chapter 15.32, Flood AREAS-FEMA Hazard Areas, to incorporate revised Flood Insurance Rate Maps, and otherwise bring the City Code current with requirements of FEMA, a division of the U.S. Department of Homeland Security.

A motion was made by Mr. Bray, seconded by Mr. Moore, that the ordinance, Agenda Item 25(b), 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, Moore, Frasure, Nye, Richway, and Underwood.

Dean Tranmer, City Attorney, read the ordinance by title.

Mr. Frasure explained that the City is accepting the FEMA requirements for flood plains so new homes constructed in these areas will be eligible for flood insurance.

Mayor Chase stated that over the past six months, City staff has sent information to property owners in the designated flood area. He encouraged property owners who might be affected by the change to contact City Hall to verify if their property is located in the flood plain. As a result of the change, flood insurance rates will increase and Mayor Chase encouraged individuals to act before the rate increase.

Mayor Chase declared the final reading of the ordinance updating Chapter 15.32, Flood Hazard Areas, to incorporate revised Flood Insurance Rate Maps, and otherwise bring the City Code current with requirements of FEMA. Mayor Chase asked "Shall the ordinance pass?" Upon roll call, those voting in favor were Bray, Frasure, Moore, Nye, Richway, and Underwood. Mayor Chase declared the ordinance and summary sheet passed, that it be numbered 2865 and be submitted to the Idaho State Journal for publication.

There being no further business, Mayor Chase adjourned the meeting at 7:46 PM.

APPROVED BY:

ROGER W. CHASE, MAYOR

ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

RUTH E. WHITWORTH, CMC, DEPUTY CLERK