

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
MAY 7, 2009

CLARIFICATION MEETING The City Council Agenda Clarification Meeting was called to order at 5:30 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 6:00 PM by Mayor Roger Chase. ROLL CALL AND PLEDGE OF ALLEGIANCE Council members present were Roger Bray, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood. Council member Ron Frasure arrived at 6:03 PM.

Mayor Chase led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was given by Reverend INVOCATION Jacqueline Theresa Thomas, Praise Temple of God.

Mr. Frasure joined the meeting at this time.

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

-MINUTES (a) Waive the oral reading of the minutes and approve the minutes from the Council Meeting of March 19, 2009; the Council meeting of April 2, 2009; the Agenda Clarification and Regular City Council meeting of April 2, 2009; the Study Session of April 9, 2009; and the joint City Council/Pocatello Youth Forum meeting of April 13, 2009.

-PAYROLL AND MATERIAL CLAIMS (b) Payroll and material claims for the month of April 2009, in the amount of \$4,923,870.31.

-ANIMAL SHELTER ADVISORY BOARD APPOINTMENT (c) Confirm the Mayor's appointment of Cheryl Greer to serve as a member of the Animal Shelter Advisory Board, replacing Jane Strickland whose term expired. Ms. Greer's term will begin May 9, 2009, and will expire May 8, 2011.

-ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT (d) Confirm the Mayor's reappointment of Karen Collins to serve an additional two-year term as a member of the Animal Shelter Advisory

Board. Ms. Collins term will begin May 20, 2009, and will expire May 20, 2011.

-PARKS AND RECREATION ADVISORY BOARD REAPPOINTMENT (e) Confirm the Mayor's reappointment of Gene Wiggers to continue his service as a member of the Parks and Recreation Advisory Board. Mr. Wiggers' term will begin May 17, 2009, and will expire May 17, 2011.

-PLANNING AND ZONING COMMISSION APPOINTMENT (f) Confirm the Mayor's appointment of Kathleen Lewis to serve as a member of the Planning and Zoning Commission, replacing Wayne Schow who resigned. Ms. Lewis' term will begin May 8, 2009, and will expire May 8, 2013.

-POCATELLO ARTS COUNCIL REAPPOINTMENT (g) Confirm the Mayor's reappointment of Ryan Babcock to continue his service as a member of the Pocatello Arts Council. Mr. Babcock's term will begin May 2, 2009, and will expire May 2, 2012.

-COUNCIL DECISION REZONE REQUEST DENIAL-JOHNNY CREEK (h) Adopt the Council's Decision of April 16, 2009, denying a proposal to rezone a three (3) plus acre parcel of land situated northeast of Johnny Creek Road, at approximately the 3500 block, from Residential Estate to Residential Low Density-Single Family. In conjunction with its denial, Council agreed to waive any application fees for a conditional use permit which is submitted for the subject property within two years from the date of the Council's decision denying the proposed rezone.

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

AGENDA ITEM NO. 4: Mayor Chase proclaimed May 8 and 9, 2009, to be Poppy Days in Pocatello and encouraged the community to support Poppy Days and the American Legion Auxilary.

Rita Haggardt and Sharon Russell from the American Legion's Auxilary thanked the Council and stated that poppies would be for sale outside local merchants on May 8th and 9th.

Mayor Chase proclaimed May 2009 to be Keep Kids Alive Drive 25 Month in Pocatello and encouraged citizens to take personal responsibility for their driving behavior by checking the speed limit and slowing down as needed. Mayor Chase thanked the organizers of the program.

Representatives from the College Neighborhood Association accepted the proclamation and announced that the Kick-off for the program went well. They noted that inquiries have been received from citizens asking where to get the Drive 25 signs.

Mayor Chase welcomed a member from a local Boy Scout Troop.

AGENDA ITEM NO. 5: Mayor Chase reminded the Council of the May
CALENDAR REVIEW 14th Study Session followed by a Budget
meeting; the May 21st Budget meeting at 9:00
AM; and the May 21st Regular Council meeting at 6:00 PM.

Mayor Chase announced the Fort Hall Replica opening ceremony on May 8th at 5:30 PM; that Police Officers will hand out information about the new Dust and Debris Containment Ordinance instead of issuing tickets through May 17th; and Idaho State University graduation ceremony will be held at Holt Arena on Saturday, May 9th.

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

AGENDA ITEM NO. 7: Council was asked to approve the sole source
SOLE SOURCE procurement of a 2006 Unimog truck with snow
TRUCK LEASE PURCHASE blower attachment, for the Street
-STREET Department, in the amount of \$161,499.00 and
approve a 5-year lease purchase agreement,
which includes a non-appropriation clause, with Daimler Truck
Financial. The interest rate is 4.57% and the payment amounts will
be \$36,859.91 per year for a total price of \$184,299.55.

A motion was made by Mr. Bray, seconded by Mrs. Nye, to approve the sole source procurement of a 2006 Unimog truck with snow blower attachment, in the amount of \$161,499.00 and a 5-year lease purchase agreement, which includes a non-appropriation clause, with Daimler Truck Financial.

Mr. Richway stated that the Unimog truck will be well supported by the vendor for many years and staff will not need to be concerned about obtaining parts for the truck.

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

AGENDA ITEM NO. 8: Council was asked to consider approving a
PIGGYBACK BID-STREET piggy-back bid on Bingham County's bid for
the purchase of sealing oil, for the summer
2009 paving program. The low bidder was Idaho Asphalt Supply,
Inc., and the total amount of the bid is \$208,070.00 and the
breakdown is as follows: 1) CSS-1, twelve tons at \$560.00 per ton

for a total of \$6,720.00; 2) CRS-2, three hundred fifty tons at \$535.00 per ton for a total of \$187,250.00; and 3) CSS-1-DIL, thirty tons at \$470.00 per ton for a total of \$14,100.00. The above prices reflect a \$10.00 per ton FOB Pocatello charge. Prices are within the budgeted amounts.

A motion was made by Mr. Moore, seconded by Mr. Richway, to approve the piggy-back bid for the purchase of sealing oil, for the summer 2009 paving program from Idaho Asphalt Supply, Inc., in the amount of \$208,070.00. 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 Kiwanis Club of Pocatello, represented by FUNDING REQUEST Rich Smith (mailing address: PO Box 295, -KIWANIS CLUB OF POCATELLO Pocatello ID 83201), to use "Council Select" funds in the amount of \$424.00 for rental and moving of 20 tables for the 42nd Annual Bing Hong Kiwanis Pancake Breakfast planned for June 27th and 28th. As of May 1, 2009, \$2,224.93 remained in the "Council Select" line item.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the request to use "Council Select" funds in the amount of \$424.00 for the rental and moving of 20 tables for the 42nd Annual Bing Hong Kiwanis Pancake Breakfast on June 27th and 28th.

A motion was made by Mr. Frasure to approve the use of "Council Select" funds in the amount of \$212.00 for rental and moving of 20 tables for the 42nd Annual Bing Hong Kiwanis Pancake Breakfast on June 27th and 28th. Mr. Frasure's motion died for lack of a second.

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

AGENDA ITEM NO. 10: Council was asked to consider a request from "COUNCIL SELECT" the Bannock Humane Society, represented by FUNDING REQUEST Robert Angle (mailing address: 6600 South 5th -BANNOCK HUMANE SOCIETY Avenue, Pocatello ID 83201), to use "Council Select" funds in the amount of \$895.54 to pay for building permit and plan check fees for the addition to the Humane Society Building. As of May 1, 2009, \$2,224.93 remained in the "Council Select" line item.

A motion was made by Mr. Underwood, seconded by Mrs. Nye, to approve the request to use "Council Select" funds in the amount of \$985.54 to pay for building permit and plan check fees for the addition to the Humane Society Building.

Council discussed the benefits various non-profit organizations provide to the community and how to determine which organization would qualify for this type of use of "Council Select" funds.

Mr. Underwood's motion was voted upon at this time. Upon roll call, those voting in favor were Underwood, Nye, and Moore. Those voting in opposition were Bray, Frasure, and Richway. Due to a tie in the voting, Mayor Chase was required to cast the deciding vote. Mayor Chase voted in opposition to the motion. Therefore the motion failed.

AGENDA ITEM NO. 11: Council was asked to approve the renewal of a Concession Agreement with Fore Golf Inc., to operate the concessions at Watkins Softball Complex inside NOP Park. The Agreement begins May 7, 2009, and runs through the end of the softball season. Fore Golf will pay the city twenty-five percent of the net receipts from all sales at the concession site.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the renewal of a Concession Agreement, with Legal Department approval, with Fore Golf Inc., to operate the concessions at Watkins Softball Complex inside NOP Park for the 2009 softball season. Upon roll call, those voting in favor were Moore, Nye, Bray, Frasure, Richway, and Underwood.

Mayor Chase welcomed an additional member from a local Boy Scout Troop.

AGENDA ITEM NO. 12: Council was asked to approve a Lease Agreement with Claudia Walter d/b/a Pocatello Super Speedway, Inc. (mailing address: 2403 South Bannock Highway, Pocatello ID 83204), for property at the Pocatello Regional Airport. The Speedway owns a circle track located at the Airport which is used for auto races and other special events and wished to sign a new lease 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.

A motion was made by Mr. Frasure, seconded by Mr. Bray, to approve a Lease Agreement with Claudia Walter d/b/a Pocatello Super Speedway, Inc., for property at the Pocatello Regional Airport.

In response to a question from Council, David Allen, Airport Manager, reviewed the history of the rates for the Pocatello Super Speedway Lease.

Claudia Walter, owner of the Speedway, stated that she and her attorney, Craig Parrish, would like more time to review the proposed lease. Ms. Walter had concerns with the increased lease amount. She stated that there has been a decrease in the number of attendees and drivers over the past year because of high gas prices and the economic down-turn. As a result, Ms. Walter would like to have a couple of weeks to go over the lease before making a decision.

At this time Mr. Frasure withdrew his motion. Mr. Bray accepted the withdrawal.

A motion was made by Mr. Frasure, seconded by Mr. Moore, to postpone consideration of the Pocatello Speedway Lease until the May 21, 2009, Regular City Council meeting.

Council discussion continued regarding the Lease and whether to move ahead and consider the Lease at this time.

In response to a question from Council, Richard Diehl, Deputy City Attorney felt it would be more appropriate to consider the Lease at the May 21, 2009, Regular Council meeting than to approve the Lease, subject to Legal Department approval. This would allow Ms. Walter and her attorney the opportunity to discuss the Lease with City staff.

Steven Brown, Vice Chair, Pocatello Airport Commission stated that all of the leases at the Airport have been reviewed over the last few years to bring the leases equal to one another. Mr. Brown outlined the types of leases currently at the Airport. He also gave a history of the concession sales and decreased attendance at the speedway as compared to other speedways located in Atomic City and Blackfoot. Mr. Brown feels that there may be other uses for this type of land at the Airport that would provide greater lease income for the City.

In response to questions from Council, Mr. Brown stated that the speedway area is prime property which could be used for new hangars or by the motocross group. He clarified that the Commission is in the process of catching up the leases at the Airport. The Speedway lease has not been reviewed for three years and that is why there is a substantial increase in the rate.

In response to a question from Council, Ms. Walter stated that the other cities mentioned by Mr. Brown have different types of tracks and expenses. She noted that after talking to the owners of the tracks, the owners are also anticipating less patronage at their tracks this year.

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

AGENDA ITEM NO. 13: This time was set aside for the Council to receive comments for a Fiscal Year 2009 PUBLIC HEARING Section 5307 Federal Transit Administration -SECTION 5307 ARRA American Recovery and Reinvestment Act ID-96-X003 FISCAL (ARRA) Grant Application/Execution. The YEAR 2009 Grant Application/Execution and Program of Projects (POP) consist of capital for ten (10) replacement buses in the urbanized area. This project is 100% ARRA funded in the amount of \$1,159,957.00. After the conclusion of the Public Hearing the POP will be considered final. Council was asked to authorize the Mayor and City Attorney to PIN the Grant Certifications, and authorize the Public Transit Director, subject to Legal Department approval, to PIN the Application/Execution, and modifications to the grant as required.

Mayor Chase opened the public hearing.

Mayor Chase announced that no written correspondence has been received regarding the application.

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

A motion was made by Mr. Moore, seconded by Mr. Richway, to approve a Fiscal Year 2009 Section 5307 Federal Transit Administration ID-96-X003 ARRA Grant in the amount of \$1,159,957 and authorize the Mayor and City Attorney to PIN the Grant Certifications, finalize the POP, and authorize the Public Transit Director, subject to Legal Department approval, to PIN the Application/Execution, and make modifications to the grant as required. Upon roll call, those voting in favor were Moore, Richway, Bray, Frasure, Nye, and Underwood.

AGENDA ITEM NO. 14: Council was asked to consider submitting the GRANT APPLICATIONS following grants and if the grants are awarded, authorize the Mayor to accept the grants and sign related documents, subject to Legal Department approval. The grants are:

-POCATELLO ARTS COUNCIL a) A grant in the amount of \$10,000.00 from the Japanese American Citizens League, for Phase II of the Japanese Garden at the Pocatello Airport.

-POCATELLO ARTS COUNCIL b) A grant in the amount of \$10,000.00 from the IFFT Foundation, to complete the planting and water elements of the Japanese garden at the Pocatello Airport.

-POLICE STOP GRANT c) A grant in the amount of \$126,553.00 from the STOP Grant Recovery Acts Funds. Family Services Alliance of South East Idaho will supply the required funding match.

A motion was made by Mr. Frasure, seconded by Mr. Bray, to approve grants as outlined in Agenda Item 14 (a) through 14 (c) and authorize the Mayor to accept the grants and sign related documents, subject to Legal Department approval.

Mr. Richway stated that as the Council liaison to the Pocatello Arts Council, he is aware of the tremendous amount of work the Arts Council has done with the limited amount of funding they have received.

Mayor Chase commented on various art projects in the community that the Arts Council has completed and thanked them for their hard work.

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

AGENDA ITEM NO. 15: Council was asked to consider submitting an application for receipt of the Energy Efficiency and Conservation Block Grant. The approval would be subject to various departments review and approval as required by the grant. The grant is in the amount of \$533,000.00 and has no match requirements. The grant is part of the American Recovery and Reinvestment Act, also known as Stimulus Funds, approved by Congress. Council may also wish to authorize the acceptance, if awarded, and expenditure of the funds according to the approved uses in the grant.

A motion was made by Mr. Bray, seconded by Mr. Moore, to approve the submittal of the Energy Efficiency and Conservation Block Grant in the amount of \$533,000.00 subject to various departments review and approval as required by the grant and authorize the acceptance, if awarded, and expenditure of the funds according to the approved uses in the grant. Upon roll call, those voting in favor were Bray, Moore, Frasure, Nye, Richway, and Underwood.

AGENDA ITEM NO. 16: Council was asked to allow the Zoo to

ZOO-SURPLUS CREDIT transfer a surplus credit card machine to
CAR MACHINE the Pocatello Zoo Society. The Zoo's credit
 card machine is being replaced by Heartland
Payment Systems and the Zoo Society's machine is broken and not
repairable.

A motion was made by Mrs. Nye, seconded by Mr. Bray, to approve the transfer of a surplus credit card machine from the Zoo to the Pocatello Zoo Society. Upon roll call, those voting in favor were Nye, Bray, Frasure, Moore, Richway, and Underwood.

AGENDA ITEM NO. 17: Council was asked to adopt a resolution, in
RESOLUTION-FACTA accordance with regulations established by
 the Fair Trade Commission which requires
government entities that defer payment for goods or services to
implement identity theft prevention programs. The Fair and
Accurate Credit Transactions Act (FACTA) is also commonly known as
the "Red Flags" rule. FACTA requires municipalities to have a
program in place which identifies potential indicators of identity
theft, establishes procedures to detect those indicators, prevent
and mitigate identity theft, and administers and update the
program.

A motion was made by Mr. Bray, seconded by Mr. Richway, to adopt a resolution (#2009-04) to implement identity theft prevention programs in accordance with FACTA for the payment of goods or services with the City of Pocatello. Upon roll call, those voting in favor were Bray, Richway, Frasure, Moore, Nye, and Underwood.

AGENDA ITEM NO. 18: Council was asked to approve a Mutual Aid
MUTUAL AID Agreement with various Law Enforcement
AGREEMENT-VARIOUS LAW Agencies in Southeast Idaho. The Agreement
ENFORCEMENT AGENCIES is similar to ones the City has had in the
 past and only requires that the Pocatello
Police Department respond when resources are available. The Mutual
Aid Agreement is for five years.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve a Mutual Aid Agreement, subject to Legal Department approval, with various Law Enforcement Agencies in Southeast Idaho. Upon roll call, those voting in favor were Moore, Nye, Bray, Frasure, Richway, and Underwood.

AGENDA ITEM NO. 19: Council was asked to authorize publication
PERMISSION TO of a Request for Qualifications (RFQ) to
SEEK RFQ FOR ENERGY possibly engage an energy savings
SERVICE CONTRACTORS performance contractor. Subsequent contract
 services would assist the City in design and
development of energy efficiency, energy conservation, and related
projects for expenditure of the \$533,000.00 from Energy Efficiency

and Conservation Block Grants currently available from the U.S. Department of Energy for the City of Pocatello.

A motion was made by Mr. Richway, seconded by Mr. Bray, to authorize publication of a Request for Qualifications to possibly engage an energy savings performance contractor. Upon roll call, those voting in favor were Richway, Bray, Frasure, Moore, Nye, and Underwood.

AGENDA ITEM NO. 20: Council was asked to consider an ordinance
ORDINANCE vacating a fifty foot wide access and
-EASEMENT VACATION maintenance easement located between South
Grant Avenue and the Portneuf River Flood
Control Project right-of-way, on a parcel of land lying adjacent to
and immediately south of Centennial Park.

A motion was made by Mr. Bray, seconded by Mr. Moore, that the ordinance, Agenda Item 20, 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.

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

Mayor Chase declared the final reading of the ordinance vacating a fifty foot wide access and maintenance easement located between South Grant Avenue and the Portneuf River Flood Control Project right-of-way, on a parcel of land lying adjacent to and immediately south of Centennial Park. 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 2864 and be submitted to the Idaho State Journal for publication.

There being no further business, Mayor Chase adjourned the meeting at 6:58 PM.

APPROVED BY:

ROGER W. CHASE, MAYOR

ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK
PREPARED BY:

REGULAR CITY COUNCIL MEETING
MAY 7, 2009

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RUTH E. WHITWORTH, CMC, DEPUTY CLERK