

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
JUNE 4, 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. 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 Roger Bray of Central Christian Church.

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 Agenda Clarification and Regular City Council meeting of April 16, 2009; the Agenda Clarification and Regular City Council meeting of May 7, 2009; the Study Session of May 14, 2009, the Council Budget Development meeting of May 14, 2009; and the Council Budget Development meeting of May 21, 2009.

-PAYROLL AND MATERIAL CLAIMS (b) Payroll and material claims for the month of May 2009, in the amount of \$6,273,655.70.

-PARKS AND RECREATION ADVISORY BOARD REAPPONTMENT (c) Confirm the Mayor's reappointment of Margaret Barrett to continue her service as a member of the Parks and Recreation Advisory Board, representing the Fort Hall Replica Commission. Ms. Barrett's term will begin June 8, 2009, and will expire June 8, 2011.

A motion was made by Mr. Moore, seconded by Mr. Richway, to approve the items on the consent agenda. 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 communications or proclamations.
PROCLAMATIONS

AGENDA ITEM NO. 5: Mayor Chase reminded the Council of the June
CALENDAR REVIEW 11th Study Session at 9:00 AM; the June 18th
Regular Council meeting at 6:00 PM; and the
July 2nd Regular Council meeting at 6:00 PM.

Mayor Chase announced that the Park and Recreation Heart and Sole Fun Run would take place on June 6th; the intersection of Memorial Drive and Martin Luther King Jr. Drive would be closed for repairs through Monday, June 8th; post-Memorial Day cleanup would begin June 8th at the cemeteries and individuals were encouraged to remove items from the cemeteries before that date; the Idaho State High School Rodeo Finals would take place June 15 through June 20 at the Bannock County Fairgrounds; and that the dust and debris containment and covered load education campaign continued through the month of June.

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 the Council to
PUBLIC HEARING hear public comments on the reallocations
-REALLOCATIONS IN recommended by the Community Development
THE 2008/2009 CDBG Block Grant (CDBG) Advisory Committee at
ACTION PLAN their meeting of May 19, 2009. The
RENEWAL reallocation includes adding funding to the
Sidewalk Repair Program within the 2008/2009

CDBG Action Plan that commenced on April, 1, 2008, and ended March 31, 2009. As part of the ARRA Federal Stimulus Package, the City will receive an additional \$134,733.00 in CDBG for Recovery (CDBG-R) funds that are to be allocated and used as part of the 2008/2009 Action Plan. Following the public hearing the Council may wish to endorse the 2008/2009 Action Plan reallocation and authorize forwarding the changes to the United States Department of Housing and Urban Development (HUD) and authorize the Mayor's signature on all requisite contract documents with HUD and any sub recipients or sub contractors of these funds, subject to Legal Department review.

Mayor Chase opened the public hearing.

Melanie Gygli, Grants Administrator, stated that the public hearing is the last step of the grant application process and reviewed what the CDBG-R funds would be used for. Ms. Gygli noted that projects needed to be "shovel ready" in order to qualify for funds and she reviewed the application and recommendations from the CDBG Advisory Committee. Staff anticipates the funding will also permit additional sidewalks, in the proposed area, to be updated.

Mayor Chase announced that no written correspondences were received.

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

A motion was made by Mr. Richway, seconded by Mr. Frasure, to approve and endorse, subject to Legal Department approval, the 2008/2009 Action Plan reallocation in the amount of \$134,733.00 and authorize forwarding the changes to HUD; authorize the Mayor's signature on all requisite contract documents with HUD and any sub recipients or sub contractors of these funds. Upon roll call, those voting in favor were Richway, Frasure, Bray, Moore, Nye, and Underwood.

AGENDA ITEMS NO. 8: Council was asked to consider the following BIDS bids recommended by staff:

-NEIGHBORHOOD AND (a) Neighborhood and Community Services staff COMMUNITY SERVICES recommended awarding the bid for the South Second Sidewalk Project to low Bidder Mickelson Construction, In., whose bid was \$73,588.90, subject to CDBG-R and ARRA Grant regulations and the 2008/2009 Action Plan reallocations being approved.

A motion was made by Mr. Richway, seconded by Mr. Moore, to approve a bid from Mickelson Construction, Inc. in the amount of \$73,588.90 for the South Second Sidewalk Project, subject to CDBG-R and ARRA Grant regulations and the 2008/2009 Action Plan reallocations being approved. Upon roll call, those voting in favor were Richway, Moore, Bray, Frasure, Nye, and Underwood.

-AIRPORT (b) Airport staff recommended awarding the base bid with ten alternates for the Airport Terminal Remodel Project to low bidder Stock Construction, whose bid was \$3,194,857.00, subject to Federal Aviation Administration (FAA) acceptance. This is a federally funded project and is contingent upon multiple grants from the FAA with a mix of 95% federally funded grants with Airport match of 5% and an ARRA Grant which is 100% federally funded.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve, subject to Legal Department approval, a base bid, with ten alternates, to low bidder Stock Construction in the amount of \$3,194,857.00, for the Airport Terminal Remodel Project, subject to FAA acceptance. Upon roll call, those voting in favor were Bray, Frasure, Moore, Nye, Richway, and Underwood.

AGENDA ITEM NO. 9: Council was asked to consider a request from
-BREEZY POINTE Brandon Ratliff, (mailing address: 1879
DIVISION #2 Whitewater, Pocatello ID 83204), represented
FINAL PLAT by Rocky Mountain Engineering and Surveying
(mailing address: 2043 East Center,
Pocatello ID 83201), to approve the Final Plat for Breezy Pointe
Division #2. The subdivision is located on the southeast corner of
Quinn Road and Philbin Road and subdivides approximately 4.54 acres
into 13 residential lots.

Matthew Lewis, Planning Manager, reviewed the request and stated that a different subdivision layout was previously proposed for this area. He noted that the applicant was not able to construct that subdivision as it was proposed because of the expense involved in moving a utility pole on West Quinn Road. Mr. Lewis stated that staff recommended approval of the plat with the following conditions: 1) all conditions and recommendations submitted in a memorandum from Merrill Quayle, Development Services Engineering Manger, dated May 27, 2009, shall be adhered to; and 2) all other standards or conditions of Municipal Code not herein stated but applicable to residential development shall apply.

A motion was made by Mr. Richway, seconded by Mrs. Nye, to approve the Final Plat for Breezy Pointe Division #2 located on the southeast corner of Quinn Road and Philbin Road subject to staff conditions and that the Decision be set out in appropriate Council Decision format. Upon roll call, those voting in favor were Richway, Nye, Bray, Frasure, Moore, and Underwood.

AGENDA ITEM NO. 10: Council was asked to consider a request from
"COUNCIL SELECT" the Biggest Show in Idaho, to use "Council
FUNDING REQUEST Select" funds in the amount of \$841.97 for
-BIGGEST SHOW sanitation services associated with the
IN IDAHO event planned for July 4th at the Bannock
County Fairgrounds. As of May 29, 2009,
\$1,300.93 remained in the "Council Select" line item.

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve the request to use "Council Select" funds in the amount of \$250.00 for sanitation services associated with the Biggest Show in Idaho event. Upon roll call, those voting in favor were Moore, Bray, Frasure, Nye, Richway, and Underwood.

AGENDA ITEM NO. 11: Council was asked to consider a request from
FEE WAIVER REQUEST Cory Lamb (mailing address: 2026 South
-LAMB Grant, Pocatello ID 83204), to waive the
1777 SOUTH GRANT fees associated with Local Improvement
District (LID) No. 110 for property located
at 1777 South Grant. Mr. Lamb wishes to connect to the sewer
without paying the fees required under the Local Improvement

District. Staff recommended denial of the request.

Merill Quayle, Development Services Engineering Manager, reviewed Mr. Lamb's request to waive fees in the amount of \$3,022.84 for LID No. 110 and summarized the documents that created the LID. Mr. Quayle noted that Mr. Lamb has paid all of the other fees for the 1777 South Grant location and is only asking for the LID fees to be waived.

Cory Lamb, 2026 South Grant, stated that he is planning to construct a house for his son on the property located at 1777 South Grant. Mr. Lamb clarified that he has not paid the permit fees for the property. He stated the he would like to be charged the same amount as if a developer was building the home. Mr. Lamb gave a brief history on placement of the original sewer line and stated that he was approached by the City at that time about putting an easement on his property. Mr. Lamb later agreed to donate property to the City for the easement.

In response to questions from Council, Mr. Lamb gave an estimate of the size of the property donated for the easement.

In response to questions from Council, Mr. Quayle stated that it is common practice to waive fees for city services in exchange for easements. However, he could not recall an instance where this was done near the 1777 South Grant. Mr. Quayle did note that if the same circumstances happened today, and it benefited the City, the City may choose to waive the fees in exchange for an easement. He clarified that a developer would have to pay the LID fees.

Discussion continued regarding capacity fees, LID fees, and properties located inside and outside of LID boundaries.

Mayor Chase stated that based on the new information, Council could consider taking the value of the gift that Mr. Lamb donated to the

City and apply it to the LID with the option that Mr. Lamb would have five years to pay-off the remainder of LID.

Mr. Moore stated that Council is hesitant to approve theses types of requests. However, because the Lambs donated the land for an easement, he feels this qualifies as a special circumstance.

A motion was made by Mr. Moore, seconded by Mr. Frasure, to waive the fees associated with LID NO. 110, for 1777 South Grant, as the Lambs gave an easement to the City, subject to Legal Department and staff approval, and that staff verify if any compensation was received by Mr. Lamb for the easement.

In response to a question from Mayor Chase, Mr. Lamb stated that he

could not recall receiving any compensation for the easement.

Mayor Chase clarified why the initial LID No. 110 was created and the issues that were corrected as a result of the LID.

Teri Lamb, 2026 South Grant, stated that Mr. Lamb has also donated one-third of an acre of his property to the Portneuf Greenway.

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

AGENDA ITEM NO. 12: Council was asked to authorize the
MAINTENANCE acceptance of bids and execution of a
AGREEMENT Maintenance Agreement between the low
-CHEYENNE BRIDGE responsive bidder and the City of Pocatello
to perform maintenance on the existing
bridge on Cheyenne Avenue at the Portneuf River. Staff will
determine scope of work, obtain required permits, arrange for
traffic control, and other related work as needed. Total project
cost will not exceed \$100,000.00. All actions will be subject to
Legal Department approval.

Deirdre Castillo, Senior Engineer, gave a brief review of staff's concerns with Cheyenne Bridge and the planned maintenance of the bridge. Ms. Castillo noted that all of the environmental regulations will be followed as the maintenance is completed. She stated that quotes for the bridge maintenance are due June 11, 2009.

Mayor Chase stated that ultimately the bridge will be removed when the Cheyenne Connector is completed. However, he reminded citizens of the load restrictions and warned that large trucks should not drive over the bridge.

Mr. Frasure noted that a State of Idaho consultant inspects City bridges and advised City staff to make necessary repairs to the bridge.

Mayor Chase reiterated that the bridge will have very limited use over the next three to four years until the Cheyenne Connector is completed. However, State representatives strongly recommended that maintenance to the bridge be completed as soon as possible.

A motion was made by Mr. Underwood, seconded by Mr. Richway, to authorize the acceptance of bids and execution of a Maintenance Agreement, subject to Legal Department approval, between the low responsive bidder and the City of Pocatello to perform maintenance on the existing bridge on Cheyenne Avenue at the Portneuf River in

an amount not to exceed \$100,000.00. Upon roll call, those voting in favor were Underwood, Richway, Bray, Frasure, Moore, and Nye.

AGENDA ITEM NO. 13: Council was asked to consider a Use
USE AGREEMENT Agreement with Marshall Key, d/b/a 208
-208 LACROSSE Lacrosse, for use of Constitution Park on
June 16, through 19, 2009, for a lacross
camp. The camp is planned for 9:00 AM to 2:00 PM each day. Mr.
Key will be required to pay the applicable fee, be responsible for
any damages, and provide liability insurance, naming the City as an
additional insured. If Council approves the Use Agreement it
should be subject to Legal Department approval.

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve a
Use Agreement with Marshall Key, d/b/a 208 Lacrosse, for use of
Constitution Park on June 16, through 19, 2009, for a lacross camp.
Upon roll call, those voting in favor were Moore, Bray, Frasure,
Nye, Richway, and Underwood.

AGENDA ITEM NO. 14: Council was asked to consider approving a
CONCESSION LICENSE Concession License Agreement between the
AGREEMENT-SNOWED INN City of Pocatello and Snowed Inn, LLC
(mailing address: 614 North 10th Avenue,
Pocatello ID 83201), to provide concessions at OK Ward Park during
City of Pocatello Junior Olympic Softball regular season league
games for the Summer of 2009. If the Council approves the
Concession Service Agreement it should be subject to Legal
Department approval.

A motion was made by Mr. Frasure, seconded by Mrs. Nye, to approve
a Concession License Agreement, subject to Legal Department
approval, with Snowed Inn, LLC for the Summer of 2009. Upon roll
call, those voting in favor were Frasure, Nye, Bray, Moore,
Richway, and Underwood.

AGENDA ITEM NO. 15: Council was asked to approve, subject to
ELECTION CONTRACT Legal Department approval, a contract with
-BANNOCK COUNTY Bannock County whereby Bannock County will
conduct for the City the November 3, 2009,
General Election and if necessary the December 1, 2009, Runoff
Election.

A motion was made by Mr. Moore, seconded by Mr. Frasure, to
approve, subject to Legal Department approval, a contract with
Bannock County to conduct the City November 3, 2009, General
Election and if necessary the December 1, 2009, Runoff Election.
Upon roll call, those voting in favor were Moore, Frasure, Bray,
Nye, Richway, and Underwood.

AGENDA ITEM NO. 16: Council was asked to consider the following ORDINANCES

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

Dean Tranmer read the ordinance by title.

Mayor Chase declared the second reading of the ordinance.

-VACATE ALLEYWAY (b) An ordinance vacating the public alleyway BLOCK 4 INGLENOOK running east to west in Block 4 of the ADDITION Inglenook Addition, retaining a twenty foot wide easement for public and private utilities therein, and conveying said public alleyway to the adjoining property owner(s).

A motion was made by Mr. Bray, seconded by Mr. Moore, that the ordinance, Agenda Item 16(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.

Mayor Chase declared the final reading of the ordinance vacating the public alleyway running east to west in Block 4 of the Inglenook Addition, retaining a twenty foot wide easement for public and private utilities therein, and conveying said public alleyway to the adjoining property owner(s). 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 2866 and be submitted to the Idaho State Journal for publication.

-SPEED LIMIT (c) An ordinance revising Pocatello Municipal REVISIONS FOR Code Section 10.16.030, Areas Twenty Miles SCHOOL ZONES AND Per Hour, and enacting Section 10.16.035, ROSS PARK Areas Twenty Miles per Hour/Non-School Zones, to establish a differentiation between school zones and non-school zones.

A motion was made by Mr. Moore, seconded by Mr. Bray, that the ordinance, Agenda Item 16(c), 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 Moore, Bray, Frasure, Nye, Richway, and Underwood.

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

Mayor Chase declared the final reading of the ordinance revising Pocatello Municipal Code Section 10.16.030, Areas Twenty Miles Per Hour, and enacting Section 10.16.035, Areas Twenty Miles Per Hour/Non-School Zones, to establish a differentiation between school zones and non-school zones. 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 2867 and be submitted to the Idaho State Journal for publication.

There being no further business, Mayor Chase adjourned the meeting at 6:47 PM.

APPROVED BY:

ROGER W. CHASE, MAYOR

ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

RUTH E. WHITWORTH, CMC, DEPUTY CLERK