

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
JULY 2, 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 Ron Frasure, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood. Council member Roger Bray was excused. No motions, resolutions, orders, or ordinances were proposed. No vote was taken.

REGULAR CITY COUNCIL MEETING

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

Mayor Chase led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was given by Pastor Ty Orr of INVOCATION Calvary Chapel.

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 May 21, 2009; the Clarification and Regular City Council meeting of June 4, 2009; and Study Session of June 11, 2009.

-PAYROLL AND MATERIAL CLAIMS (b) Payroll and material claims for the month of June, 2009, in the amount of \$4,596,961.65.

-HISTORIC PRESERVATION COMMISSION APPOINTMENT (c) Confirm the Mayor's appointment of Camille Schmidt to serve as a member of the Historic Preservation Commission, fulfilling a long-term vacancy. Ms. Schmidt's term will begin July 3, 2009, and will expire July 3, 2012.

-OPEN SPACE ADVISORY COMMITTEE REAPPOINTMENT (d) Confirm the Mayor's reappointment of Jessica McAleese to continue her service as a member of the Open Space Advisory Committee. Ms. McAleese's term will begin July 6, 2009, and will expire July 6, 2012.

-POCATELLO ARTS COUNCIL REAPPOINTMENTS (e) Confirm the Mayor's reappointment of Sheryl Perrine and Kim Hirning to continue their service as members of the Pocatello Arts Council. Ms. Perrine's term will begin July 6, 2009, and will expire July 6, 2012, and Ms. Hirning's term will begin July 7, 2009, and will expire July 7, 2012.

-MUTUAL AID AGREEMENT-DISASTERS AND EMERGENCIES (f) Authorization to continue a Mutual Aid Agreement between the City of Pocatello, City of Chubbuck, and Bannock County in regards to Disasters and Emergencies. The City of Pocatello has previously entered into a similar Agreement and this Agreement is merely to update the signatures.

-MOU JURISDICTIONAL AND INFORMATION ISSUES (g) Authorization to continue an Memorandum of Understanding (MOU) Agreement between the City of Pocatello, City of Chubbuck, Bannock County Prosecutor, and Bannock County. The City of Pocatello has previously entered into a similar MOU and this MOU is merely to update the signatures.

-MOU POCATELLO FOOTHILLS OFF-HIGHWAY VEHICLE ENFORCEMENT (h) Authorization to continue an Agreement between the City of Pocatello, Bannock County, the State of Idaho, and the Federal Government in regards to off-road vehicle enforcement in the Pocatello foothills. The City of Pocatello has previously entered into a similar Memorandum of Understanding (MOU) and the MOU is merely to update the signatures.

-COUNCIL DECISION NEW LIFE PRESCHOOL APPEAL (i) Adopt the Council's Decision overturning the denial of a conditional use permit by the Hearing Examiner and approving the conditional use permit to allow more than twelve children at the New Life Preschool, which is ran by Julie Taylor, at 1475 Satterfield Drive, subject to conditions.

-TAXICAB LICENSE APPLICATION DENIAL-HEMANES (j) Accept the recommendation of the Chief of Police and deny the Taxicab License Application of William Hemanes.

A motion was made by Mr. Richway, seconded by Mr. Moore, to approve Consent agenda items 3(a) through 3(h) and 3(i) with the amendments recommended by the Legal Department. Upon roll call, those voting in favor were Richway, Moore, Frasure, Nye, and Underwood.

Agenda Item No. 3(j) asking Council to accept the recommendation of the Chief of Police and deny the Taxicab License Application of William Hermanes was considered at this time.

Paul Manning, Lieutenant Police Support Division, stated that Mr. Hermanes' application, that was received in April, noted only one criminal offense on the application. Upon review of Mr. Hermanes' criminal history, Police staff found other offenses that were not listed. Mr. Manning reviewed the offenses and stated that the Police Department has concerns with the applicant as he did not disclose the other offenses.

William Russell Hermanes, 1120 McKinley Avenue, reviewed the charges that were brought up by Mr. Manning and explained his position. Mr. Hermanes stated that he has documents from a judge that shows his marijuana offense was a misdemeanor and not a felony. Mr. Hermanes explained that he has a CDL and can drive many other vehicles and also has a clean driving record.

In response to questions from Council, Mr. Hermanes stated that he has not had any criminal offenses for the past 10 years and he had forgotten about the charges because it was such a long time ago. He also assured the Council that he could pass a drug screening test.

A motion was made by Mr. Frasure, seconded by Mr. Moore, to approve the Taxicab License Application of William Hermanes.

Mr. Underwood stated that he is going to vote in opposition to the motion because past criminal information was not identified on the application.

Mr. Moore did not disagree with Mr. Underwood. However, it has been 24 years since the charges and he feels it would be difficult for an individual to remember all of the charges. Mr. Moore also noted that it has been a long period of time since the last offenses occurred.

Mrs. Nye asked Mr. Hermanes if he was currently driving a taxi cab without a license.

Mr. Hermanes admitted that he was still driving a taxi cab while he appealed the denied license because the taxi cab job was his only income.

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

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
CALENDAR REVIEW July 9th Study Session at 9:00 AM and the
July 16th Regular Council meeting at 6:00 PM.

Mayor Chase announced that the Police Department will issue citations for use of illegal fireworks and reminded citizens to please be careful with fireworks; that City offices would be closed on Friday, July 3rd, however, trash collection would remain the same; the Animal Shelter would be open on Friday, July 3rd but closed on Saturday for the 4th of July Holiday; the annual 4th of July Parade would begin at 10:00 AM; that the Biggest Show in Idaho Fireworks display will be held at Bannock County Fairgrounds; and a Beary Happy Birthday Party for Charlie the Bear's 34th Birthday will be held on July 11th at the Zoo.

Mayor Chase reminded citizens that the Dust and Debris Containment and Covered Load education program ended June 30th. He noted that Police Officers will now issue citations if individuals are not in compliance with the new ordinance.

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 authorize the Mayor to
SOUTH VALLEY enter into a Drainage Easement between the
WATER TANK City and Thomas C. Katsilometes to procure
DRAINAGE EASEMENT an easement on Mr. Katsilometes' land for
the purpose of providing a drainage area and
water retention area for overflow from the South Valley Water Tank.
Under the agreement the City will pay the Grantor the sum of
\$5,227.50 for the easement.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve, subject to Legal Department approval, entering into a Drainage Easement with Thomas C. Katsilometes to procure an easement on Mr. Katsilometes' land for the purpose of providing a drainage and water retention area for overflow from the South Valley Water Tank. Upon roll call, those voting in favor were Moore, Nye, Frasure, Richway, and Underwood.

AGENDA ITEM NO. 8: Council was asked to authorize the execution
AGREEMENT-GOULD of an Agreement between the State of Idaho
STREET BRIDGE PROJECT and the City of Pocatello for the Gould
Street Bridge Project. This federal aid
project includes the repair of the bridge deck, joint seals, and
associated concrete work. The project will be funded by the
American Recovery and Reinvestment Act (ARRA Stimulus Funds). It
is anticipated that the project will go out to bid fall of 2009.

Nick McAteer, Engineering Department Intern, stated that in 2008 the Idaho Transportation Dept did a maintenance check on the Gould Street Bridge. He noted that portions of the bridge expansion joints need to be replaced and the ARRA funds would allow the repairs to be made.

A motion was made by Mr. Frasure, seconded by Mr. Richway, to approve an Agreement, subject to Legal Department approval, with the State of Idaho to use ARRA Stimulus Funds for the Gould Street Bridge Project. Upon roll call, those voting in favor were Frasure, Richway, Moore, Nye, and Underwood.

AGENDA ITEM NO. 9: Council was asked to authorize execution of AGREEMENT-CUSTER an Agreement between the State of Idaho and STREET BRIDGE PROJECT the City of Pocatello for the Custer Street Bridge project. This federal aid project includes replacing the concrete deck and rehabilitating steel structural support members. Construction costs are funded through the American Recovery and Reinvestment Act (ARRA Stimulus Funds). The State will advertise the project for public bid this summer and construction will begin soon thereafter.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve an Agreement, subject to Legal Department approval, with the State of Idaho to use ARRA Stimulus Funds for the Custer Street Bridge project. Upon roll call, those voting in favor were Moore, Nye, Frasure, Richway, and Underwood.

AGENDA ITEM NO. 10: Council was asked to authorize execution of AGREEMENT an Agreement between the State of Idaho and -INTERSECTION OF the City of Pocatello for the Intersection of ALAMEDA ROAD AND JEFFERSON STREET of Alameda Road and Jefferson Street. This federal aid project initially includes a traffic study which will determine the best course of action needed to improve traffic flow at this intersection, followed by construction in future years. Preliminary engineering will begin fall of 2009.

A motion was made by Mr. Richway, seconded by Mr. Frasure, to approve an Agreement, subject to Legal Department approval, with the State of Idaho for the intersection of Alameda Road and Jefferson Street traffic study. Upon roll call, those voting in favor were Richway, Frasure, Moore, Nye, and Underwood.

AGENDA ITEM NO. 11: Council was asked to adopt the following IDAHO DEPARTMENT OF TRANSPORTATION resolutions authorizing the Mayor to enter RESOLUTIONS FOR into State/Local Agreements with the Idaho AGREEMENTS Transportation Department.

A motion was made by Mr. Moore, seconded by Mr. Richway, to adopt resolutions authorizing the Mayor to enter into State/Local Agreement with the Idaho Transportation Department for projects as follows: 1) Gould Street Bridge Construction, Resolution (#2009-06); 2) Custer Street Bridge Construction, Resolution (#2009-07); and 3) Jefferson and Alameda Intersection Project, Resolution (#2009-08). Upon roll call, those voting in favor were, Moore, Richway, Frasure, Nye, and Underwood.

AGENDA ITEM NO. 12: Council was asked to consider a request from "COUNCIL SELECT" Aid For Friends, Inc., to use "Council FUNDING REQUEST Select" funds for the following items -AID FOR FRIENDS associated with the August 15, 2009 event: 1) an amount not to exceed \$97.50 be used to pay sanitation fees; and 2) an amount not to exceed \$190.00 be used for table moving and rental fees for 10 tables. The total amount requested was \$287.50. As of June 26, 2009, \$1,050.93 remained in the "Council Select" line item.

A motion was made by Mr. Underwood, seconded by Mr. Moore, to approve the use of "Council Select" funds in an amount up to \$250.00 for expenses associated with the August 15th Aid for Friends, Inc. event. Upon roll call, those voting in favor were Underwood, Moore, Frasure, Nye, and Richway.

AGENDA ITEM NO. 13: Council was asked to consider a request from BEER PERMIT REQUEST the Pocatello American Legion Baseball -AMERICAN LEGION program to obtain a beer permit at Halliwell BASEBALL Park for their Alumni game of July 10, 2009. City Code 12.36.060 does not allow for the issuance of such a beer permit at Halliwell Park without prior approval from the City Council. Since beer would be sold at the event, the program will also need to obtain a separate permit for such sale through the State.

Council discussed security for the event and concluded that no security would be needed as there have not been any issues in the past at the event.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the request to allow the sale of beer at Halliwell Park for a Pocatello American Legion Baseball Alumni game on July 10, 2009, with the condition that a separate permit be obtained through the State of Idaho. Upon roll call, those voting in favor were Moore, Nye, Frasure, Richway, and Underwood.

AGENDA ITEM NO. 14: Council was asked to consider a request from CONCESSION SALES Stacci LaChe's Ice Cream, LLC; and Sandy -CITY STREETS Palmer's Goody-Go-Round allowing them to conduct concession sales on city streets. Since the concession sales will be conducted in public places not

identified in the City Codes as areas where such sales are allowed, City Council approval is required. Both have filed vendor applications with the City, received approval from the District Health Department and have obtained the required liability insurance. If approved, the applicable fee will be \$100.00 per month for July through October.

A motion was made by Mr. Underwood, seconded by Mr. Moore, to approve the request from Stacci LaChe's Ice Cream, LLC and Sandy Palmer's Goody-Go-Round; to allow concession sales on city streets. Upon roll call, those voting in favor were Underwood, Moore, Frasure, Nye, and Richway.

AGENDA ITEM NO. 15: Mayor Chase announced that the request by US BANCORP GRANT the Zoological Society for permission to -ZOOLOGICAL SOCIETY apply for a grant from US Bancorp had been pulled from the agenda as authorization from the Council was not necessary.

AGENDA ITEM NO. 16: Council was asked to approve a 10-year LEASE-POCATELLO extension to the current lease with the FIELD ARCHERS Pocatello Field Archers for approximately 49 acres at the Pocatello Creek Landfill. The terms of the lease will remain the same; with an additional 1.39 acres for an extra parking area.

A motion was made by Mr. Moore, seconded by Mr. Richway, to approve a 10-year extension of the current lease to the Pocatello Field Archers for approximately 49 acres at the Pocatello Creek Landfill and to include land for additional parking. Upon roll call, those voting in favor were Moore, Richway, Frasure, Nye, and Underwood.

AGENDA ITEM NO. 17: Council was asked to consider approving City AGREEMENT-WORKFORCE participation in the Idaho Department of INVESTMENT ACT Labor Summer Youth Employment Program. This program gives employment opportunities for youth who meet low income and barrier group eligibility guidelines established under the Workforce Investment Act (WIA). Costs associated with the WIA Summer Youth Employment Program, including wages, FICA and workers compensation, will be paid for by the Idaho Department of Labor. The City is expected to provide adequate supervision and work instruction, track attendance and evaluate performance.

A motion was made by Mr. Richway, seconded by Mrs. Nye, to approve, subject to Legal Department approval, the WIA Summer Youth Employment Program with the Idaho Department of Labor.

In response to questions from Council, Mayor Chase stated that the youth who participate in the program will most likely be involved

in clerical or Parks and Recreation locations helping to pull weeds and other manual labor type positions.

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

AGENDA ITEM NO. 18: This time was set aside for the Council to
PUBLIC HEARING hear public comments on proposed amendments
-PROPOSED FISCAL to the Fiscal Year 2009 Budget.
YEAR 2009 BUDGET
AMENDMENTS

Mayor Chase opened the public hearing.

David Swindell, Chief Financial Officer, stated that this agenda item was an opportunity for the Council to hear comments on the proposed budget amendments. Mr. Swindell stated that an ordinance outlining the proposed appropriations amendments had been prepared for the Council to consider following the public hearing. Mr. Swindell reviewed the grants that have been received and changes in tax revenues. He added that property taxes are not affected by the amendments. Mr. Swindell noted that 29 separate amendments are being considered and outlined some of the amendments in detail.

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

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

Mr. Underwood stated that the Finance Department is so detailed and on top of the financial condition of the City that citizens can rest assured of the figures. He and the other Council members commended the Finance Department for their great work.

Mayor Chase agreed that the Finance Department does an excellent job. He also stated that various City Departments have applied for and received numerous federal grants over the Fiscal Year. He added that when the Fiscal Year is over there will be close to \$40 million in Federal Funds that the City will have secured to complete local projects and help put citizens to work.

AGENDA ITEM NO. 19: Council was asked to consider the following
ORDINANCES ordinances:

-FISCAL YEAR 2009 (a) An ordinance amending the Fiscal Year 2009
BUDGET AMENDMENTS Appropriations Ordinance increasing the
total Fiscal Year expenditures by

\$8,642,644.00.

A motion was made by Mr. Moore, seconded by Mr. Richway, that the ordinance, Agenda Item 19(a), be read only by title and placed on final passage for publication, and that the entire ordinance be submitted for publication. Upon roll call, those voting in favor were Moore, Richway, Frasure, Nye, and Underwood.

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

Mayor Chase declared the final reading of the ordinance amending the Fiscal Year 2009 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$8,642,644.00. Mayor Chase asked "Shall the ordinance pass?" Upon roll call, those voting in favor were Frasure, Moore, Nye, Richway, and Underwood. Mayor Chase declared the ordinance and summary sheet passed, that it be numbered 2869 and be submitted to the Idaho State Journal for publication.

-ACQUISITION OF (b) An ordinance authorizing the City's
216 WEST YOUNG acquisition of a parcel of real property
commonly known as 216 West Young as part of
the Neighborhood Stabilization Program, which acquisition shall be
paid through the Neighborhood Stabilization Program. The property
shall be rehabilitated and sold to a qualifying household through
said program, as provided under Idaho Code Section 50-1402(3).

A motion was made by Mr. Frasure, seconded by Mr. Moore, that the ordinance, Agenda Item 19(b), be read only by title and placed on final passage for publication, and that only the summary sheet be submitted for publication. Upon roll call, those voting in favor were Frasure, Moore, Nye, Richway, and Underwood.

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

Mayor Chase declared the final reading of the ordinance authorizing the City's acquisition of a parcel of real property commonly known as 216 West Young as part of the Neighborhood Stabilization Program. Mayor Chase asked "Shall the ordinance pass?" Upon roll call, those voting in favor were Frasure, Moore, Nye, Richway, and Underwood. Mayor Chase declared the ordinance and summary sheet passed, that it be numbered 2870 and be submitted to the Idaho State Journal for publication.

Mayor Chase reminded citizens to be careful with fireworks because there are already areas of dry vegetation around the city. The Mayor wished all a safe 4th of July holiday.

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

REGULAR CITY COUNCIL MEETING
JULY 2, 2009

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APPROVED BY:

ROGER W. CHASE, MAYOR

ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

RUTH E. WHITWORTH, CMC, DEPUTY CLERK