

A G E N D A

CITY OF POCA TELLO

REGULAR CITY COUNCIL MEETING

JULY 1, 2010 - 6:00 PM

COUNCIL CHAMBERS  
911 NORTH 7<sup>TH</sup> AVENUE

Any citizen who wishes to address the Council shall first be recognized by the Mayor, and shall then give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Council, he/she shall first seek permission from the Mayor. A three (3) minute time limitation is requested for Council presentations.

---

City Hall and the City Council Chambers are accessible to persons with disabilities. Interpreters for persons with hearing impairments and/or taped information for persons with visual impairments can be provided upon three day notice. For accessibility arrangements, please contact Dave Hunt, ADA Coordinator, at Voice Phone: 208-232-5057; TTY: 208-232-5071; Fax: 208-233-5149; E-mail: [dhunt@pocatello.us](mailto:dhunt@pocatello.us); Mailing Address: P.O. Box 4169, Pocatello, Idaho 83205-4169; Physical Address: 215 West Bonneville, Pocatello, Idaho.

---

The purpose of the agenda is to assist the Council and interested citizens in the conduct of this public meeting. Citizens should examine the agenda for the item of their interest. If the matter the citizen wishes to discuss is not listed on the formal agenda, an opportunity to be heard by the Council is the agenda item described as "DISCUSSION ITEMS." Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker. You must sign in at the start of the meeting.

---

AGENDA CLARIFICATION MEETING: A meeting will be held at 5:30 PM in the Paradise Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

---

RECESS: In the event the meeting is still in progress at 7:30 PM, the Mayor may call a ten-minute recess to allow Council members and participants a brief rest period.

---

AGENDA ITEM NO.            1:    ROLL CALL AND PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO.            2:    INVOCATION: The invocation will be offered by Pastor Race Robinson, Christ's Love Vineyard.

AGENDA ITEM NO. 3: CONSENT AGENDA: The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item.

- (a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the Council meeting for budget development of May 6, 2010; the Agenda Clarification and Regular Council meeting of May 20, 2010; the Agenda Clarification and Regular Council meeting of June 3, 2010; the Study Session of June 10, 2010; the Council meeting for budget development of June 10, 2010; and the Joint Cities/County meeting of June 14, 2010.
- (b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of June.
- (c) HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the appointment of Jennifer Call to serve as a member of the Human Relations Advisory Committee, replacing Dr. Winslow Hunt whose term expired. Ms. Call's term will begin July 2, 2010, and will expire July 2, 2014.
- (d) LIBRARY BOARD OF TRUSTEES REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of David Martinez to continue his service as a member of the Library Board of Trustees. Mr. Martinez's term will begin July 1, 2010, and will expire July 1, 2015.
- (e) OPEN SPACE ADVISORY COMMITTEE REAPPOINTMENTS: Council may wish to confirm the Mayor's reappointments of Judy Harmon, Priscilla Hearst, Lisa Safford and Nathan Hobbs to continue their service as members of the Open Space Advisory Committee. The terms for Ms. Harmon, Ms. Hearst and Ms. Safford will begin July 6, 2010, and will expire July 6, 2013. Mr. Hobbs' term will begin July 20, 2010, and expire July 20, 2013.
- (f) POCATELLO ARTS COUNCIL REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of John Gribas to continue his service as a member of the Pocatello Arts Council. Mr. Gribas' term will begin July 2, 2010, and will expire July 2, 2013.
- (g) POCATELLO YOUTH FORUM APPOINTMENT: Council may wish to confirm the Mayor's appointment of Adri Abou-Bakr to serve as a member of the Pocatello Youth Forum. Her term will begin July 2, 2010, and will expire in June of the year she graduates from high school.

- (h) COUNCIL DECISION-DEMOLITION 2124 ADA STREET: Council may wish to adopt its decision to issue a demolition permit to David Lankford for a residence he owns at 2124 Ada Street, subject to conditions. If Mr. Lankford does not submit a demolition plan which is approved by the City Building Official and the Legal Department by August 2, 2010, the Building Official may proceed with utilizing property abatement funds to complete the demolition of the residence.
- (i) INTERNSHIP AGREEMENT-ZOO: Council may wish to consider an Internship Agreement for Rayna Krevitsky to work as an intern at the Pocatello Zoo. Ms. Krevitsky's agreement will run from July 1, 2010, through September 23, 2010.

AGENDA ITEM NO. 4: INSTALLATION OF STEVEN L. BROWN: This time has been set aside for Steven L. Brown, City Council member Seat #2 appointee, to take the oath of office.

AGENDA ITEM NO. 5: COMMUNICATIONS AND PROCLAMATIONS:

AGENDA ITEM NO. 6: CALENDAR REVIEW: Council may wish to take this opportunity to inform other Council members of upcoming meetings and events that should be called to their attention.

AGENDA ITEM NO. 7: DISCUSSION ITEMS: This time has been set aside to hear discussion items not listed on the agenda. Items which appear somewhere else on the agenda will not be discussed at this time. The Council is not allowed to take any official action at this meeting on matters brought forward under this agenda item. Items will either be referred to the appropriate staff or scheduled on a subsequent agenda. You must sign in at the start of the meeting in order to be recognized. (Note: Total time allotted is fifteen (15) minutes, with a maximum of three (3) minutes per speaker.)

PUBLIC HEARINGS: The procedure that will be used for conducting the public hearings is at the end of the agenda.

AGENDA ITEM NO. 8: PUBLIC HEARING-ANNEXATION-HOLY SPIRIT CATHOLIC COMMUNITY: This time has been set aside to allow Council to take public comments on a request by Holy Spirit Catholic Community (mailing address: 524 North 7<sup>th</sup> Avenue, Pocatello ID 83201),

represented by Rocky Mountain Engineering and Surveying (mailing address: 2043 East Center Street, Pocatello ID 83201), to annex and zone an approximately 65.6 acre area of land extending the City limits south of Kraft Road and west of Gathe Road. The requested zoning is Residential Commercial Professional. The Planning and Zoning Commission held a public hearing on this request June 9, 2010, and recommended approval with conditions.

AGENDA ITEM NO. 9: PUBLIC HEARING-ZONING ORDINANCE UPDATE: This time has been set aside to allow Council to take public comments on proposed updates to Municipal Code Section 17.06.600, "Wind Energy Conversion Systems". The Planning and Zoning Commission held a public hearing on this item at their May 26, 2010, meeting and they recommended approval.

AGENDA ITEM NO. 10: PUBLIC HEARING-COMPREHENSIVE PLAN CHANGES CHAPTER 5 & 6: This time has been set aside to allow Council to take public comments on proposed changes to the Comprehensive Plan. The sections proposed for revision are Chapter 5, "Public Services, Facilities, and Utilities," and Chapter 6, "Natural Resources." The Planning and Zoning Commission held a public hearing on this item at their May 26, 2010, meeting and they recommended approval.

AGENDA ITEM NO. 11: PUBLIC HEARING-COMPREHENSIVE PLAN CHANGES ARTS AND CULTURE CHAPTER: This time has been set aside for Council to take public comment regarding adding an Arts and Culture Chapter to the Comprehensive Plan. The Planning and Zoning Commission held a public hearing on this item at their May 26, 2010, meeting and they recommended approval.

AGENDA ITEM NO. 12: PUBLIC HEARING-COMPREHENSIVE PLAN MAP CHANGES: This time has been set aside for Council to take public comments on proposed changes to the Comprehensive Plan Land Use Map. The map updates will make the map consistent with the recent

Zoning Map changes. The Planning and Zoning Commission held a public hearing on this item at their May 26, 2010, meeting and they recommended approval.

- AGENDA ITEM NO. 13: ROAD CLOSURE AND OPEN CONTAINER WAIVER REQUESTS: Portneuf Valley Brewing LLC (mailing address: 615 South First Avenue, Pocatello ID 83201) is requesting to close the 600 block of South 1<sup>st</sup> Avenue, and is also asking for a waiver of City ordinances regarding open containers to allow the sale of beer and wine at a September 25, 2010, fundraiser for Pebble Creek Ski Patrol. Portneuf Valley Brewing is requesting that the streets be closed from Noon until Midnight for the event. If the open container ordinance is waived it should be contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased.
- AGENDA ITEM NO. 14: ORDINANCE WAIVER REQUEST-SABEL: Ronald Sabel, (mailing address: 2601 Ada Street, Pocatello ID 83201) is requesting a waiver from Municipal Code 9.32.020 so he may shoot arrows from his driveway to a target set up inside his garage at his residence on Ada Street. Police Department recommends denial.
- AGENDA ITEM NO. 15: ORDINANCE WAIVER REQUEST-WILLIS: Brad Willis, (mailing address: 1402 South 1<sup>st</sup> Avenue, Pocatello ID 83201) is requesting a waiver from Municipal Code 6.04.190 so he may receive a permit to keep a 200 pound pot-bellied pig on a piece of property that is less than three-fourths of an acre. Animal Control recommends denial.
- AGENDA ITEM NO. 16: LIQUOR LICENSE EXCEPTION RECONSIDERATION: Council may wish to reconsider their action of April 1, 2010, denying a request from El Herradero Restaurant (mailing address: 445 North Arthur, Pocatello ID 83204) for an exception to Idaho Code 23-913 to allow a Retail Sale of Beer and Wine by the Drink License at 455 North Arthur.

- AGENDA ITEM NO. 17: CONTRACT-ZOO: Council may wish to consider a Contract with the KYD J Band whereby the Band would provide music for the Pocatello Zoo's annual fundraiser on July 10, 2010. If approved it should be subject to Legal Department approval.
- AGENDA ITEM NO. 18: MEMORANDUM OF UNDERSTANDING-ZOO: Council may wish to consider a Memorandum of Understanding with Intermountain Racing and Entertainment, LLC to hold a fund raising event at Sandy Downs on July 25, 2010. The funds raised will go toward the Zoo's Grizzly Exhibit. If approved it should be subject to Legal Department approval.
- AGENDA ITEM NO. 19: MEMORANDUM OF UNDERSTANDING-ZOO: Council may wish to consider a Memorandum of Understanding with Idaho State University and the Idaho Department of Fish and Game to promote and assist the Pocatello Zoo. If approved it should be subject to Legal Department approval.
- AGENDA ITEM NO. 20: BANNER APPROVAL-ROSS PARK: Council may wish to consider allowing the Parks and Recreation Director to decide when and where banners, related to City events, may be hung in Ross Park, more specifically across South 2<sup>nd</sup> Avenue. The decisions on placement would be in coordination with Idaho Power. Idaho Power is installing, at no cost to the City, a pole on City property that will accommodate banners across South 2<sup>nd</sup> Avenue.
- AGENDA ITEM NO. 21: POLICE CANINE OWNERSHIP TRANSFER: Council may wish to consider a request from the Police Department to allow transfer of ownership of Police Canine Spirit to his handler Detective Eric Anderson, for \$1.00. The canine is being retired from service.
- AGENDA ITEM NO. 22: PIGGY BACK BID-POLICE: Council may wish to authorize the Police Department to piggy back on a State of Idaho bid to purchase a 2010 Ford Expedition SUV for the price of \$26,989.77 from Dan Wiebold Ford, Nampa ID, subject to Legal

Department review. This was discussed at the April 8, 2010, Study Session.

PUBLIC HEARING PROCEDURE{PRIVATE }

1. Explanation of hearing procedures by Mayor or staff.
  - Ten (10) minute time limit on applicant presentation.
  - Three (3) minute time limit on public testimony.
  - Names and addresses are required from those presenting/testifying.
  - Questions/comments should be addressed to the Mayor and Council.
  - Council members must make their decision regarding the application on facts already in the record and information presented at the public hearing.
  - Protocol requires that Council and audience be recognized by the Mayor prior to speaking.
2. Mayor opens hearing.
3. Presentation by applicant.  
Note: Remember, applicant bears the responsibility for making his/her case. This is also the time for Council members to ask their questions of the applicant.
4. Presentation by staff.
5. Written correspondence submitted for the record.
6. Testimony by those supporting the application.
7. Testimony by those uncommitted on the application.
8. Testimony by opponents to the application.
9. Rebuttal by the applicant.
10. Mayor closes the hearing and initiates motion/deliberations.  
Note: The Mayor may choose to require a motion prior to the discussion in order to focus deliberations, or, the Mayor may choose to allow deliberations prior to the motion in order to facilitate wording of the motion.
11. Develop a written and reasoned statement supporting the decision.