

EXECUTIVE SESSION MEETING NOTICE

CITY COUNCIL

CITY OF POCA TELLO, IDAHO

SEPTEMBER 2, 2010 - 4:30 P.M.

PARADICE CONFERENCE ROOM

The City Council will meet in an Executive Session on Thursday, September 2, 2010, at 4:30 P.M. in the Paradise Conference Room at City Hall, in accordance with Idaho 67-2345(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

A G E N D A

CITY OF POCA TELLO

REGULAR CITY COUNCIL MEETING

SEPTEMBER 2, 2010 - 6:00 PM

COUNCIL CHAMBERS
911 NORTH 7TH 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; 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 Reverend Jacqueline Theresa Thomas, Praise Temple of God.

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 Agenda Clarification and Regular City Council meeting of July 15, 2010.
- (b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of August.
- (c) VOLUNTEER AGREEMENT-HARGRAVES: Council may wish to approve a Volunteer Agreement with Sean Hargraves. Mr. Hargraves will assist the Science and Environmental Division with environmental management issues. The period of the Agreement will be September 3, 2010, through May 31, 2011.
- (d) FILL THE BOOT CAMPAIGN DATE CHANGE: At the August 5, 2010, Regular City Council meeting the Council approved various exception requests to allow the Pocatello Firefighter Local 187 to gather funds for the Muscular Dystrophy Association through the "Fill the Boot" Fundraiser on August 20, 2010. The Firefighters had various commitments on August 20th and are asking permission to change the date to September 17th.
- (e) COUNCIL DECISIONS-PROPERTY ANNEXATION HOLY SPIRIT CATHOLIC COMMUNITY: Council may wish to adopt its decision to annex and zone 72.87 acres of property south of Kraft Road and on both sides of Gathe Drive, including

65.60 acres being developed by Holy Spirit Catholic Community, providing for an annexation agreement to include provisions for a water payment for the development.

- (f) COUNCIL DECISION-TEMPORARY EXCEPTION TO CONDITIONAL USE PERMIT CHOPPER: Council may wish to adopt its decision to grant Chopper and Sue Choppers-Wife a temporary exception to the requirement to apply for a conditional use permit to allow operation of a motorcycle repair business at their residence at 723 Rocky Point.
- (g) COUNCIL DECISION-EXCEPTION TO CONDITIONAL USE PERMIT DINGMAN: Council may wish to adopt its decision to grant Mike Dingman an exception to the requirement to apply for a conditional use permit to allow the applicant to demolish an existing residence at 445 East Halliday, and to rebuild another residence.
- (h) COUNCIL DECISION-PIG PERMIT WILLIS: Council may wish to adopt its decision waiving the minimum area requirement under Pocatello Municipal Code 06.04.190, and granting Brad Willis a permit to keep a pot-bellied pig at his property at 1402 South First Avenue.
- (i) COUNCIL DECISION-WATER CAPACITY/CONNECTION FEE WAIVER VINEYARD COURT: Council may wish to adopt its decision to waive \$2,200.00 in unpaid water capacity/connection fees incurred by the Vineyard Court Homeowners Association for the connection of an irrigation line on a common area belonging to the Association.

- AGENDA ITEM NO. 4: COMMUNICATIONS AND PROCLAMATIONS:
- AGENDA ITEM NO. 5: 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. 6: 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 for this item 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. 7: PUBLIC HEARING-OPEN SPACE PLAN: This time has been set aside for the Council to take comments from the public regarding the proposed Open Space Plan. The Planning and Zoning Commission, after a public hearing at their July 28, 2010, meeting, recommended approval.

AGENDA ITEM NO. 8: REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT-GRACE LUTHERAN CHURCH: Council may wish to consider a request from Grace Lutheran Church (mailing address: 1350 Baldy Avenue, Pocatello ID 83201) for permission to apply for a conditional use permit to use the "Ballard Building" at 1999 Alvin Ricken Drive for a church and school. The property is located in an Office Park zoning district. Municipal Code 17.03.430 does not allow for religious institutions or educational uses in this zoning district. Planning staff recommends denial.

AGENDA ITEM NO. 9: AGREEMENT-TIGER AQUATIC CLUB, INC.: Council may wish to consider a three year Agreement with Tiger Aquatics Club, Inc. which allows for use of the Community Recreation Center and the Ross Park Aquatic Center for practices and swim meets. The previous agreement, which was with Swim Team Pocatello, name was changed to Tiger Aquatics Club in 2009, expired August 30, 2010.

AGENDA ITEM NO. 10: USE AGREEMENT-ISU BASEBALL CLUB: Council may wish to consider a Use Agreement with ISU Baseball Club for use of Halliwell Field September through October, 2010, and March through May, 2011, for scheduled games and practices. The Club is responsible for field maintenance, cleaning the facility, and any damage resulting from their use.

AGENDA ITEM NO. 11: GRANT ACCEPTANCE-AIRPORT: Council may wish to accept, subject to Legal Department approval, a grant from the Federal Aviation Administration in the amount of \$343,509.55. The grant requires a 5% match.

AGENDA ITEM NO. 12: CONSULTANT AGREEMENT-AIRPORT: Council may wish to approve, subject to Legal Department approval, a Consultant Agreement with Reynolds, Smith and Hill in the amount of \$361,589.00 for the completion of an Airport Master Plan. The costs will be covered by the grant discussed in the previous agenda item.

AGENDA ITEM NO. 13: LEASE AGREEMENTS-AIRPORT: Council may wish to approve, subject to Legal Department approval, several Lease Agreements for property at the Airport. The Leases will be for a five-year term. The terminal Leases are paid on a concession basis at 10% of gross receipts. The wash pay properties are paid annually at a rate of \$828.00, which will be reviewed annually based on the CPI. The Lease Agreements are:

- (a) Avis/Budget Group - 112 square feet of terminal space as well as 12 spaces in the rental parking lot for operation of Avis Car Rental Agency;
- (b) Avis/Budget Group - 112 square feet of terminal space as well as 12 spaces in the rental car parking lot for operation of Budget Car Rental Agency;
- (c) Overland West, Inc. - 112 square feet of terminal space as well as 12 spaces in the rental car parking lot for operation of Hertz Car Rental Agency;
- (d) Avis/Budget Group - 22,500 square feet of property upon which they operate a car wash bay for Avis Car Rental Agency;
- (e) Avis/Budget Group - 22,500 square feet of property upon which they operate a car wash bay for Budget Car Rental Agency; and
- (f) Overland West, Inc. - 22,500 square feet of property upon which they operate a car wash bay for Hertz Car Rental Company.

AGENDA ITEM NO. 14: MEMORANDUM OF UNDERSTANDING-IDAHO TRANSPORTATION DEPARTMENT: Council may wish to consider a Memorandum of Understanding (MOU) with the Idaho Transportation Department. The MOU would allow the Pocatello Police Department to participate in the 2011 Traffic Enforcement Mobilization Grant and

receive reimbursement for the overtime expenses and provide funds for enforcement equipment.

AGENDA ITEM NO. 15: COLLECTIVE BARGAINING AGREEMENT-FIRE: Council may wish to approve the Collective Bargaining Agreement with the International Association of Firefighters Pocatello Firefighters Local 187 (Fire Union) for Fiscal Year 2011.

AGENDA ITEM NO. 16: ORDINANCE: The Council has the following options for reading an ordinance. If the Council makes no motion, the ordinance will be read by title on two occasions and at length on the third occasion and placed on final passage for publication.

EXAMPLE MOTIONS:

FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # __, be read only by title on three separate occasions and placed on final passage and ordered for publication, and that only the ordinance summary sheet be submitted for publication."

FOR ONE READING UNDER RULES SUSPENSION: "I move the ordinance, Agenda Item # __, be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1 or 2, the Council, by a vote of one-half plus one (4) of the full Council, must vote to direct how the ordinance is to be read.

Ordinance ready for reading.

16. An ordinance annexing and zoning 72.87 acres situated south of Kraft Road and on both sides of Gathe Drive, including 65.60 acres being developed by the Holy Spirit Catholic Church. Zoning shall be Residential Commercial Professional and Residential Medium Density Multi Family. (Full ordinance must be published and ordinance is prepared for reading under rules suspension.)

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.