

CITY OF POCA TELLO, IDAHO  
CITY COUNCIL AGENDA  
CLARIFICATION MEETING AND  
REGULAR CITY COUNCIL MEETING  
APRIL 1, 2010

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CLARIFICATION MEETING                    The City Council Agenda Clarification Meeting was called to order at 5:32 PM by Mayor Brian Blad. Council members present were Roger Bray, Craig Cooper, Ron Frasure, Gary Moore, Eva Johnson Nye, 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 Brian Blad. Council members present were Roger Bray, Craig Cooper, Ron Frasure, Gary Moore, Eva Johnson Nye, and Brian Underwood.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO.            2:    The invocation was given by Major Sam Southard from the Salvation Army.

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

-MINUTES                    (a)    Waive the oral reading of the minutes and approve the minutes from the Agenda Clarification and Regular Council meeting of March 4, 2010; the Study Session of March 11, 2010; and the Council meetings for Service Level Reports of March 11, 2010, and March 18, 2010.

-PAYROLL AND MATERIALS CLAIMS            (b)    Payroll and materials claims for the month of March 2010 in the amount of \$5,981,327.50.

-ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT            (c)    Confirm the Mayor's reappointment of Kathy Reynolds to continue her service as a member of the Animal Shelter Advisory Board. Ms. Reynolds' term will begin April 19, 2010, and will expire April 19, 2012.

-CHILD CARE ADVISORY COMMITTEE APPOINTMENT                (d)    Confirm the Mayor's appointment of Julie Hoyle to serve as a member of the Child Care Advisory Committee, replacing Chris Gallegos who resigned. Ms. Hoyle's term will begin April 2, 2010, and will expire December 4, 2013.

-FRIENDS OF THE (e) Confirm the Mayor's reappointment of Vicky  
CEMETERY COMMITTEE Hale to continue her service as a member of  
REAPPOINTMENT the Friends of the Cemetery Committee. Ms.  
Hale's term will begin March 7, 2010, and  
will expire March 7, 2012.

-DAY CARE (f) Accept the recommendation of the Police  
RESIDENT LICENSE Chief and deny the Day Care Resident License  
DENIAL-HARGROVE of Jesse Ray Hargrove.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve Consent Agenda items 3(a) through 3(e). Upon roll call, those voting in favor were Moore, Nye, Bray, Cooper, Frasure, and Underwood.

Agenda Item 3(f) asking the Council to accept the recommendation of the Police Chief and deny the Day Care Resident License of Jesse Ray Hargrove was considered at this time.

Paul Manning, Police Lieutenant, reviewed the Day Care Resident License application for Mr. Hargrove. Mr. Manning stated that the application was denied based on incidents which included the distribution of pornographic material and communications harassment charges. He added that Mr. Hargrove admitted that he distributed the material.

Jesse Ray Hargrove stated that he did not distribute a pornographic video tape to other individuals.

In response to questions from Council, Mr. Hargrove stated that he and his girlfriend made a video tape and when they broke up she wanted the tape. He added that it became an issue after she told the police about the tape. Mr. Hargrove claimed the video tape issue was dropped but harassment charges were not dismissed. He did not list the incidents on his application because neither offense was a felony.

A motion was made by Mr. Underwood, seconded by Mr. Cooper, to uphold the recommendation of the Police Chief and deny the Day Care Resident License for Jesse Ray Hargrove.

Mr. Underwood stated that he appreciates that Mr. Hargrove is sorry for his past mistakes. However, the Council is responsible for protecting the children in Pocatello and must uphold the guidelines that have been adopted in the Municipal Code.

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

AGENDA ITEM NO. 4: Mayor Blad proclaimed April 2010 as Fair  
COMMUNICATIONS AND Housing Month in Pocatello and urged  
PROCLAMATIONS citizens and businesses to increase their  
awareness of the Fair Housing Act.

A representative from the Fair Housing Committee received the proclamation from Mayor Blad.

Mr. Frasure, on behalf of Mayor Blad, proclaimed April 2010 to be Sexual Assault Awareness Month in Pocatello and encouraged citizens to support the service programs aimed toward finding a solution to end sexual violence.

Sarah Leeds, Family Services Alliance, Executive Director, received the proclamation from Mayor Blad.

Mr. Cooper, on behalf of Mayor Blad, proclaimed April 23, 2010, as Arbor Day in Pocatello and urged citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands.

Michelle Pak, Pocatello Tree Commission representative, received the proclamation from Mayor Blad.

Mr. Bray, on behalf of Mayor Blad, proclaimed April 2010 to be Civitan Awareness Month in Pocatello and encouraged residents to actively support and take pride in the worthwhile efforts of the international service organization.

A representative from area Civitan Clubs received the proclamation from Mayor Blad and thanked the Council for their support.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the April  
CALENDAR REVIEW 8<sup>th</sup> Study Session at 9:00 AM and the April  
15<sup>th</sup> Regular City Council meeting at 6:00 PM.

Mayor Blad announced that a Kite Building Workshop would be held at the Marshall Public Library on April 2<sup>nd</sup> from 4:00 PM to 5:00 PM; that the Dodge National Circuit Finals Rodeo would be held at Holt Arena April 7<sup>th</sup> through April 10<sup>th</sup>; and that the Annual Spring Clean Up at City Cemeteries continued through the end of April.

Mayor Blad reminded citizens to complete their census forms and that they can contact his office for more information about the 2010 Census.

AGENDA ITEM NO. 6: Ralph Huntington, 676 Aspen Lane, stated  
DISCUSSION ITEMS that he will continue to express his  
concerns with a drain pipe near his mobile  
home park until something is done. Mr. Huntington feels the drain  
is taking away part of the parking area on the city streets. He

expressed his views about other issues within the scope of his street drain concerns.

Mr. Frasure stated that City Engineers have researched the drain issue many times and determined it is safe. He continued to explain that the City has the right to make changes to streets as needed and it was not productive for Mr. Huntington to attend Council meetings to shout at the Council. Mr. Frasure stated that he would be willing to meet with Mr. Huntington to help resolve his concerns.

AGENDA ITEM NO. 7: This time was set aside for the Council to PUBLIC HEARING-LIQUOR hear comments from the public on a request LICENSE EXCEPTION from El Herradero Restaurant (mailing REQUEST-455 N. ARTHUR 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. El Herradero requires Council's approval of an exception to serve beer and wine by the drink at the location of the establishment as Idaho Code §23-913 states "No license shall be issued for any premises in any neighborhood which is predominately residential or within 300 feet of any public school, church, or any straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the municipality;..." The restaurant is within 300 feet of a place of worship and a high school.

Mayor Blad opened the public hearing.

Efrain Brambila Jr., 1952 Monte Vista Drive, stated that his business is applying for a license to serve beer only. Mr. Brambila asked the Council approve his application for a beer license even though his business is located less than 300 feet from a church and a school.

Terri Neu, Assistant Planner, clarified that the agenda item should be a request for a beer license only. Mrs. Neu reviewed the request including past considerations made by the Council for similar licenses. She noted that a letter was received from Mary Vagner, School District No. 25 Superintendent, in opposition to the request. Mrs. Neu added that requests for beer, wine, and liquor licenses within the City of Pocatello are processed first through the State of Idaho and Bannock County, and then submitted to the City for review.

In response to a question from Council, Mrs. Neu stated that when the building permit was received city staff was not made aware that alcohol was going to be served in the restaurant. Staff could have addressed the conflict at that time if they had known.

Mr. Cooper feels a courtesy question should be added to the forms asking if beer or wine will be sold when someone comes to get their building permit.

In response to a question from Council, Mr. Brambila stated that his business may be hindered without a beer permit because some people enjoy having a beer with their meal. He has seen people leave the restaurant when they learn that beer cannot be served.

It was announced that no other correspondence had been received regarding the request.

Mr. Moore stated that since the sale of beer will only occur while a meal is being eaten, he does not feel it will have a negative impact on the school or surrounding neighborhood.

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

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve an exception to Idaho Code 23-913 to allow a Retail Sale of Beer by the Drink License at 455 North Arthur.

Mr. Underwood stated that he has a history of always voting no to requests dealing with alcohol use. He feels that the State of Idaho gives municipalities the authority to determine these types of issues. Mr. Underwood states that the rules are in place for various reasons and feels that Council should follow them.

Mr. Frasure stated that the restaurant is located in a residential area and decisions approving other exceptions had their own unique set of circumstances.

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

AGENDA ITEM NO. 8: Council was asked to consider a request from COUNCIL SELECT FUNDS the Veterans' Sanctuary Program at Idaho -VETERANS' SANCTUARY State University, represented by Lynn PROGRAM Roberts, to use \$400.00 of "Council Select" funds to pay for admission to the zoo, on May 1, 2010, for veterans and their family members. As of March 29, 2010, there was \$5,000.00 in the Council Select fund.

A motion was made by Mr. Bray, seconded by Mr. Moore, to use \$250.00 of "Council Select" funds to pay for admission to the zoo, on May 1, 2010, for veterans and their immediate family members.

It was clarified that Council had previously determined that a maximum of \$250.00 be allowed on granted requests for "Council Select" funds.

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

Council member Roger Bray was excused from the Council meeting at this time.

AGENDA ITEM NO. 9: Council was asked to consider a request from  
SUBDIVISION M & S Developers (mailing address: 2749  
AMENDMENT-FIELDSTONE Hawkweed Drive, Pocatello ID 83204),  
HEIGHTS DIVISION #1 represented by Mike Millard, for an  
amendment to separate Fieldstone Heights  
Division No. 1 Subdivision into two phases. Planning and  
Development Services staff recommended approval.

A motion was made by Mr. Underwood, seconded by Mr. Cooper, to approve the request for an amendment to separate Fieldstone Heights Division No. 1 Subdivision into two phases, and that the Decision be set out in appropriate Council Decision format. Upon roll call, those voting in favor were Underwood, Cooper, Frasure, Moore, and Nye.

AGENDA ITEM NO. 10: Council was asked to approve, subject to  
AGREEMENT-HABITAT Legal Department approval, an Agreement with  
FOR HUMANITY Gateway Habitat for Humanity to allow them  
to share office space within City Hall.

A motion was made by Mrs. Nye, seconded by Mr. Moore, to approve, subject to Legal Department approval, an Agreement with Gateway Habitat for Humanity to allow them to share office space within City Hall. Upon roll call, those voting in favor were Nye, Moore, Cooper, Frasure, and Underwood.

AGENDA ITEM NO. 11: Council was asked to consider granting an  
EASEMENT-IDAHO POWER easement to Idaho Power for the installation  
of an underground power line on City owned  
property at 1121 South 2<sup>nd</sup> Avenue. The line will service both the  
City of Pocatello Sanitation Department and the Harper Bakery which  
is located at 1105 South 2<sup>nd</sup> Avenue.

A motion was made by Mr. Frasure, seconded by Mrs. Nye, to grant, subject to Legal Department approval, an easement to Idaho Power for the installation of an underground power line on city owned property at 1121 South 2<sup>nd</sup> Avenue. Upon roll call, those voting in favor were Frasure, Nye, Cooper, Moore, and Underwood.

AGENDA ITEM NO. 12: Council was asked to consider the submission of an Idaho Community Foundation grant, and if the grant is awarded, authorize the Mayor to accept the grant and sign related documents, subject to Legal Department approval. The amount of the grant is \$4,982.00 and will be used to purchase supplies for water quality monitoring education efforts. No City match is required.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the submission of a grant to the Idaho Community Foundation in the amount of \$4,982.00, and if the grant is awarded, authorize the Mayor to accept the grant and sign related documents, subject to Legal Department approval. Upon roll call, those voting in favor were Moore, Nye, Cooper, Frasure, and Underwood.

AGENDA ITEM NO. 13: Council was asked to consider an ordinance authorizing the City's acquisition of a parcel of real property commonly known as 606 South Grant 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 for under Idaho Code Section §50-1403(3).

A motion was made by Mr. Underwood, seconded by Mr. Moore, that the ordinance, Agenda Item 13, 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 Underwood, Moore, Frasure, and Nye. Cooper voted in opposition to the motion. The motion passed.

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

Mayor Blad declared the final reading of the ordinance authorizing the City's acquisition of a parcel of real property commonly known as 606 South Grant as part of the Neighborhood Stabilization Program. Mayor Blad asked "Shall the ordinance pass?" Upon roll call, those voting in favor were Frasure, Moore, Nye, and Underwood. Cooper voted in opposition to the motion. The motion passed. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 2880 and be submitted to the Idaho State Journal for publication.

There being no further business, Mayor Blad adjourned the meeting at 6:55 PM.

REGULAR CITY COUNCIL MEETING  
APRIL 1, 2010

8

APPROVED BY:

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BRIAN C. BLAD, MAYOR

ATTEST:

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RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

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RUTH E. WHITWORTH, CMC, DEPUTY CLERK