

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
MAY 6, 2010

CLARIFICATION MEETING The City Council Agenda Clarification Meeting was called to order at 5:34 PM by Mayor Brian Blad. Council members present were Craig Cooper, Ron Frasure, Gary Moore, and Eva Johnson Nye. Councilmember Roger Bray arrived at 5:36 PM. 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 6:07 PM by Mayor Brian Blad. ROLL CALL AND PLEDGE OF ALLEGIANCE Council members present were Roger Bray, Craig Cooper, Ron Frasure, Gary Moore, and Eva Johnson Nye.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: Pastor Rod Enos of River of Life Church INVOCATION offered the invocation.

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 of the City Council meeting of April 1, 2010; the Study Session of April 8, 2010; and the Executive Session of April 15, 2010.

-PAYROLL AND MATERIAL CLAIMS (b) Payroll and material claims for April, showing payroll and material claims for the month of April to be \$7,937,829.24.

-FRIENDS OF THE CEMETERY COMMITTEE APPOINTMENT (c) Confirm the Mayor's appointment of Alan Mills to serve as a member of the Friends of the Cemetery Committee, replacing Tim Burleson whose term expired. Mr. Mills' term will begin May 7, 2010, and will expire May 7, 2012.

-RATIFICATION -FIRE TRUCK FINANCING (d) Ratify the selection of CalFirst to finance the purchase of a Pierce ladder/pumper fire truck. The interest rate is 3.9126% with six annual payments of \$121,758.34 which begin in April 2011.

A motion was made by Mr. Bray, seconded by Mr. Frasure, to approve the items on the consent agenda. Upon roll call, those voting in favor were Bray, Frasure, Cooper, Moore, and Nye.

AGENDA ITEM NO. 4: Mr. Moore, on behalf of Mayor Blad, COMMUNICATIONS AND PROCLAMATIONS proclaimed May 3, 2010, through May 9, 2010, to be Public Service Recognition Week in Pocatello.

Mr. Bray, on behalf of Mayor Blad, proclaimed the week of May 10, 2010, to be Salvation Army Week in Pocatello.

A representative from the Salvation Army received the proclamation from Mayor Blad.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of CALENDAR REVIEW the May 13th Study Session at 9:00 AM followed by a Budget meeting; the May 20th Budget meeting at 9:00 AM; and the May 20th Regular City Council meeting at 6:00 PM.

Mayor Blad announced that animal artists currently housed at the Animal Shelter will participate in the Art Walk on May 7th in Old Town Pocatello.

Mrs. Nye displayed some of the art to be exhibited and announced that proceeds from the sale of the artwork would go to the Animal Shelter.

Mayor Blad also announced that the Parks & Recreation Department will host the Hershey's Track & Field Competition for youth ages 7 to 14 at ISU's Davis Field on May 15th at 9:00 AM; that the Animal Shelter would host the Catnip Tea and Alley Cat Social on May 15th from 11:00 AM to 3:00 PM at the Rosewood Reception Center; and that the Fort Hall Replica Grand Opening would be held from 12:00 PM to 4:00 PM on May 15th.

Mayor Blad reminded citizens that the application deadline for City Council Seat #2, being vacated by Brian Underwood, is May 10th at 5:00 PM, and that Census workers will be going door-to-door to complete the 2010 Census.

AGENDA ITEM NO. 6: Mayor Blad announced that there were no DISCUSSION ITEMS discussion items from the audience.

AGENDA ITEM NO. 7: Council was asked to confirm the Mayor's APPOINTMENT CONFIRMATION -ROBBINS appointment of Cindy Robbins as the Utility Billing Director. The appointment would be effective May 8, 2010.

A motion was made by Mr. Moore, seconded by Mr. Bray, to confirm the Mayor's appointment of Cindy Robbins as the Utility Billing Director. Upon roll call, those voting in favor were Moore, Bray, Cooper, Frasure, and Nye.

AGENDA ITEM NO. 8: Council was asked to consider a request from "COUNCIL SELECT" REQUEST -IDAHO KINSHIP PROJECT the Idaho Kinship Project/Idaho Department of Health and Welfare, represented by Jennifer Call (mailing address: 1090 Hilina First Floor, Pocatello, ID 83201), for "Council Select" funds in the amount of \$290.00 to be used to pay for rental and moving of 20 tables and sanitation cans and recycling bins for an event for Kincare and Foster Care families on May 22nd at Raymond Park. As of April 30, 2010, \$4,500.00 remained in the "Council Select" line item.

Jennifer Call, VISTA volunteer for Americorps, addressed the Council and announced that the event is for anyone who is caring for a child that is not their own. Area agencies will set up booths to distribute information regarding available resources.

A motion was made by Mrs. Nye, seconded by Mr. Cooper, to use \$250.00 of "Council Select" funds to pay for rental and moving of 20 tables and sanitation cans and recycling bins for an event for Kincare and Foster Care families on May 22nd at Raymond Park. Upon roll call, those voting in favor were Nye, Cooper, Bray, Frasure, and Moore.

AGENDA ITEM NO. 9: Council was asked to consider a request from "COUNCIL SELECT" REQUEST -YELLOW RIBBON CAMPAIGN/FIELD OF HEROES the Yellow Ribbon Campaign of Idaho/Field Of Heroes for "Council Select" funds in the amount of \$275.07 to pay for portable restroom facilities for the Field of Heroes event. As of April 30, 2010, there was \$4,500.00 in the "Council Select" fund.

A motion was made by Mr. Frasure, seconded by Mrs. Nye, to use \$250.00 of "Council Select funds to pay for portable restroom facilities for the Field of Heroes event. Upon roll call, those voting in favor were Frasure, Nye, Bray, Cooper, and Moore.

AGENDA ITEM NO. 10: Council was asked to consider a request CONDITIONAL USE PERMIT -BALLARD BUILDING from Roger Chase for permission to apply for a conditional use permit (CUP) to use the "Ballard Building" at 1999 Alvin Ricken Drive for an events center that would occupy more than half of the building. The property is located in an Office park zoning

district. Municipal Code 17.03.430 does not allow for major event entertainment as a permitted or conditionally permitted use in this zoning district.

Michelle Pak, Associate City planner, stated the request is for permission to apply for the CUP permit only, a step necessary to start the application process.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the request from Roger Chase for permission to apply for a CUP to use the "Ballard Building" at 1999 Alvin Ricken Drive for an events center. Upon roll call, those voting in favor were Moore, Nye, Bray, Cooper, and Frasure.

AGENDA ITEM NO. 11: Council was asked to authorize submission
GRANT APPLICATION of a grant application to Lowes Home
-LOWES HEROES Improvement in the amount of \$1,200.00 for
the construction of a small Children's
Theater at the Zoo, and if the grant is awarded, authorize the
Mayor to accept the grant and sign related subcontracts or
documents, subject to Legal Department approval.

A motion was made by Mr. Bray, seconded by Mr. Frasure, to authorize submission of a grant application to Lowes Home Improvement in the amount of \$1,200.00 for construction of a small Children's Theater at the Zoo, and if the grant is awarded, authorize the Mayor to accept the grant and sign related subcontracts or documents, subject to Legal Department approval. Upon roll call, those voting in favor were Bray, Frasure, Cooper, Moore, and Nye.

AGENDA ITEM NO. 12: Council was asked to consider a Use
USE AGREEMENT Agreement with Matt Udy, dba Rocky
-ROCKY MOUNTAIN SCHOOL Mountain School of Baseball for use
OF BASEBALL of City baseball fields for a youth
baseball tournament on May 7 and 8, 2010.

Rocky Mountain School of Baseball will be required to pay applicable rental fees and provide the required liability insurance, naming the City as an additional insured. They will also be responsible for field maintenance, cleaning the facilities, any damage resulting from their use, and any additional costs incurred by the City as a result of the tournament.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve a Use Agreement allowing Rocky Mountain School of Baseball to use City baseball fields for a youth baseball tournament on May 7 and 8, 2010. Upon roll call, those voting in favor were Moore, Nye, Bray, Cooper, and Frasure.

AGENDA ITEM NO. 13: Council was asked to consider a concession
CONCESSION APPLICATION application from Scott McKee, dba Frozen
-FROZEN GATOR ICE CREAM Gator Ice Cream, to allow the sale of pre-
packaged ice cream products on City
streets from May 10th through September 31st. Mr. McKee would be
selling from a specially equipped ice cream truck and such sales
were approved by the City Council last year. He has completed the
necessary application, will provide the required insurance, and
will provide proof of approval from the District Health Department.
Since City streets are not specifically identified in City Code as
an area allowed for vendor sales, approval from the City Council is
required.

A motion was made by Mr. Bray, seconded by Mrs. Nye, to approve a
concession application from Scott McKee, dba Frozen Gator Ice
Cream, to allow the sale of pre-packaged ice cream products on City
streets from May 10, 2010, through September 31, 2010, with the
condition that Mr. McKee provide the required insurance and proof
of approval from the District Health Department. Upon roll call,
those voting in favor were Bray, Nye, Cooper, Frasure, and Moore.

AGENDA ITEM NO. 14: Council was asked to approve a Concession
CONCESSION APPLICATION License Agreement between the City of
-SNOWED INN, LLC Pocatello and Snowed Inn, LLC (mailing
address: 614 North 10th Avenue, Pocatello,
ID 83201), to provide concessions at the NOP Baseball Complex
during Bannock Baseball games and at OK Ward Park during Girl's
Junior Olympic Softball games for the Summer of 2010. The
Agreement calls for the City to receive 15 percent of the gross
sales.

A motion was made by Mr. Frasure, seconded by Mr. Cooper, to
approve a Concession License Agreement with Snowed Inn, LLC to
provide concessions at the NOP Baseball Complex during Bannock
Baseball games and at OK Ward Park during Girl's Junior Olympic
Softball games for the Summer of 2010. Upon roll call, those
voting in favor were Frasure, Cooper, Bray, Moore, and Nye.

AGENDA ITEM NO. 15: Council was asked to approve a Concession
CONCESSION APPLICATION License Agreement with Debodeep Sanju
-BIG S SNACKS Choudhury dba Big S Snacks and Drinks to
provide concessions at Optimist and
Tydeman fields during Adult Softball League and tournament games.
The Agreement calls for the City to receive 10 percent of the gross
sales.

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve a
Concession License Agreement with Debodeep Sanju Choudhury dba Big
S Snacks and Drinks to provide concessions at Optimist and Tydeman

fields during Adult Softball League and tournament games. Upon roll call, those voting in favor were Moore, Bray, Cooper, Frasure, and Nye.

AGENDA ITEM NO. 16: Council was asked to approve the renewal
CONCESSION AGREEMENT of a Concession License Agreement with
-FORE GOLF, INC. FORE Golf Inc., to operate the concessions
at Watkins Softball Complex inside NOP
Park. FORE Golf would provide concessions for games played during
both league play and for any tournaments that may be scheduled at
the softball complex. The Agreement calls for the City to receive
25 percent of the net profits.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the renewal of a Concession License Agreement with FORE Golf Inc., to operate the concessions at Watkins Softball Complex inside NOP Park and provide concessions for games played during both league play and for any tournaments that may be scheduled at the softball complex. Upon roll call, those voting in favor were Moore, Nye, Bray, Cooper, and Frasure.

AGENDA ITEM NO. 17: Council was asked to publicly declare its
DECLARATION TO intent to exchange approximately 2.5 acres
EXCHANGE PROPERTY of vacant real property for approximately
-BARTON ROAD 2.5 acres of vacant real property with
Idaho State University in the area
situated north of Barton Road and east of the Mountain View
Cemetery in Pocatello, Idaho and to instruct the City Clerk to
publish a summary of this action and provide notice of a public
hearing regarding said exchange to be held at a future Regular
Council meeting.

A motion was made by Mrs. Nye, seconded by Mr. Bray to publicly declare the City's intent to exchange approximately 2.5 acres of vacant real property for approximately 2.5 acres of vacant real property with Idaho State University in the area situated north of Barton Road and east of the Mountain View Cemetery in Pocatello, Idaho and to instruct the City Clerk to publish a summary of this action and provide notice of a public hearing regarding said exchange to be held at a future Council Meeting. Upon roll call, those voting in favor were Nye, Bray, Cooper, Frasure, and Moore.

AGENDA ITEM NO. 18: Council was asked to consider a Memorandum
MEMORANDUM OF of Understanding (MOU) with Idaho State
UNDERSTANDING Police, subject to Legal Department
-IDAHO STATE POLICE approval, for the assignment of two
Pocatello Police Department narcotics
detectives to the Idaho State Police who will supervise, train and

evaluate the performance of the detectives and share asset forfeitures as defined within the MOU.

A motion was made by Mr. Bray, seconded by Mr. Moore, to approve a MOU with Idaho State Police, subject to Legal Department approval, for the assignment of two Pocatello Police Department narcotics detectives to the Idaho State Police. Upon roll call, those voting in favor were Bray, Moore, Cooper, Frasure, and Nye.

AGENDA ITEM NO. 19: Council was asked to approve the donation of a surplus Pitney Bowes stuffing machine model F500 to the Grand Teton Council, Boy Scouts of America. The machine was previously declared surplus and slated to be sold at auction.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the donation of a surplus Pitney Bowes stuffing machine model F500 to the Grand Teton Council, Boy Scouts of America.

Mr. Cooper announced that he is a member of the State Board of Directors for Boy Scouts of America, and will not receive any remuneration if the machine is donated.

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

AGENDA ITEM NO. 20: Council was asked to declare certain City of Pocatello property, previously used by the Parks and Recreation Departments, as surplus and allow the property to be auctioned on May 8, 2010.

A motion was made by Mr. Frasure, seconded by Mr. Cooper, to declare certain City of Pocatello property, previously used by the Parks and Recreation Departments, as surplus and allow the property to be auctioned on May 8, 2010. Upon roll call, those voting in favor were Frasure, Cooper, Bray, Moore, and Nye.

AGENDA ITEM NO. 21: Council was asked to consider an ordinance amending several sections in Chapter 15.04, the Building Chapter of the Municipal Code, which are ministerial in nature and update the subsections in accordance with other recently amended sections of the Code.

A motion was made by Mr. Moore, seconded by Mr. Bray, that the ordinance, Agenda Item No. 21, 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, Cooper, Frasure, and Nye.

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

Mayor Blad declared the final reading of the ordinance amending several sections in Chapter 15.04, the Building Chapter of the Municipal Code, which are ministerial in nature and update the subsections in accordance with other recently amended section of the Code. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Bray, Cooper, Frasure, Moore, and Nye. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 2881 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 22: This time was set aside for the PUBLIC HEARING continuation of the public hearing CONTINUATION which began on March 4, 2010, to allow -ANIMAL CONTROL the Council to receive additional comments ORDINANCE REVISIONS from the public on a proposed ordinance revising specific sections of Title 6, Chapter 4, Animal Control, of the Pocatello Municipal Code, which revisions are proposed on Section 6.04.010 Definitions; Section 6.04.030 Nuisances Prohibited; Section 6.04.050 Vicious Conduct by Animals Prohibited--Penalties; Section 6.04.060 Restraint and Care of Vicious or Dangerous Animals; Section 6.04.120 Proper Care of Animals; and 6.04.170 Multiple Animal Housing Licenses.

Ruth Whitworth, Deputy Clerk, distributed copies of correspondence that had been received to the Mayor and Council.

Mayor Blad asked Mr. Frasure and Mrs. Nye to report their findings after meeting with groups regarding changes to the current code.

Mr. Frasure reported that he and Mrs. Nye met with the Animal Shelter Advisory Board and Voices for Animals representatives. He reported that they also studied all additional comments, studied the code currently being used by the City of Idaho Falls, and consulted with the Legal Department for further solutions. He recommended the following changes to soften the language in the code, changing the words "shall" to "may"; "vicious" to "dangerous"; and striking the word "perceived" from the code.

Mrs. Nye commented that the current code is now being challenged in the Supreme Court. During the interim, the proposed revisions to the code will be effective and agreeable for all groups.

Mayor Blad opened the public hearing.

Jim Morphey, 95 Cedar Hills, representative for the Voices For The Animals, asked for more time to review the proposed changes to the ordinance and extend the public hearing so that all involved have the chance to give input.

Mr. Moore emphasized that all groups have had ample time to meet with the Council members and the public hearing would be closed before the end of the meeting.

Judie Cantrill, 249 South 7th Avenue, member of the Animal Shelter Advisory Board, stated the Advisory Board has made their recommendations and supports the proposed changes.

David Alexander, 248 South 12th Avenue, believes the ordinance should be studied further and removal of the word "perceived" from the current code is necessary.

Meagan Layfield, 856 East Carter, agreed that changes need to be made to the current ordinance and felt that the changes should also include an unbiased assessment by a qualified veterinarian or animal behavior specialist before deeming an animal as "dangerous."

Mr. Bray stated it would be very difficult to have a third party accountable for that type of assessment in every case.

David Stole, 603 North Hayes, stated he felt the assessment by a certified specialist should be included.

Mary Zeibarth, 2023 Cassia Street, felt the changes are a good step, but the phrase "attitude of attack" still was unclear.

Mr. Morphey addressed the Council again and stated the "Voices for Animals" group would be meeting on a monthly basis and encouraged public input. He indicated the current code is outdated and changes are needed in the classification of animals and penalties sections of the code.

Mr. Carlson, 814 South 4th Avenue, questioned the validity of the comments received by the Council and asked that all comments written by a City employee be stricken from the record.

Mayor Blad reminded those in attendance that the public hearing pertained to the Animal Control ordinance issue only.

Glade Fiefield, 1045 Malibu, stated that 22 months prior, his wife was attacked by three dogs in their yard. He felt those enforcing the dog ordinances cared more about the dogs than the people in the community.

Mary Ziebarth, 2023 Cassia Street, stated she reviewed archives of public records regarding the dog ordinance and found several articles pertaining to vicious animals in 2007. She feels the ordinance should be changed.

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

Mayor Blad asked the Council members how they would like to have the ordinance prepared.

Dean Tranmer, City Attorney, explained the Council could have the ordinance prepared to include the changes recommended by the Advisory Board and Mr. Frasure, or wait until after the Supreme Court appeal is complete, or the Council could create their own option.

Mr. Bray asked what the timeframe would be if a decision were postponed until after the Supreme Court decision.

Mr. Tranmer stated the Supreme Court decision could take another 60-90 days or more.

Much discussion followed among the Council members regarding the specific changes, if any, to the ordinance and the best way to proceed with the ordinance.

A motion was made by Mr. Frasure, seconded by Mr. Moore, to accept the proposed draft ordinance with the changes submitted by Mr. Frasure and that the ordinance be read on three separate occasions 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 Frasure, Moore, Bray, Cooper, and Nye.

Mayor Blad stated the public hearing was now closed, but the Mayor and Council can still receive comments at City Hall. He added that a copy of the new draft ordinance would be available for public viewing in the Mayor's Office.

Mr. Tranmer clarified that the public can pick up a hard copy of the draft ordinance from the Mayor's Office and submit comments to the Mayor and City Council anytime before the final reading of the ordinance.

There being no further business, Mayor Blad adjourned the meeting at 7:57 PM.

REGULAR CITY COUNCIL MEETING
MAY 6, 2010

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APPROVED:

BRIAN C. BLAD, MAYOR

ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

KONNI R. MORGAN, ADMIN. ASSISTANT