

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

February 7, 2019 · 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 is accessible to persons with disabilities. Program access accommodations can be provided with three (3) days' advance notice by contacting Skyler Beebe at sbeebe@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, 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. However, citizens are advised that only Public Hearings allow for public comment during the discussion/consideration process.**

Citizens have an opportunity to be heard by the Council if the item meets the criteria as described in the agenda item called "DISCUSSION ITEMS." You must sign in at the start of the meeting to be recognized.

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. INVOCATION

The invocation will be offered by Pastor Jacqueline Thomas, Praise Temple of God.

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. **(ACTION ITEM)**

(a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the Clarification and Regular Council meetings of December 20, 2018 and January 3, 2019; the January 10, 2019 Work Session; and the Executive Session and City Council Liaison/Work Session Clarification meetings of January 17, 2019.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of January 2019.

(c) PLANNING AND ZONING COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Richard Larsen to serve as a member of the Planning and Zoning Commission, replacing Sean Hargraves who resigned. Mr. Larsen's term will begin February 9, 2019 and will expire June 22, 2021.

(d) MOU AMENDMENT—COLLECTIVE BARGAINING AGREEMENT FOR FIREFIGHTERS LOCAL UNION NO. 187: Council may wish to approve a Memorandum of Understanding (MOU) amending the October 6, 2016 Collective Bargaining Agreement for Firefighters Local Union No. 187. The MOU modified Article 16, Section F changing the population date for Kelly Days from October 1 to January 1.

(e) COUNCIL DECISION—VACATION OF ROW AT 2771 BANNOCK HIGHWAY: Council may wish to adopt its decision vacating the public's interest in a right-of-way (ROW) at 2771 Bannock Highway, subject to conditions.

(f) COUNCIL DECISION—NEL'S BI-LO SIGN APPEAL OF HEARING EXAMINER'S DENIAL: Council may wish to adopt its decision approving the request from Nel's Bi-Lo, Inc. for an exception to install an electronic message display and a new business sign on an existing 16 foot tall pole at 333 North 15th Avenue, with conditions.

(g) COUNCIL DECISION—KNOBLICH TOWNHOUSE SUBDIVISION SHORT PLAT: Council may wish to adopt its decision approving a Short Plat for Knoblich Townhouse Subdivision, which subdivides approximately .25 acres of land into two (2) residential lots, subject to conditions. The property is located at 1495 and 1497 East Cedar.

(h) COUNCIL DECISION—ACCEPTANCE PUBLIC OWNERSHIP OF SURPRISE VALLEY ROAD, COPPER CREEK SUBDIVISION: Council may wish to adopt its decision accepting the improvements on an extension of Surprise Valley Road, Copper Creek Subdivision, for public

ownership and maintenance, subject to conditions.

Documents:

[AGENDA-ITEM-3.PDF](#)

4. COMMUNICATIONS AND PROCLAMATIONS

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.

6. PUBLIC HEARING—VACATION OF RIGHT OF WAY—400 BLOCK OF POOLE AVENUE

This time has been set aside for the Council to hear comments from the public concerning a request by Jonathan Vincent to vacate and abandon the public's interest in a portion of unused right of way in the 400 block of Poole Avenue. (Quasi-Judicial Public Hearing) **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-6.PDF](#)

7. PUBLIC HEARING—VACANT LAND LOCATED NORTH OF EAST CHUBBUCK ROAD AND WEST OF OLYMPUS DRIVE

This time has been set aside for the Council to hear comments from the public regarding a zoning map amendment request by Nathan Wells of Portneuf Development, LLC (mailing address: 4990 Valenty Road, Suite H, Chubbuck, ID 83202) represented by Chris Adams of Creek Hollow & Associates, Inc., (mailing address: 611 Wilson Avenue, Suite 1A, Pocatello, ID 83201), to rezone two parcels of vacant land located north of East Chubbuck Road and west of Olympus Drive from Commercial General and Residential Medium Density Single Family to Residential Commercial Professional. A Comprehensive Plan Land Use Map change from commercial, residential and public to mixed use is also proposed at this time. (Quasi-Judicial Public Hearing) **(ACTION ITEM)**

A previous public hearing before the Planning and Zoning Commission was held where they recommended approval of this request.

Documents:

[AGENDA-ITEM-7.PDF](#)

8. WATER CONNECTION REQUEST—SAMUEL STREET

Council may wish to consider a request from Chris and Katie Taylor (mailing address: 1062 El Rancho, Pocatello ID 83201) to connect a

parcel of land east of Stockman Road which will have a Samuel address once assigned, to the City's water system to allow construction of a home. The Utility Connection Annexation Covenant has been completed and all connection fees have been paid. Outside City utility rates will be assessed until the property is annexed. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-8.PDF](#)

9. PIGGY-BACK BID FOR SANITATION CARTS

Council may wish to accept the recommendations of staff and award the piggy-back bid for truckload quantities of 95-gallon trash, recycling and yard waste carts to Rehrig Pacific Company and, if accepted, authorize the Mayor to sign documents related to the bid. The cart cost (includes delivery) are: trash cart \$49.97 each; recycle cart \$51.95 each; and yard waste cart \$51.95 each. **(ACTION ITEM)**

Funds are allocated in the Sanitation Department's Fiscal Year 2019 budget to purchase the carts.

Documents:

[AGENDA-ITEM-9.PDF](#)

10. 2019 WATER DEPARTMENT MATERIALS BID

Council may wish to consider bids received on January 17, 2019 for materials used by the Water Department for capital improvement projects and replenishing inventory. The bid was separated into thirteen separate lots in an effort to guarantee the lowest price for the City. Staff requests that Council award each lot to the lowest responsive bidder as follows:

- a) CORE & MAIN LP – Lots Three, Five, Eleven and Thirteen - total bid \$63,020.33;
- b) FERGUSON WATERWORKS – Lots Two, Six, Seven, Eight and Nine - total bid \$50,351.50; and
- c) HD FOWLER CO. – Lots One, Four, Ten and Twelve - total bid \$440,764.75.

Total cost for the materials bids is \$554,136.58. Funds are available in the Water Department's Fiscal Year 2019 budget.

Documents:

[AGENDA-ITEM-10.PDF](#)

11. FIBER LINE INSTALLATION CONTRACT—AIRPORT

Council may wish to approve a contract with Direct Communication in the amount of \$40,000.00 to install a fiber line between the City's Water Pollution Control facility and the Pocatello Airport, authorize the Mayor's signature on documents related to the contract, subject to Legal Department approval. **(ACTION ITEM)**

Funds for the installation are available in the City's Emergency Repair fund.

Documents:

[AGENDA-ITEM-11.PDF](#)

12. T-O ENGINEERS PROFESSIONAL SERVICES AGREEMENT—AIRPORT IMPROVEMENT PROJECTS

Council may wish to approve and authorize the Mayor to sign a professional services agreement between the City and T-O Engineers for design and bidding of this year's Airport Improvement Program projects, which include rehabilitate FBO apron, construction apron hardstand, upgrade electrical vault, and repackage North Taxiway "A" and terminal apron design. **(ACTION ITEM)**

The fee is not to exceed \$176,765.00 and is eligible for a 93.75% reimbursement from the FAA with the remaining 6.25% funded using airport passenger facility charge funds. The project is contingent upon grant award.

Documents:

[AGENDA-ITEM-12.PDF](#)

13. CRASH ALARM SYSTEM REPLACEMENT—AIRPORT

Council may wish to approve and authorize the Mayor to sign a construction agreement and notice of award between the City and System Tech, Inc. for replacement of the airport crash alarm system. The contract price is \$123,261.00 with a total contract time of 160 days. **(ACTION ITEM)**

Funding for the project will be 93.75% from budgeted federal grant funds and 6.25% from passenger facility charges. The Notice of Award is contingent upon FAA approval.

Documents:

[AGENDA-ITEM-13.PDF](#)

14. ORDINANCES

READING OF AN ORDINANCE PROCEDURE

1. Council determines which option below will be used to read the Ordinance by roll call vote.
2. The Ordinance is read by City Staff (usually City Attorney).
3. Mayor will declare the final reading of the ordinance and ask "Shall the Ordinance pass?" After roll call is taken, Mayor will announce whether or not the ordinance passed.

ORDINANCES: The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read on three (3) different days, two (2) readings of which may be by title only and one (1) reading of which shall be in full and placed on final passage for publication. **(ACTION ITEM)**

EXAMPLE MOTIONS:

Option 1: 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."

Option 2: FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # , be read on three separate days. First and second readings will be by title and in full on the third reading. The ordinance shall then be placed on final passage for publication, and only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1, the Council must pass said motion by a vote of one-half plus one (4) of the full Council.

Ordinances ready for reading.

14. (a) An ordinance amending Pocatello Municipal Code 5.06 "Commercial Activities in Parks and Other Public Places" as presented to Council at the December 13, 2018 Work Session, providing guidelines and regulations regarding commercial/for-profit use of City owned, taxpayer supported facilities. **(ACTION ITEM)**

14. (b) An ordinance amending Pocatello Municipal Code 12.36 "Public Parks", as presented to Council at the December 13, 2018 Work Session, providing guidelines and regulations regarding commercial/for-profit use of City owned, taxpayer supported facilities. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-14.PDF](#)

15. DISCUSSION ITEMS

This time has been set aside to hear discussion items not listed on the agenda. Items which appeared 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.)**

16. PUBLIC HEARING REQUEST—209 EAST LEWIS RECONSIDERATION OF HEARING EXAMINER'S APPROVAL TO ALLOW TRANSITIONAL HOUSING

This time has been set aside for the Council to hear comments from the public regarding a reconsideration request for a conditional use permit that was approved by the Hearing Examiner on December 13, 2018. The appellant is Gypsy Holdings, LLC, (mailing address: 518 East Center Street, Pocatello, ID 83201), represented by Racine Olson, PLLP (mailing address: 201 East Center Street, Pocatello, ID 83201). The original request was from Idaho Housing and Finance Association (mailing address: 565 West Myrtle Street, Boise, ID 83707-1899) represented by BJ Stensland of Aid for Friends (mailing address: 210 East Center Street, Suite A, Pocatello, ID 83201), for a conditional use permit to allow transitional housing and associated administrative offices at 209 East Lewis Street. (Quasi-Judicial Public Hearing) **(ACTION ITEM)**

Documents:

- [01-SUMMARY.PDF](#)
- [02-ADDENDUM-A-RECONSIDERATION-REQUEST.PDF](#)
- [03-ADDENDUM-B-PUBLIC-COMMENTS.PDF](#)
- [04-ADDENDUM-C-HEARING-EXAMINER-DECISION.PDF](#)
- [05-ADDENDUM-D-HEARING-EXAMINER-MINUTES.PDF](#)
- [06-ADDENDUM-D-POLICE-REPORTS-1ST-QUARTER-2017.PDF](#)
- [07-ADDENDUM-D-POLICE-REPORTS-2ND-QUARTER-2017.PDF](#)
- [08-ADDENDUM-D-POLICE-REPORTS-3RD-QUARTER-2017.PDF](#)
- [09-ADDENDUM-D-POLICE-REPORTS-4TH-QUARTER-2017.PDF](#)
- [10-ADDENDUM-D-POLICE-REPORTS-1ST-QUARTER-2018.PDF](#)
- [11-ADDENDUM-D-POLICE-REPORTS-2ND-QUARTER-2018.PDF](#)
- [12-ADDENDUM-D-POLICE-REPORTS-3RD-QUARTER-2018.PDF](#)
- [13-ADDENDUM-D-POLICE-REPORTS-4TH-QUARTER-2018.PDF](#)
- [14-ADDENDUM-E-STAFF-REPORT-TO-HEARING-EXAMINER.PDF](#)
- [15-ADDENDUM-F-ORIGINAL-APPLICATION-MATERIALS.PDF](#)

17. ADJOURN

PUBLIC HEARING PROCEDURE FOR AGENDA ITEMS NO. 6 AND NO. 7

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. Conflicts of interest, site visits and ex-parte contacts by Council members will be acknowledged.
 - 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.

PUBLIC HEARING PROCEDURE FOR AGENDA ITEM NO. 16

1. APPELLANT

Appellant will come forward and give their presentation.

10 minutes

2. ORIGINAL APPLICANT

Applicant will come forward and give their presentation.

10 minutes

3. **STAFF**

Staff will come forward and give their presentation.

4. Written Correspondence

5. **TESTIMONY**

Testimony by those supporting the **appeal**.

Testimony by those uncommitted on the **appeal**.

Testimony by those opposed to the **appeal**.

6. **RUBUTTAL BY APPLICANT**

7. **RUBUTTAL BY APPELLANT**

8. **CLOSE PUBLIC HEARING**

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.

9. Develop a written and reasoned statement supporting the decision.