

# CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

March 15, 2018 · 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.

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City Hall is accessible to persons with disabilities. Program access accommodations can be provided with three (3) days' advance notice by contacting Dave Hunt at [dhunt@pocatello.us](mailto:dhunt@pocatello.us); 208.234.6248 or 5815 South 5th Avenue, Pocatello, Idaho.

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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.*

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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.

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## 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

## 2. INVOCATION

The invocation will be offered by Lieutenant Tami Moore, Salvation Army.

### **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 Special City Council Finance Training of February 8, 2018; the following meetings held February 15, 2018: Police Union Quarterly Report; City Council Clarification meeting; and Regular City Council meeting; City Council Tour of Billboards and Electronic Signs of February 27 and 28, 2018; and the March 1, 2018 City Council Liaison Working Lunch.

(b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for February showing cash and investments as of February 28, 2018.

(c) COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the mayor's appointment of Cass Fonnesbeck to serve as a member of the CDBG Advisory Committee, replacing Samuel Perry whose term expired. Ms. Fonnesbeck's term will begin March 16, 2018 and will expire January 1, 2021.

(d) PLANNING AND ZONING COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Jared Bernt to serve as a member of the Planning and Zoning Commission, replacing Jack Brennan who resigned. Mr. Bernt's term will begin March 16, 2018 and will expire July 20, 2020.

(e) RESOLUTION—POLICIES AND PROCEDURES FOR LEAD HAZARD CONTROL GRANT PROGRAM: Council may wish to adopt by resolution proposed Policies and Procedures for the Lead Hazard Control Grant program. As a recipient of the grant, the City is required to have policies/procedures in place to govern how this HUD program will be managed.

(f) COUNCIL DECISION—CENTURY BUSINESS CENTER FINAL SHORT PLAT: Council may wish to adopt its decision approving the Final Short Plat for Century Business Center, which subdivides approximately 4.01 acres into four (4) commercial lots, subject to conditions. The property is located in the NE1/4SW/4 of Section 16, Township 7 South, Range 35 EBM, Tax 149 Bannock County, Idaho and is zoned Light Industrial (LI). All lots will have direct access from South 5th Avenue and Hildreth Road.

(g) COUNCIL DECISION—IDAHO POWER REZONE POLE LINE/ELDRIDGE ROADS: Council may wish to adopt its decision granting a request by Idaho Power to rezone by contract approximately 1.2 acres of undeveloped land located at the northwest corner of Pole Line

and Eldredge Roads and east of Faith Lutheran Evangelical Church, from Residential Commercial Professional (RCP) and Residential Medium Density Single-Family (RMS) to Light Industrial (LI) for the sole use of an electrical substation owned by Idaho Power, pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.

(h) COUNCIL DECISION—REZONE BY CONTRACT OF UNDEVELOPED PROPERTY LOCATED IN THE 3900 BLOCK OF HAWTHORNE ROAD: Council may wish to adopt its decision granting a request by Dave Packer to rezone by contract approximately 2.34 acres of undeveloped land located in the 3900 Block of Hawthorne Road between 3942 and 3916 Hawthorne Road, from Residential Medium Density Single-Family (RMS) to Residential High Density (RH), pursuant to Pocatello Municipal Code 17.02.180(B)(I), 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. CHILD CARE LICENSE DENIAL APPEAL—MILLER**

Emily Miller will be present to appeal the decision of Police Department staff which denied Ms. Miller a Child Care License.

#### **7. SANITARY SEWER CONNECTION REQUEST—8354 NORTH GATHE ROAD**

Council may wish to consider a request from PIG, LLC represented by Elaine Bailey (mailing address: 8354 North Gathe Road, Pocatello, ID 83204) to connect an existing home and parcel of land commonly known as 8354 North Gathe Road to the City's sanitary sewer system. The septic system has failed with no area for a replacement system. The City's sanitary main line is located in Gathe Road and the owner desires to connect to the City's system.

A Utility Connection Annexation Covenant has been completed and connection fees have been paid.

#### **8. BID—LOW FLOOR/RAMP TRANSIT BUSES**

Council may wish to accept Pocatello Regional Transit (PRT) staff recommendations and award the lowest responsive bid for seven (7) low-floor, ramp-equipped Champion buses in the amount of \$126,414.00 each to Davey Coach of Sedalia, Colorado. The total bid is \$884,898.00 and the buses will be used for urban services.

Funding for 5 urban transit buses is from Federal Transit Administration grants and PRT program funds (20%) as match. Two buses are funded 100% by the Department of Environmental Quality. Funds for the bus purchase are available in PRT budget 008 and 009.

Documents:

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

## **9. TRADE AND PURCHASE OF FIREARMS—POLICE**

Council may wish to consider the Pocatello Police Department's (PPD) recommendation and accept the quote from Salt Lake Wholesale (Blue Label Glock Dealer for Law Enforcement) for the following firearms. The firearms will be used by members of the Pocatello Police Department.

- (a) Trade-in 40 older Glock 21's SF's and Generation 4 firearms; and
- (b) Purchase 40 new Glock 17's handguns.

Staff can purchase the new Glocks at a discounted rate of \$110.00 per gun for a Glock 21 Generation 4 and \$160.00 for a Glock 21SF. Funds are available in the Police Department's Fiscal Year 2018 budget.

Documents:

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

## **10. POLICE EQUIPMENT—DECLARATION OF SURPLUS AND DONATIVE TRANSFER**

Council may wish to accept the recommendations of Police Department staff to declare the following equipment as surplus and authorize donation of equipment as outlined, subject to Legal Department review.

- a) Donate 15 older bullet proof vests and 20 older flashlights to Idaho State University (ISU) Law Enforcement (LE) Program. The vests are no longer serviceable to wear on the street and the flashlights are no longer used by officers. ISU LE Program representatives noted that cadets are currently using vests and equipment much older than the items outlined and cadets will greatly benefit from the items.
- b) Donate 8 older bullet proof vests to Accushape to recycle. Accushape is the Police Department's current vest provider and has a need to recycle some older vests.

Documents:

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

## **11. USE AGREEMENT—OVER THE TOP TRAIL RACE**

Council may wish to consider a Use Agreement, subject to Legal Department review, with Pocatello Running Club for use of a portion of the City Creek Management Area for a running event. The Over the Top Trail Race will be held on May 12, 2018 with course set up on May 11, 2018. Pocatello Running Club will be charged \$100.00 for the use, will be responsible for set up and cleaning of the area after the event, any damages and any additional costs incurred by the City as a result of the event, and will be required to provide liability insurance, naming the City as an additional insured.

Documents:

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

## **12. FIRE PREVENTION AND SAFETY GRANT APPLICATION**

Council may wish to approve submission of a 2017 Fire Prevention and Safety Grant and, if awarded, authorize the Mayor to sign, subject to Legal Department review, documents related to the grant. The Grant will be used to hire an outside consulting organization to conduct a Community Risk Assessment for our area of response.

Documents:

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

## **13. PROFESSIONAL SERVICES AGREEMENT—TAG HISTORICAL RESEARCH AND CONSULTING**

Council may wish to approve a Professional Services Agreement with TAG Historical Research and Consulting to complete work on the Historic Preservation Plan (HP Plan). The HP Plan was approved as part of the Certified Local Government Grant. The agreement will extend from March 1, 2018 through May 31, 2018.

Documents:

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

## **14. ALAMEDA ACRES SUBDIVISION—SHORT PLAT**

NeighborWorks Pocatello (mailing address: 206 North Arthur Avenue, Pocatello, ID 83204), represented by HLE, Inc. (mailing address: 800 West Judicial Street, Blackfoot, ID 83221), has submitted an application to subdivide 0.67 acres (more or less) into 4 Residential Medium Density Single Family lots located on the 700 block of Grace Drive (specifically Lot 2, 1st Addition to Richland Townsite). The subdivision is to be known as Alameda Acres Subdivision.

Staff recommends approval of the request with conditions outlined in the staff report.

Documents:

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

## **15. TALLGRASS SUBDIVISION—SHORT PLAT**

Jake R. Richards (mailing address: 5206 Daisy Lane, Pocatello, ID 83204), represented by Matt Baker of Summit Land Surveying (mailing address: 366 Washington Avenue, Pocatello, ID 83201), has submitted an application to subdivide 7.09 acres (more or less) into 2 Residential Medium Density Single Family lots located at the end of Running Iron Lane. The subdivision is to be known as Tallgrass Subdivision.

Staff recommends approval of the request with conditions outlined in the staff report.

Documents:

[AGENDA-ITEM-15.PDF](#)

## **16. COUNTRYSIDE SUBDIVISION 8TH ADDITION—FINAL PLAT**

Kelly Marie and Ken Swisher (mailing address: 812 East Clark Street, Pocatello, ID 83201), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) have submitted a request to subdivide approximately 3.06 acres (more or less) into 7 residential lots. The subdivision, Countryside Subdivision, 8th Addition, will create the final connection of Foxmore Street.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on May 10, 2017 and recommended approval with conditions.

Documents:

[AGENDA-ITEM-16.PDF](#)

## **17. PERPETUAL EASEMENT AGREEMENT—FOXMORE STREET**

Council may wish to approve the following documents related to an easement for public utilities within the Countryside Subdivision 8th Addition Final Plat, subject to Legal Department review:

a) A perpetual easement between the City of Pocatello and Kelly Swisher for the purpose of installing and maintaining a water line perpendicular to Foxmore Street within the Countryside Subdivision 8th Addition and, if approved;

b) Authorize the Mayor to sign a Purchase and Sale Agreement in the

amount of \$12,000.00, for the perpetual easement.

Funds for the easement purchase are available in the Water Department's Fiscal Year 2018 Budget.

Documents:

[AGENDA-ITEM-17.PDF](#)

## **18. BREEZY POINTE DIVISION THREE—FINAL PLAT**

Brandon Ratliff (mailing address: 4902 Burley Drive, Suite 9, Chubbuck, ID 83202) and Kurt Davis (mailing address: 1891 Kinghorn Road, Pocatello, ID 83201), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), have submitted a request to subdivide approximately 5.10 acres (more or less) into 18 residential lots. The subdivision, Breezy Point Division 3, is located east of Philbin Road and south of West Quinn Road.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on December 13, 2017 and recommended approval with conditions.

Documents:

[AGENDA-ITEM-18.PDF](#)

## **19. BREEZY POINTE DIVISION FOUR—FINAL PLAT**

Brandon Ratliff (mailing address: 4902 Burley Drive, Suite 9, Chubbuck, ID 83202), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), has submitted a request to subdivide approximately 3.57 acres (more or less) into 16 residential lots. The subdivision, Breezy Point Division 4, is located east of Philbin Road and south of West Quinn Road.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on December 13, 2017 and recommended approval with conditions.

Documents:

[AGENDA-ITEM-19.PDF](#)

## **20. PUBLIC HEARING—PROPOSED AMENDMENTS TO SIGN ORDINANCE SECTION 15.20**

This time has been set aside for Council to hear comments from the public regarding proposed changes to the Reader Boards section (15.20.160) and Off Premises/Billboard Signs section (15.20.240) of the City of Pocatello Sign Ordinance.

Documents:

[AGENDA-ITEM-20.PDF](#)

## 21. ORDINANCE

An ordinance which annexes a parcel of land comprised of approximately 11.87 acres owned by Brush Meadows, LLC. The parcel is located at 5096 South 5th Avenue and will be zoned Residential Commercial Professional (RCP) with a Comprehensive Plan designation of "Mixed Use". (This Ordinance has been prepared for Council consideration to be read under the rules of suspension.)

Documents:

[AGENDA-ITEM-21.PDF](#)

## 22. 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.)**

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### PUBLIC HEARING PROCEDURE

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.

## **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.

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.

### **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.