

AGENDA

CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

March 18, 2021 • 6:00 PM
Council Chambers | 911 North 7th Avenue

Limited in-person attendance is allowed, but due to COVID-19 guidelines, strict social distancing measures are in place.

MASKS/FACE COVERINGS ARE REQUIRED.

**The full Council meeting will be live-streamed at:
<http://streaming.pocatello.us/> and available on Sparklight
Cable channel 56**

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 "ITEMS FROM THE AUDIENCE." 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 Mike Popovich, representing First Baptist Church.

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) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for February 2021 showing cash and investments as of February 28, 2021.

(b) HUMAN RELATIONS ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Christopher Cole Clegg to serve as a member of the Human Relations Advisory Committee, replacing Terry Brooks who resigned. Christopher's term will begin April 1, 2021 and will expire March 22, 2024.

(c) COUNCIL DECISION – LOVE 2 BID SUBDIVISION SHORT PLAT APPROVAL: Council may wish to adopt its decision approving the short plat for Love 2 Bid Subdivision, which divides approximately 6.61 acres of land located at 3300 South 5th Avenue into four (4) lots, subject to conditions.

Documents:

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

4. PROCLAMATION

National Therapy Animal Day

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 – ZONING MAP AND COMPREHENSIVE

PLAN AMENDMENT – PROPERTY LOCATED NEAR 4300 BLOCK OF SOUTH 5TH AVENUE

PUBLIC HEARINGS: The procedure that will be used for conducting the public hearings is at the end of the agenda.

This time has been set aside for the Council to accept comments from the public regarding a request by Bill Isley of BBAD Investments, LLC (mailing address: 2227 East Center Street, Pocatello, ID 83201) to rezone seven (7) separate parcels of land from Commercial General (CG) to Light Industrial (LI) and amend the Comprehensive Plan map from Mixed-Use (MU) to Employment (E). The property is located near the 4300 block of South 5th Avenue. (Quasi-Judicial Public Hearing) **(ACTION ITEM)**

The Planning and Zoning Commission recommended approval of the proposal. Staff finds the proposal compliant with all applicable standards with conditions.

Documents:

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

7. SHORT PLAT – CREAM TOP SUBDIVISION

Council may wish to approve a short plat application by Cream Top Investments, LLC and Matthew G. Lewis, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide approximately 2.56 acres into four (4) lots. The subdivision is a replat of a portion of the MacDonald Acres subdivision. The general location of the property is within the 400 block of Fredregill Road. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

8. APPEAL OF HISTORIC PRESERVATION COMMISSION DECISION – 123 NORTH MAIN STREET

Dane Simmons, Jr. (mailing address: 123 North Main Street, Pocatello, ID 83204) has appealed the Historic Preservation Commission decision denying a Certificate of Appropriateness for changing materials on a storefront redesign that was previously approved. Materials that were used but not approved include the removal of a transom window, the use of stucco instead of wood and the use of incompatible hardware on an original storefront door. **(ACTION ITEM)**

Documents:

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

9. APPEAL OF HISTORIC PRESERVATION COMMISSION DECISION – 224 NORTH MAIN STREET COMMISSION DECISION – 224 NORTH MAIN STREET

Craig Yadon of Yadon Properties, LLC (mailing address: PO Box 247, Pocatello, ID 83204) has appealed the Historic Preservation Commission decision denying a Certificate of Appropriateness for replacing the ghost sign with a new mural on the Petersen Building located at 224 North Main Street. **(ACTION ITEM)**

Documents:

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

10. BUILDING PERMIT FEE WAIVER/REIMBURSEMENT REQUEST – YADON PROPERTIES, LLC

The Council may wish to consider a request from Craig Yadon, Yadon Properties, LLC (mailing address: PO Box 247, Pocatello, ID 83204) for a waiver of the following fees for property located at 224 North Main Street: Fire Review Fee in the amount of \$1,149.40; Building Permit Fee in the amount of \$7,183.75; and Plan Review Fee reimbursement in the amount of \$4,669.44 for a total of \$13,002.59. **(ACTION ITEM)**

Documents:

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

11. ANNUAL ARBOR DAY TREE PLANTING GRANT APPLICATION – SCIENCE AND ENVIRONMENT

Council may wish to consider the following requests regarding an Arbor Day Tree Planting Grant: **(ACTION ITEM)**

- a) Approve submittal of an Idaho Nursery and Landscape Association grant application in the amount of \$300.00; and if awarded
- b) Authorize the Mayor's signature on all applicable documents pertaining to the grant.

The funds will be used to purchase 1-2 trees to plant in association with Arbor Day. A 25% City match is required which will be provided through in-kind services from the Parks Department to plant trees.

Documents:

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

12. ORDINANCE

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.

ORDINANCE: 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.

An ordinance ready for reading.

12: An ordinance annexing approximately 8.65 acres of land to extend the Pocatello city limits east and southeast of the recently annexed 7.56 acres of land located at the east end of Vista Drive. The annexed property will be zoned Residential Low Density with a Comprehensive Plan Map designation of Residential.

Documents:

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

13. ITEMS FROM THE AUDIENCE

This time has been set aside to hear items from the audience not listed on the agenda. Items which appeared somewhere else on the agenda will not be heard 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 may 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.)

14. ADJOURN

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.