

AGENDA

CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

April 1, 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 President Ross Hugues, representing the Church of Jesus Christ of Latter-Day Saints.

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 following meetings: January 14, 2021 Work Session; and Clarification and Regular City Council meetings of February 18, 2021 and March 4, 2021.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the month of March 2021.

(c) COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Heather Disselkoen to serve as a member of the CDBG Advisory Committee, replacing Matthias Edrich who resigned. Heather's term will begin April 2, 2021 and will expire January 1, 2023.

(d) COUNCIL DECISION – SHORT PLAT – CREAM TOP SUBDIVISION: Council may wish to adopt its decision approving the short plat for Cream Top Subdivision, which divides approximately 2.56 acres of land located in the 400 block of Fredregill Road into four (4) lots, subject to conditions.

Documents:

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

4. PROCLAMATION

- National Community Development Week

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 – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 2020 ACTION PLAN AMENDMENT – CITIZEN PARTICIPATION PLAN

This time has been set aside for the Council to accept comments from the public regarding a proposed amendment within the Program Year 2020 Community Development Block Grant (CDBG) Annual Action Plan. The CDBG Advisory Committee recommended approval of the amendment at a Special Meeting on February 19, 2021. A 30-day written comment period on this amendment began March 2, 2021 and concludes with the oral comment opportunity at the City Council meeting on April 1, 2021.

Following the public hearing, Council may wish to approve the amendment and authorize the submission including any public comments, to HUD. **(ACTION ITEM)**

Documents:

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

7. PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 2020 ACTION PLAN AMENDMENT – PUBLIC FACILITIES IMPROVEMENTS BUDGET

This time has been set aside for the Council to accept comments from the public regarding two proposed amendments within the Program Year 2020 CDBG Annual Action Plan. The CDBG Advisory Committee recommended approval of the amendments at a Special Meeting on February 19, 2021. A 30-day written comment period on this amendment began on March 2, 2021 and concludes with the oral comment opportunity at the City Council meeting on April 1, 2021.

Following the public hearing, the Council may wish to approve the amendment and the submission, including any public comments, to HUD. **(ACTION ITEM)**

Documents:

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

8. PUBLIC HEARING – COMMUNITY BLOCK GRANT PROGRAM YEAR 2021 ACTION PLAN AMENDMENT – HOUSING REHABILITATION BUDGET

This time has been set aside for the Council to accept comments from the public regarding a proposed amendment within the Program Year 2021

CDBG Annual Action Plan. The CDBG Advisory Committee recommended approval of the amendment at a Special Meeting on February 19, 2021. A 30-day written comment period on this amendment began on March 2, 2021 and concludes with the oral comment opportunity at the City Council meeting of April 1, 2021.

Following the public hearing, the Council may wish to approve the amendment and authorize the submission, including any public comments, to HUD. **(ACTION ITEM)**

Documents:

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

9. PUBLIC HEARING – APPEAL OF HEARING EXAMINER SIGN EXCEPTION DECISION – LOOKOUT CREDIT UNION – 275 SOUTH 5TH AVENUE

This time has been set aside for the Council to accept comments from the public concerning an appeal of a Hearing Examiner's decision to deny a request by Lookout Credit Union, represented by YESCO (mailing address: 275 South 5th Avenue, Pocatello, ID 83204) for a sign exception to install a 222.6 square foot wall sign on a professional office building where individual business signage is not permitted. The Omni Building is located at 275 South 5th Avenue. **(ACTION ITEM)**

Documents:

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

10. 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 ransom window, the use of stucco instead of wood and the use of incompatible hardware on an original storefront door. **(ACTION ITEM)**

Documents:

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

11. FINAL PLAT SUBDIVISION – CHEYENNE CROSSING

Council may wish to consider a request by Ron Dykman and Robert and Rhonda Malan, represented by Harper-Leavitt Engineering, Inc. (mailing address: PO Box 866, Blackfoot, ID 83221) for a final plat application to subdivide 3.77 acres (more or less) into twenty-two (22) lots. The

proposed subdivision is located south of Cheyenne Avenue. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

12. FINAL PLAT SUBDIVISION – GRANT STREET LANDING

Council may wish to consider a request by Mega Marketing, LLC and JAR Investments, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 8320) for a final plat application to subdivide 9.21 acres (more or less) into seven (7) lots. The proposed subdivision is located northwest of Hawkweed Street and west of Bannock Highway. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

13. BUS DONATION ACCEPTANCE FROM FILER SENIOR CENTER – TRANSIT DEPARTMENT

Council may wish to accept staff recommendations and approve acceptance of a donation of one (1) 2008 Ford Starcraft cutaway bus from the Filer Senior Center, subject to Legal Department review. Staff anticipates the equipment to be utilized for a minimum of five (5) years. If approved, the bus would be used for system-wide fixed route and door-to-door services. There are no additional requirements for acceptance of the donation. **(ACTION ITEM)**

Documents:

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

14. BID/CONTRACT – BULLOCK STREET TO FLANDRO DRIVE WATER LINE ADDITION PROJECT

Council may wish to consider the recommendations of staff for the following requests regarding the Bullock Street to Flandro Drive Water Line Addition Project: **(ACTION ITEM)**

a) Accept the low responsive bid received on March 9, 2021, from Idaho Materials and Construction for the total bid amount of \$315,315.00; and if the bid is accepted

b) Authorize an agreement between the City of Pocatello and Idaho Materials and Construction in the amount of \$315,315.00, for the Bullock Street to Flandro Drive Water Line Addition Project and authorize the

Mayor's signature on all applicable documents, subject to Legal Department review.

This project includes installation of a new waterline between Bullock Street and Flandro Drive for improving distribution network circulation and service redundancy. Work will begin in April 2021 and is scheduled for completion in July 2021. Funding is available in the Water Department budget.

Documents:

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

15. BID/CONTRACT – COGENERATION ELECTRICAL SYSTEM UPGRADE – WATER POLLUTION CONTROL

Council may wish to consider the recommendations of staff and accept the low responsive bid from Hunt Electric, Inc. for the total bid amount of \$51,276.50 to upgrade the cogeneration electrical system and if approved, authorize the Mayor's signature on all applicable documents, subject to Legal Department review.

Funds for the upgrade are available in the WPC Fiscal Year 2021 budget. **(ACTION ITEM)**

Documents:

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

16. RESOLUTION/STATE AND LOCAL AGREEMENT FOR CENTER STREET UNDERPASS PROJECT – IDAHO TRANSPORTATION DEPARTMENT

Council may wish to adopt a resolution and authorize the Mayor's signature on an agreement between the Idaho Transportation Department and the City of Pocatello for the estimated share of construction costs associated with the Center Street Underpass Project, subject to Legal Department review. The amount of the agreement is \$307,404.00, which is the City's estimated share of the cost for construction and is available in Fund 70 budget. **(ACTION ITEM)**

Documents:

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

17. RESOLUTION/STATE AND LOCAL AGREEMENT FOR HAWTHORNE QUINN INTERSECTION PROJECT – IDAHO TRANSPORTATION DEPARTMENT

Council may wish to adopt a resolution and authorize the Mayor's signature on an agreement between the Idaho Transportation Department

and the City of Pocatello for the estimated share of construction costs associated with the Hawthorne Quinn Intersection Project, subject to Legal Department review. The amount of the agreement is \$227,291.00, which is the City's estimated share of the cost for construction and is available in Fund 70 budget. **(ACTION ITEM)**

Documents:

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

18. IDAHO OFFICE OF EMERGENCY MANAGEMENT 2020 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT APPLICATION – FIRE DEPARTMENT

Council may wish to approve submission of the following Idaho Office of Emergency Management grant applications and if awarded, approve acceptance and authorize the Mayor's signature on all pertinent documents, subject to Legal Department review: **(ACTION ITEM)**

a) SHSP funding for Regional Response Team 6 (Hazardous Materials) in the amount of \$20,000.00. This grant authorizes the Idaho Office of Emergency Management to obligate and expend 2020 State Homeland Security Program funds for allowable equipment purchases and training program execution on behalf of the subrecipient. There is no local match; and

b) SHSP funding for Idaho Technical Rescue Team 3A (Technical Rescue) in the amount of \$7,000.00. The grant authorizes the Idaho Office of Emergency Management to obligate and expend 2020 State Homeland Security Program funds for allowable equipment purchases and training program execution on behalf of the subrecipient. There is no local match.

Documents:

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

19. SOLE SOURCE DECLARATION OF LATEX EMULSION PURCHASE

Council may wish to accept the recommendations of Street Operations staff and approve the purchase of GSB-88 2:1 + Latex Emulsion from Asphalt Systems, Inc. to be a valid sole source expenditure for the City's 2021 summer paving program and authorize the Mayor to sign documents related to the purchase. The product is a trademarked material that no other company makes, therefore, it is impractical/impossible to obtain three bids. The amount requested is approximately 125 tons for an estimated total purchase price of \$108,600.00 FOB Salt Lake City, Utah. **(ACTION ITEM)**

Documents:

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

20. PIGGYBACK BID ACCEPTANCE FOR MICRO-SURFACING SERVICES – STREET OPERATIONS DEPARTMENT

Council may wish to consider piggybacking the 2019/2020 City of Pocatello contract with Valley Slurry Seal for 2021 micro-surfacing services in the approximate amount of \$599,500.00, which has been budgeted in the Street Operations Fiscal Year 2021 budget. Council may also wish to authorize the Mayor’s signature on all appropriate documents related to the purchase. **(ACTION ITEM)**

Documents:

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

21. PIGGYBACK BID ACCEPTANCE FOR ASPHALT AND AGGREGATE – STREET OPERATIONS/WATER DEPARTMENT

Council may wish to consider piggybacking the 2020 City of Pocatello contract with Mickelsen Construction for hot mix asphalt and assorted aggregates in the approximate amount of \$416,060.00, which has been budgeted in the Street Operations and Water Department Fiscal Year 2021 budgets. Council may also wish to authorize the Mayor’s signature on all appropriate documents related to the purchase. **(ACTION ITEM)**

Documents:

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

22. COUNCIL DISCUSSION REGARDING ORDINANCE NO. 3061 – FACE COVERINGS

This time has been set aside for Council to revisit Ordinance No. 3061, an ordinance establishing standards for face coverings for individuals when they are in public places, as approved by the Council November 19, 2020, effective November 21, 2020. **(ACTION ITEM)**

23. 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.

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.

23: An ordinance repealing Ordinance No. 3061, "Establishing standards for face coverings for individuals when they are in public places".

Documents:

[AGENDA-ITEM-23.PDF](#)

24. 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.)

25. ADJOURN

PUBLIC HEARING PROCEDURE

1. Explanation of hearing procedures by Mayor or staff.
 - o Ten (10) minute time limit on applicant presentation.
 - o Three (3) minute time limit on public testimony.
 - o 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.