

CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

April 5, 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.

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 Gina Dietz, local resident.

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 City Council Study Sessions of February 8 and March 8, 2018; the Study Session Clarification Working Lunch of February 15, 2018; the Budget Development meetings of March 1 and March 8, 2018; and the Clarification and Regular Council meetings of March 1 and 15, 2018.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of March 2018.

(c) ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Susan Puckett to continue her service as a member of the Animal Shelter Advisory Board, representing the Bannock Humane Society. Ms. Puckett's term will begin April 20, 2018 and will expire April 20, 2020.

(d) ACCEPTANCE OF ALLSTATE FOUNDATION FIRE PREVENTION DONATION: Council may wish to accept the recommendation of Pocatello Fire Department staff to accept a donation from the Allstate Foundation to be used for Fire Prevention activities. This donation, in an amount up to \$30,000.00, is similar to previous donations received from the Allstate Foundation for Fire Department activities.

(e) COUNCIL DECISION—ALAMEDA ACRES SUBDIVISION SHORT PLAT: Council may wish to adopt its decision approving the Short Plat for Alameda Acres Subdivision, which subdivides approximately .67 acres of land into four (4) residential lots, subject to conditions. The property is a replat of Lot 2, Block 1, First Addition to Richland Townsite, and is zoned Residential Medium Density Single Family (RMS). Lots 1 and 3 will have direct access from Grace Avenue and Lots 2 and 4 from Richland Avenue.

(f) COUNCIL DECISION—TALLGRASS SUBDIVISION SHORT PLAT: Council may wish to adopt its decision approving the Short Plat for Tallgrass Subdivision, which subdivides approximately 7.08 acres of land into two (2) residential lots, subject to conditions. The property is located in the NW1/4SE1/4 and in the SW1/4SE1/4, Section 17, Township 7 South, Range 35 EBM, and is zoned Residential Medium Density Single Family (RMS). Lot 1 will have direct access from Running Iron Lane while Lot 2 will be accessed via a fifty-foot (50') wide access and utility easement, which will cross Lot 1 and provide access to Running Iron Lane.

(g) COUNCIL DECISION—COUNTRYSIDE SUBDIVISION, 8TH ADDITION FINAL PLAT: Council may wish to adopt its decision approving

the Final Plat for Countryside Subdivision, 8th Addition, which subdivides approximately 3.06 acres of land into seven (7) residential lots, subject to conditions. The property is located southwest of Mountain Shadow Drive on the final connection of Foxmore Street. The majority of the property is zoned Residential Low Density (RL) with a portion of Lot 4, Block 2, being zoned Residential Estate (RE). Access will be provided by Foxmore Street.

(h) COUNCIL DECISION—BREEZY POINTE DIVISION THREE FINAL PLAT: Council may wish to adopt its decision approving the Final Plat for Breezy Pointe Division 3, which subdivides approximately 5.10 acres of land into eighteen (18) single-family lots, subject to conditions. The property is located east of Philbin Road and south of Quinn Road and is zoned Residential Medium Density Single-Family (RMS). Brock Drive and Kinghorn Road will be extended to provide access to the development.

(i) COUNCIL DECISION—BREEZY POINTE DIVISION FOUR FINAL PLAT: Council may wish to adopt its decision approving the Final Plat for Breezy Point Division 4, which subdivides approximately 3.57 acres of land into sixteen (16) single-family lots, subject to conditions. The property is located east of Philbin Road and south of Quinn Road and is zoned Residential Medium Density Single Family (RMS). Access to the development will be provided by an extension of Brock Drive.

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. CONFIRMATION OF COUNCIL MEMBER APPOINTMENT—MANNAN

Council may wish to confirm the Mayor's appointment of Beenish "Beena" Mannan to serve as a City Council member fulfilling the unexpired term of Steve Brown, City Council member Seat No. 2, with the appointment to be effective April 5, 2018. Upon confirmation, Ruth Whitworth, City Clerk, will administer the oath of office.

7. PUBLIC HEARING—CONTRACT REZONE FOR VACANT LAND ON SOUTH FIRST AVENUE

This time has been set aside for the Council to hear comments from the public regarding a request by Aaron Buckalew (mailing address: 431 Pebble Lane, Pocatello, ID 83204); to rezone by contract a parcel of vacant land on South First Avenue, south of Lawton Street from Residential Commercial Professional to Light Industrial to be utilized for storage and a

shop for personal use.

At their meeting on February 28, 2018, the Planning and Zoning Commission recommended approval of the request.

Documents:

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

8. FINAL PLAT—SIA TUSCANY PLAZA BUILDING 100

Mike Hodel of Strategic Investment Alliance (mailing address: 2265 East Sunnyside Road, Idaho Falls, ID 83406), represented by Justin Steffler of Wade Surveying (mailing address: 4141 South 58 West, Idaho Falls, ID 83442) has submitted a request to subdivide 1.123 acres (more or less) into 5 condominium units. The subdivision, SIA Tuscany Plaza Building 100, is located at the corner of East Center Street and Hospital Way.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on January 24, 2018 and recommended approval with conditions.

Documents:

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

9. PROPOSED AMENDMENTS TO SIGN ORDINANCE 15.20— DETERMINE DISTANCE FOR NOTICING REQUIREMENTS

Council may wish to determine the distance for noticing requirements for off premises signs, either 300 feet or 500 feet, in Municipal Code 15.20. Following this determination, an ordinance will be prepared for Council action at a future meeting.

Documents:

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

10. BID/CONTRACT FOR 7TH AVENUE AND SHERMAN STREET BUS TRANSFER STATION PROJECT

Council may wish to consider the recommendations of staff for the following requests regarding the 7th Avenue and Sherman Street Bus Transfer Station project.

a) Accept the low responsive bid received on March 13, 2018, from Harper Construction, Inc. in the amount of \$183,363.70 for base bid and \$31,716.63 for alternates 1 – 4 for a bid total of \$215,080.33 and, if the bid is accepted;

b) Authorize the Mayor's execution of the Agreement between the City of

Pocatello and Harper Construction, Inc. in the amount of \$215,080.33, for the 7th Avenue and Sherman Street Bus Transfer Station project, subject to Legal Department review.

This is a federally funded project (\$200,000.00). Local matching funds for the project will be \$50,000.00. (\$25,000.00 from the Community Development Block Grant and \$25,000.00 in City staff labor, design and construction oversight.)

Documents:

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

11. CONCESSION PERMIT REQUEST—PORTNEUF ICE MOBILE ICE CREAM TRUCK

Council may wish to grant an exception to City Ordinance (City Code 5.06.020) to allow Jordan Mikesell, dba Portneuf ICE, to operate a mobile ice cream concession on City streets. If granted, Ms. Mikesell will be required to provide the necessary liability insurance, naming the City as an additional insured, as well as meet the Southeast Idaho Public Health requirements and pay all applicable permit fees due.

City Council approval is required for this permit because concession operation on City streets is not specifically identified in City Code (5.06.020) as a public place where concessions are allowed. Council has approved similar exception requests for mobile concessions on City streets in past years.

Documents:

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

12. WATER CONNECTION REQUEST—6541 SOUTH 5TH AVENUE

Council may wish to consider a request from Buetts Fence Company, LLC represented by Le Buetts (mailing address: 62 E Leta Drive, Inkom, ID 83245) to connect a parcel of land commonly known as 6541 South 5th Avenue to the City's water and sanitary sewer system to allow the construction of a shop. The Utility Connection Annexation Covenant has been completed and all associated connection fees and costs have been paid.

Outside City limits utility rates will be charged until the property is annexed.

Documents:

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

13. SURPLUS DECLARATION—FORD RANGER TRUCK

Council may wish to accept the recommendations of staff and declare an inoperable 1998 Ford Ranger pickup truck as surplus and approve the sale to Pacific Recycling. The truck is no longer capable of being put into service and is not usable in any other department.

14. ORDINANCES

14(a). 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." (The ordinance has been prepared for Council consideration to be read under the rules of suspension.)

14(b). An ordinance to rezone by contract approximately 1.20 acres of undeveloped land in the northwest corner of Pole Line and Eldredge Roads and east of Faith 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. (The ordinance has been prepared for Council consideration to be read under the rules of suspension.)

14(c). An ordinance to rezone by contract approximately 2.34 acres of undeveloped land located in 3900 block of Hawthorne Road between 3942 and 3916 Hawthorne Road, from Residential Medium Density Single-Family (RMS) to Residential High Density (RHS), pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions. (The ordinance has been prepared for Council consideration to be read under the rules of suspension.)

14(d). An ordinance amending Pocatello Municipal Code 6.04.030, "Nuisances Prohibited," providing restrictions and regulations for animals during certain times of the year in City golf courses. (The ordinance has been prepared for Council consideration to be read under the rules of suspension.)

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.)**

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.