

CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

April 16, 2020 · 6:00 PM
Council Chambers | 911 North 7th Avenue

Due to the COVID-19 pandemic guidelines, no on-site public access is permitted for this meeting.

**The full Council meeting will be live-streamed at:
<http://streaming.pocatello.us/>**

Phone number for public hearing testimony call-in: 208-234-6283

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.

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.**

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 having a moment of silence.

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 March 5, 2020 and March 12, 2020 Budget Development meetings; the March 12, 2020 Work Session; the Clarification and Regular Council meetings of March 19, 2020.

(b) PAYROLL AND MATERIAL CLAIMS/TREASURER'S REPORT: Council may wish to consider payroll and materials claims for the month of March, 2020 and the Treasurer's Report for March showing cash and investments as of March 31, 2020.

(c) CHILD CARE ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Edith Wiggers to serve as a member of the Child Care Advisory Committee, replacing Robert Crocker whose term expired. Ms. Wiggers' term will begin April 3, 2020 and will expire April 3, 2024.

(d) HOUSING ALLIANCE AND COMMUNITY PARTNERSHIPS BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Lori Craney to continue her service as a member of the Housing Alliance and Community Partnerships Board. Ms. Craney's term will begin April 23, 2020 and expire April 23, 2025.

(e) HUMAN RELATIONS ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Virginia Kelly to continue her service as a member of the Human Relations Advisory Committee. Ms. Kelly's term will begin April 20, 2020 and expire April 20, 2024.

(f) POCATELLO DEVELOPMENT AUTHORITY REAPPOINTMENTS: Council may wish to confirm the Mayor's reappointments of Heidi Adamson, Chad Carr and Scott Turner to continue their service as members of the Pocatello Development Authority Board of Directors. All three terms will begin May 1, 2020 and will expire May 1, 2024.

(g) MEMORANDUM OF UNDERSTANDING – TNR PROGRAM: Council may wish to approve, and authorize the Mayor to sign, a Memorandum of Understanding and related documents, subject to Legal Department review, between the City of Pocatello and Best Friends for a \$50,000.00 grant to implement the TNR program. The TNR Program will require the addition of a full-time position at the Animal Shelter that will be dedicated to run the program.

(h) AGREEMENT FOR DOG KENNELS CONCRETE PROJECT – AG CONCRETE: Council may wish to approve an agreement with AG Concrete in the amount of \$5,000.00 to install concrete pads in dog kennels at the Animal Shelter.

(i) TIME CLOCK PLUS PURCHASE OF ADDITIONAL LICENSES – HUMAN RESOURCES: Council may wish to approve purchasing additional licenses in the amount of \$12,425.00 for seasonal and variable hour employees to utilize the electronic time keeping system as discussed at the March 12, 2020 Work Session.

(j) COUNCIL DECISION – VACATION OF RIGHT OF WAY DENIAL FOR KATSILOMETES: Council may wish to adopt its decision denying a request by Thomas J. Katsilometes to vacate the public's interest in the existing right-of-way consisting of the north shoulder of Hildreth Road between Interstate 15 and Diamondback Lane.

(k) COUNCIL DECISION – MR. MOWER SUBDIVISION SHORT PLAT 4105 HAWTHORNE ROAD: Council may wish to adopt its decision approving the short plat for Mr. Mower Subdivision, which subdivides approximately 2.39 acres of land into two (2) lots, subject to conditions. The property is located at 4105 Hawthorne Road, Pocatello.

(l) AMENDED COUNCIL DECISION – REPLAT OF COPPER CREEK SUBDIVISION: Council may wish to adopt an amended Council Decision to include all of the conditions recommended to Council at the November 21, 2019 meeting.

(m) AMENDED COUNCIL DECISION – ZONING AMENDMENT 2909 POLE LINE ROAD: Council may wish to adopt an amended Council Decision to allow a 70 foot by 60 foot stand-alone structure at 2909 Pole Line Road. City staff reviewed this proposed modification and has no objection to the change.

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 – MURDOCK

Jenny Murdock is appealing the decision by Police Department staff which denied Ms. Murdock a child care license. **(ACTION ITEM)**

7. PUBLIC HEARING – VACATION OF RIGHT OF WAY ON APEX ROAD

Phone number for public hearing testimony call-in: 208-234-6283

This time has been set aside for the Council to hear comments from the public regarding a request by Billy Isley (mailing address: 2227 East

Center, Pocatello, ID 83201) to vacate the public's interest in the right-of-way near the east corner of Center Street and Apex Road. **(ACTION ITEM)** (Quasi-Judicial Public Hearing)

Planning and Zoning Commission recommends approval of the request with conditions.

Documents:

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

8. PUBLIC HEARING – MCCORMICK AND HANCOCK ANNEXATION

Phone number for public hearing testimony call-in: 208-234-6283

This time has been set aside for the Council to hear comments from the public regarding a request to annex and zone .51 acres (more or less) of land located west of the future Trail Creek Estates – Division 4. The applicants are Ryan and Carol Hancock and McCormick Ranch, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201). **(ACTION ITEM)** (Quasi-Judicial Public Hearing)

Planning and Zoning Commission recommends approval of the request with conditions.

Documents:

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

9. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT – BREEZY APARTMENTS

Phone number for public hearing testimony call-in: 208-234-6283

This time has been set aside for the Council to hear comments from the public regarding a request by Jonathan Vincent of Gate City Builders, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to develop a Planned Unit Development (PUD) to be called Breezy Apartments. The proposed PUD is located east of Philbin Road and south of Quinn Road. **(ACTION ITEM)** (Quasi-Judicial Public Hearing)

Planning and Zoning Commission recommends approval of the request with conditions.

Documents:

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

10. FINAL PLAT – RIVERSIDE GREENS SUBDIVISION

David Bickley of Rocky Mountain Investing, LLC, (mailing address: 5015 Brooke Lane #B, Chubbuck, ID 83202) represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) has submitted an application for a final plat to subdivide 4.49 acres (more or less) into 10 lots. The proposed name for this subdivision is Riverside Greens. **(ACTION ITEM)**

Planning and Zoning Commission recommends approval of the request with conditions.

Documents:

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

11. RESCINDING RESOLUTION 1998-10 TO CLOSE SCHOOL DISTRICT NO. 25 DEVELOPMENT REIMBURSEMENT

Council may wish to adopt a resolution rescinding Resolution 1998-10 and closing School District No. 25 Development Reimbursement which requires that property owners adjacent to South 5th Avenue and as provided in Resolution 1998-10, who desires to connect to City sewer pay a special sewer connection fee. **(ACTION ITEM)**

Resolution 1998-10 was requested by School District No. 25 in May 1998 for development reimbursement of construction of the Century High School sewer line. The resolution is in excess of twenty years old with no sunset clause provided.

Documents:

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

12. BID/CONTRACT AGREEMENT – DAY STREET BUS STOP PROJECT

Council may wish to consider the recommendations of staff for the following requests regarding the Day Street Bus Stop project. **(ACTION ITEM)**

a) Accept the low responsive bid received on March 17, 2020, from Idaho Materials and Construction (IMC) in the amount of \$54,500.00; and if the bid is accepted

b) Authorize the Mayor's execution of the Contract Agreement between the City of Pocatello and IMC in the amount of \$54,500.00 for the Day Street Bus Stop project, subject to Legal Department review.

Funding for this project are from the following: 80% from the Federal Transit Authority (FTA) and 20% local match from Housing Alliance and

Community Partnerships. Staff recommends approval of the project.

Documents:

AGENDA-ITEM-12.PDF

13. CONSULTING SERVICES AGREEMENT – WATER TANK INTERNAL RECOATING PROJECT

Council may wish to approve a Consulting Services Agreement with Corrosion Control Technologies for the following requests related the Water Department's Five-Million Gallon Water Tank Internal Recoating Project. **(ACTION ITEM)**

- a) Task "A" - Design and Bid Period Services in the amount of \$9,070.00;
- b) Task "B" - Construction Services in the amount of \$101,390.00. Task "B" is contingent and will only be rendered if the project is successfully bid and approved by the City Council for Fiscal Year 2021.
- c) Authorize the Mayor's signature on the agreement, subject to Legal Department review.

Total fees for the project is \$110,460.00. This project has been identified within the Water Department's 5-year capital improvement program within the recent Utility Rate Study. Project construction is planned for the beginning of Fiscal Year 2021.

Documents:

AGENDA-ITEM-13.PDF

14. ITD AGREEMENT – PROJECT DEVELOPMENT STAGE OF SOUTH 5TH AVENUE SAFETY IMPROVEMENT PROJECT

Council may wish to consider the following requests regarding a State Local Agreement with Idaho Transportation Department (ITD). **(ACTION ITEM)**

- a) Approve a State Local Agreement with ITD for the South 5th Avenue Safety Improvement Project - Project Development Phase;
- b) Authorize the Mayor to execute the State Local Agreement, and other documents related to the Improvement Project; and
- c) Authorize the expenditure of \$8,000.00 (7.34% City Match) from Fund 70.

Execution of the Agreement is necessary to initiate the Project Development Phase of the project. Construction Phase of the project is anticipated for Fiscal Year 2021 and will be under a separate agreement.

Total cost of the project is estimated to be \$205,000.00 and remaining matching funds are estimated to be \$7,047.00.

Documents:

AGENDA-ITEM-14.PDF

15. RATIFICATION OF IFFT FOUNDATION GRANT APPLICATION AND ACCEPTANCE – PORTNEUF VALLEY PARTNERS INTERSECTION IMPROVEMENT PROJECT

Council may wish to approve the following requests related to a beautification project on State of Idaho property located at the intersection of North Main Extension/Garrett Way/Highway 30 and Hawthorne Road. **(ACTION ITEM)**

- a) Ratify a \$10,000.00 Ifft Foundation Grant Application which had a due date for submission of March 13, 2020; and if the grant is awarded
- b) Acceptance of the grant and authorize the Mayor's signature on documents related to the grant, subject to Legal Department review.

There is no City match requirement for the grant.

Documents:

AGENDA-ITEM-15.PDF

16. AIRPORT LEASE AGREEMENT – FRIGITEK INDUSTRIAL PARKS

Council may wish to approve and authorize the Mayor to sign a lease agreement between the City and Frigitek Industrial Parks, for a 20-acre parcel at the airport for the purpose of operating a cold storage facility and related services to support its tenants. The lease term will be 30 years with two, 10-year renewal options. The rental rate will be \$6,480.00 per year with an annual Consumer Price Index increase and an additional \$6,000.00 per year added in years 5, 10, 15 and 20. The lease is subject to Legal Department review. **(ACTION ITEM)**

Documents:

AGENDA-ITEM-16.PDF

17. PIGGY BACK BIDS – PUBLIC WORKS PROJECTS

Council may wish to approve the following piggy-back bids for public works projects: **(ACTION ITEM)**

- a) Piggy-backing the City of Chubbuck's 2020 bid awarded to M&S Development for ADA curb ramp replacements in the approximate sum of

\$77,075.00;

b) Piggy-backing Power County contracts with Idaho Asphalt Supply, Inc. for 2020 sealing oils in the approximate amount of \$37,923.00; and

c) Piggy-backing the 2019 City of Pocatello contract with Valley Slurry Seal for 2020 microsurfacing services in the approximate amount of \$581,000.00.

Council may also wish to authorize the Mayor's signature on documents related to the bids. These items are budgeted for in the Street Operations Department Fiscal Year 2020 budget

Documents:

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

18. SOLE SOURCE DECLARATION - 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 2020 Summer Paving Program and authorize the Mayor to sign documents related to the purchase. **(ACTION ITEM)**

The product is trademarked material that no other company makes and therefore, it is impractical/impossible to obtain three bids. The amount requested is 137.4 tons for a total purchase price of \$119,369.50 (F.O.B Salt Lake City, Utah)

Documents:

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

19. 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.

An ordinance ready for reading.

19. An ordinance amending Pocatello Municipal Code Title 13, Chapter 16 "Sanitary Sewer Regulations", specifically by amending Section 13.16.090 "Separate Sewers for Each Building" to correspond with established requirements for separate water service lines; Section 13.16.180 "Sanitary Sewer Users" to include a procedure to enforce the provisions of Chapter 13.16 and by adding 13.16.230 "Violation Penalty" to establish violation penalties. **(ACTION ITEM)**

Documents:

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

20. 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.
 - o Questions/comments should be addressed to the Mayor and Council.
 - o 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.
 - o 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.

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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.