

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

May 2, 2019 · 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 Reverend Jim Jones, Blazing Grace 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) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the March 7, 2019 Budget Development Meeting; April 4, 2019 Walkability Discussion meeting, Clarification meeting and Regular Council meeting; April 11, 2019 Work Session; April 17, 2019 and April 18, 2019 Executive Sessions; and April 18, 2019 City Council Liaison/Work Session Clarification meeting.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of April 2019.

(c) ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Jane Guidinger to continue her service as a member of the Animal Shelter Advisory Board. Ms. Guidinger's term will begin May 8, 2019 and will expire May 8, 2021.

(d) RESOLUTION—DESTRUCTION OF CITY RECORDS: Council may wish to adopt a Resolution providing for the destruction of temporary records pursuant to Idaho Code §50-907 and the City's Record Policy.

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. HAYDEN AND HAYES SUBDIVISION—SHORT PLAT

Jody Breeding of Rio Properties, LLC and Adam T. Waldron, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) have submitted a short plat to subdivide 0.29 acres (more or less) into two (2) residential lots. This subdivision is located at the intersection of Hayden Street and Hayes Avenue and is to be known as the Hayden and Hayes Subdivision. **(ACTION ITEM)**

Documents:

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

7. OPEN CONTAINER WAIVER REQUEST—OLD TOWN POCATELLO

The Council may wish to consider a request from Old Town Pocatello (mailing address: PO Box 222, Pocatello ID 83204) for a waiver of the open container ordinance to allow alcohol to be consumed in the 200 block of West Fremont and 200 to 400 block of North Main Street for Revive @ 5 events-Wednesdays May 22 through August 28, 2019 4:30 p.m. to 9:00 p.m., August 3, 2019 Downtown Days Neon Street Dance, 5:00 p.m. to 11:00 p.m., (beer, wine and spirits), September 7, 2019 – 2nd Annual Gate City Brewfest 2, 4:00 p.m. to 9:00 p.m. (beer and wine). **(ACTION ITEM)**

If the open container ordinance is waived it should be contingent upon the applicant meeting Police Department requirements and purchasing appropriate permits.

Documents:

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

8. REPRESENTATION AGREEMENT REGARDING OPIOID LITIGATION

Council may wish to approve a representation agreement with Keller Lenkner, LLC; Consovoy McCarthy Park, PLLC and Mooney Wieland, PLLC for prosecution of claims against certain pharmaceutical companies involved in the marketing, sale and distribution of opioids and authorize the Mayor to sign the representation agreement with said law firms. **(ACTION ITEM)**

This is a contingency fee agreement, therefore there is no cost to the City.

Documents:

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

9. AIRPORT LEASE AGREEMENT—MCNABB TRUCKING

Council may wish to approve and authorize the Mayor to sign a lease agreement between the City and McNabb Trucking for approximately 4,750 square feet of warehouse space located in the north half of building No. 231 located at 1963 Beechcraft, for the purpose of cold storage of business supplies and equipment, along with outdoor storage for truck parking consisting of 190 feet along the east side of the building and 48 feet along the north side.

The lease term will be 5 years at a rental rate of \$300.00 per month to be reviewed annually and increased at least by the amount of Consumer Price Index increase for the previous year. Lessee will be responsible for maintenance of the building. **(ACTION ITEM)**

Documents:

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

10. RESOLUTIONS ADOPTING INTERGOVERNMENTAL AGREEMENTS—NORTHGATE URBAN RENEWAL AREA

Council may wish to adopt, subject to final action on the proposed Northgate Urban Renewal Area, the following resolutions: **(ACTION ITEM)**

a) A resolution of the Mayor and City Council of the City of Pocatello to provide for an Intergovernmental Agreement for roles and responsibilities under Idaho Code Section 50-2906(3)(b) between the City of Chubbuck, Idaho and the City of Pocatello, Idaho; providing for areas outside the City limits to be included within an Urban Renewal Area; and providing an effective date.

b) A resolution of the Mayor and City Council of the City of Pocatello to provide for an Intergovernmental Agreement for roles and responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County, Idaho and the City of Pocatello, Idaho; providing for areas outside the City limits to be included with an Urban Renewal Area; and providing an effective date.

Documents:

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

11. 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.

Ordinances ready for reading.

11(a). An ordinance approving the Urban Renewal Plan for the Northgate Urban Renewal Project, which plan includes revenue allocation financing provisions. **(ACTION ITEM)**

11(b). An ordinance adding a subsection to Chapter 12.38.030, “Reversion to the City”, which provides guidelines for reconveying cemetery spaces to owners whose spaces have reverted to the City. **(ACTION ITEM)**

11(c). An ordinance amending Pocatello Municipal Code Title 12, Chapter 4, “Sidewalks/Curbs”, by amending Section 12.04.030 “Owner’s Duty to Construct, Repair or Replace Curbs and Sidewalks” to specifically require maintenance of curbing and repaving and enacting a new 12.04.040 “City’s Ability to Require Construction, Repair or Replacement of Curbs and Sidewalks” to grant authority to the City’s Public Works Director or his designee to enforce requirements listed in Section 12.04.030. **(ACTION ITEM)**

11(d). An Ordinance amending Pocatello Municipal Code Title 13, Chapter 4, “Water Department: General Regulations” and Title 13, Chapter 16 “Sanitary Sewer Regulations”, amending Section 13.04.030 “Connection to Potable Water Supply”, 13.04.070 “Outside City Connections”, 13.16.085 “Connection to Proximate Sewer Required” and 13.16.220 “Billing to clarify the connection requirements for water and sewer services. **(ACTION ITEM)**

Documents:

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

12. 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.)**

13. 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.