

AGENDA

CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

May 5, 2022 • 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.

DURING LOW/MEDIUM COMMUNITY LEVEL DESIGNATIONS, INDIVIDUALS ARE ENCOURAGED, BUT NOT REQUIRED, TO WEAR MASKS/FACE COVERINGS.

DURING HIGH COMMUNITY LEVEL DESIGNATIONS, INDIVIDUALS WILL BE REQUIRED TO WEAR MASKS/FACE COVERINGS.

**The 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 Reverend Jim Jones, representing 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 following meetings: Work Session of February 10, 2022; City Council Liaison/Work Session Clarification meeting of February 17, 2022; and Clarification and Regular Council meetings of March 3, 2022 and March 17.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the month of April 2022.

(c) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for February 2022 showing cash and investments as of February 28, 2022.

(d) HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Michael Strickland to serve as a member of the Human Relations Advisory Committee, replacing Virginia Kelly who resigned. Term will begin May 6, 2022 and will expire April 20, 2024.

(e) POCATELLO DEVELOPMENT AUTHORITY APPOINTMENT: Council may wish to confirm the Mayor's appointment of Kirk Lepchenske to serve as a member of the Pocatello Development Authority, replacing

Rob Lion whose term expired. Term will begin May 6, 2022 and will expire May 1, 2026.

(f) COUNCIL DECISION – VACATION OF RIGHT-OF-WAY ON THE NORTH SIDE OF APEX ROAD: Council may wish to adopt its decision vacating and abandoning the public's interest of approximately .323 acres of Apex Road.

(g) 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.

(h) DECLARATION OF SURPLUS PROPERTY – 2022 CITY AUCTION: Council may wish to declare items identified as surplus property to be sold at the City's Annual Auction on May 14, 2022. City departments submitted lists of items that they considered surplus and these were reviewed by other departments. The items to be considered surplus are not needed by any other departments within the City.

Documents:

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

4. 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. PUBLIC HEARING – ZONE MAP AND COMPREHENSIVE PLAN MAP AMENDMENT

This time has been set aside for the Council to hear comments from the public regarding a request by Pocatello Creek Center, LLC, represented by Jared Keller (mailing address: 920 Deon Drive, Pocatello, ID 83201) for a Zone Map and Comprehensive Plan Map Amendment to rezone property located at 920 Deon Drive from Residential Medium Density Single-Family (RMS) to Commercial General (CG) and to amend the Comprehensive Plan designation from Mixed Use (MU) to Commercial(C).

Staff finds the proposal compliant with all applicable standards. **(ACTION ITEM)** (Quasi-judicial Public Hearing)

Documents:

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

7. PUBLIC HEARING – VACATION OF EASEMENT – 1470 CEDAR LAKE ROAD

This time has been set aside for the Council to hear comments from the public regarding a petition submitted by Charles and Jennifer Evans, represented by Dave R. Gallafent, Merrill & Merrill Chartered (mailing address: 109 North Arthur Avenue, Pocatello, ID 83204) to vacate a stormwater and utility easement located at 1470 Cedar Lake Drive, crossing Lots 5 and 6, Block 4 of the Cedar Lake Subdivision. **(ACTION ITEM)** (Quasi-judicial Public Hearing)

Documents:

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

8. PUBLIC HEARING – VACATION OF EASEMENT 2000 BLOCK OF SOUTH 5TH AVENUE

This time has been set aside for the Council to hear comments from the public regarding a request by Mark Dahlquist of Pocatello Neighborhood Housing Services, LLC (mailing address: 206 North Arthur Avenue, Pocatello, ID 83204) for a vacation of easement located in the 2000 Block of South 5th Avenue. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)** (Quasi-judicial Public Hearing)

Documents:

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

9. INTERPRETATION OF CITY CODE APPEAL – BRAD BROWN

Council may wish to consider a request by Brad Brown, representing Steward Land Company, (mailing address: 1708 East 5550 South, Suite 18, Ogden, UT 84403) to appeal the decision of the Planning and Development Services Director's interpretation of City Code 17.3.300(G) related to residential uses in the Commercial General Zone. **(ACTION ITEM)**

Documents:

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

10. SHORT PLAT APPLICATION – OLYMPUS PARK SUBDIVISION

Council may wish to approve a short plat application submitted by Rick

Davis, represented by Cardon Payne, Global Land Works (mailing address: 1823 East Center Street, Pocatello, ID 83201) to subdivide 1.43 acres (more or less) into two (2) lots. The proposed subdivision is generally located at the northeast corner of the intersection of Olympus Drive and Pocatello Creek Road. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

11. FINAL PLAT APPLICATION – FIELDSTONE HEIGHTS DIVISION 2

Council may wish to approve a final plat application submitted by M & S Development, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 107 acres (more or less) into thirty-four (34) lots. The proposed subdivision is generally located south of South Grant Avenue and west of Bannock Highway with access off of Shale Drive. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

12. FINAL PLAT APPLICATION – GATEWAY NORTH SUBDIVISION

Council may wish to approve a final plat application submitted by Clayton Holbrook of Duchesne Land 2016, LLC, represented by Creek Hollow and Associates, Inc. (mailing address: 611 Wilson Avenue, Suite 1A, Pocatello, ID 83201) to subdivide 2.807 acres (more or less) into twenty-seven (27) lots. The proposed subdivision is generally located west of the intersection of Nora Avenue and Stockman Road. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

13. PROFESSIONAL SERVICES AGREEMENT FOR CARSON STREET BRIDGE PROJECT

Council may wish to approve a Local Professional Services Agreement with Keller Associates for the Carson Street Bridge Project and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Costs for the Professional Services Agreement will be paid by the Idaho Transportation Department. **(ACTION ITEM)**

Documents:

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

14. LEASE AGREEMENT/RESOLUTION – RIVERBEND COMMUNICATIONS, LLC

Council may wish to approve by Resolution, a lease agreement between the City and Riverbend Communications, LLC, and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. The lease allows a property easement for Riverbend Communications to operate and maintain a broadcasting booster antenna for a term of three (3) years at a rental rate of \$240.00 per month. **(ACTION ITEM)**

Documents:

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

15. PROPERTY USE AND ACCESS AGREEMENT WITH BUREAU OF LAND MANAGEMENT (BLM) AT OLD ALAMEDA LANDFILL SITE – PARKS AND RECREATION DEPARTMENT

Council may wish to consider a request by Bureau of Land Management (BLM) for a Property Use and Access Agreement, allowing for development of a trailhead and provision of public access to landlocked BLM property within the BLM's East Bench Recreation Management Zone via City property. The property is located at and around the old Alameda Landfill site. If approved, Council may wish to authorize the Mayor's signature on all applicable documents, subject to Legal Department review. **(ACTION ITEM)**

Documents:

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

16. EXCEPTION REQUEST TO ALLOW OVERNIGHT CAMPING – BOY SCOUTS OF AMERICA

Council may wish to consider approving the following requests from the Boy Scouts of America Organization (Scout Mountain District), represented by Ralph Oborn (mailing address: 2306 Pocatello Creek Road, Pocatello, ID 83201) in regards to their annual Camporee Event: **(ACTION ITEM)**

- a) Allow an exception to City Code 12.36.020, Restricted Hours in Parks, to allow for overnight camping on May 13, 2022 to host their Spring 2022 Camporee Event at Lower Ross Park (west side) on the grassy area

between the Pavilion and the Historic Locomotives; and

b) Allow approval of associated exceptions to City Ordinance 12.36.020 for future years, subject to the Parks and Recreation Director's review and barring any significant change or changes to events.

If the exceptions are granted, the Boy Scouts of America will be required to submit the appropriate applications, provide proof of liability insurance and pay applicable permit fees. Parks and Recreation staff recommends approval of the exception requests.

Documents:

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

17. PIGGYBACK BID ACCEPTANCE OF SOURCEWELL CONTRACT FOR GANG MOWER – PARKS AND RECREATION DEPARTMENT

Council may wish to consider piggybacking Toro's Sourcewell Contract #031121-TTC via Turf Equipment and Irrigation, Inc. for the procurement of one (1) new Toro Groundsmaster 5900 gang mower in the sum of \$114,200.64. The cost for the purchase has been budgeted in the Fiscal Year 2022 budget. Council may also wish to authorize the Mayor's signature on all applicable documents, subject to Legal Department review. **(ACTION ITEM)**

Documents:

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

18. 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.

Ordinance ready for reading:

18: An ordinance amending Pocatello Municipal Code Title 5 "Business Licenses and Regulations" specifically by amending Chapters 5.04.020, Miscellaneous Licenses and Fees; 5.12.030, Licensing Period and Fees; 5.30.230, License, Fees; 5.44.020, License; Required; 5.52.070, License Fees, 5.56.020, License; Required; Application; Fee, 5.56.070, License Renewal; Fee, and 5.60.060, Fees, removing all specific licensing fees and establishing that fees be set by Resolution of the City Council.

(ACTION ITEM)

Documents:

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

19. 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.)

20. 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.