

A M E N D E D

**CITY OF POCA TELLO
REGULAR CITY COUNCIL MEETING**

May 7, 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/> and available on Sparklight
Cable channel 56**

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 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 January 16, 2020 Council Liaison/Work Session Clarification meeting; Executive Sessions of April 8 and April 23, 2020; and the Budget Development meeting of April 9, 2020.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and materials claims for the month of April, 2020.

(c) ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Su 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, 2020 and will expire April 20, 2022.

(d) COUNCIL DECISION – VACATION OF RIGHT OF WAY ON APEX ROAD: Council may wish to adopt its decision vacating and abandoning the public's interest in approximately 5,663 square feet of a right-of-way on Apex Road located near the east corner of Center Street and Apex Road.

(e) COUNCIL DECISION – MCCORMICK AND HANCOCK ANNEXATION: Council may wish to adopt its decision to approve the annexation of a parcel of land comprised of approximately .51 acres owned by McCormick Ranch, LLC and Ryan and Carol Hancock. The parcel is located west of the future Trail Creek Estates – Division 4 and will be zoned Residential Low Density (RL) with a Comprehensive Plan designation of "Residential".

(f) COUNCIL DECISION – BREEZY APARTMENTS PLANNED UNIT DEVELOPMENT: Council may wish to adopt its decision granting a request by Jonathan Vincent d/b/a Gate City Builders for a Planned Unit Development consisting of approximately 3.72 acres located east of Philbin Road and south of Quinn Road. The development shall consist of twenty-three (23) lots, including eighteen (18) residential high density lots for multi-family dwelling units and the remaining five (5) lots dedicated as common area, subject to conditions.

(g) COUNCIL DECISION – RIVERSIDE GREENS SUBDIVISION – 4TH ADDITION FINAL PLAT: Council may wish to adopt its decision approving the final plat for Riverside Greens Subdivision – 4th Addition, which subdivides 4.49 acres of land into ten (10) lots, two (2) of which are non-buildable and shall be dedicated for open space/storm water retention, subject to conditions. The property is located east of Bannock Highway and south of Lundberg Lane.

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. PUBLIC HEARING – CARES FISCAL YEAR 2020/5307 FUNDING APPLICATION FOR TRANSIT

This time has been set aside for Council to receive comments from the public regarding the CARES Fiscal Year 2020 5307 grant application in the amount of \$3,401,950.00 for Pocatello Transit. **(ACTION ITEM)**
(Legislative Public Hearing)

CARES funding is provided at 100% Federal funds and there is zero local match.

Documents:

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

7. SHORT PLAT – CREEKSIDE DISTRICT SUBDIVISION

Mike and Kathy Seibert (mailing address: 1665 Pocatello Creek Road, Pocatello, ID 83201), represented by Mitch Greer of Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) has submitted a short plat application to subdivide 3.57 acres (more or less) into two (2) commercial lots. The general location of the property is 1755 Pocatello Creek Road. **(ACTION ITEM)**

Documents:

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

8. AGREEMENT/MOU FOR DOG KENNELS CONCRETE PROJECT – AG CONCRETE

Council may wish to approve the following requests regarding the installation of concrete pads in outside dog kennels at the Pocatello Animal Shelter. **(ACTION ITEM)**

a) Agreement with AG Concrete in the amount of \$8,505.00 to install concrete pads in outside dog kennels at the Animal Shelter; and

b) Memorandum of Understanding (MOU) with Friends of the Pocatello Animal Shelter (Friends). Friends received a \$5,000.00 grant and are

purchasing \$5,000.00 in food products for the shelter animals as well as providing \$3,505.00 to pay the balance of the concrete project. The Animal Shelter will re-allocate \$5,000.00 toward the project that was budgeted for food products. This results in a zero net cost to the City.

Documents:

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

9. TEMPORARY STREET CLOSURE REQUEST – OLD TOWN POCATELLO

Council may wish to consider a request from Old Town Pocatello (mailing address: PO Box 222, Pocatello ID 83204) to close the 200 block of West Fremont, a portion of the 300 and 400 blocks of Union Pacific Avenue and 400 Block of Union Pacific Avenue Parking Lot for the following 2020 events: **(ACTION ITEM)**

a) Portneuf Valley Farmers Market – Saturdays May 9 through October 31 (includes parking lot closure 6:00 a.m. to 2:00 p.m.) Limited food and produce vendors will begin May 9 and the following Saturdays will open as dictated by COVID-19 guidelines.

b) Revive @ 5 – Wednesdays July 1 through September 16 2:00 p.m. to 10:00 p.m. Revive @ 5 events will be contingent upon COVID-19 guidelines.

Documents:

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

10. 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 the 400 block of North Union Pacific Avenue on Wednesdays from July 1, 2020 through September 16, 2020 for Revive @ 5 events. **(ACTION ITEM)**

If the open container ordinance is waived it should be contingent upon COVID-19 guidelines, the applicant meeting Police Department requirements and purchasing appropriate permits.

Documents:

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

11. LEASE AGREEMENTS – AIRPORT

Council may wish to approve and authorize the Mayor to sign the following lease agreements for property at the Pocatello Regional Airport: **(ACTION ITEM)**

a) Lease agreement with Matt Sammons for a parcel of bare ground, approximately 2,000 square feet, for the purpose of locating a private aircraft hangar. Rental rate will be \$372.00 per year. Term will be five (5) years with a five-year renewal option.

b) Lease agreement with Pocatello TMX for a parcel of bare ground, approximately 4.04 acres, for the purpose of operating a motocross speedway with off-road motorcycle recreational and competitive activities. Rental rate will be \$1,184.91 per year. Term will be one year with four (4) one-year renewal options.

Both rental rates will be reviewed annually by the Airport Commission and increased by at least the amount of the Consumer Price Index increase for the previous year.

Documents:

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

12. INTERGOVERNMENTAL AGREEMENT – NPDES PERMIT

Council may wish to consider and authorize the Mayor's signature on an updated Intergovernmental Agreement for stormwater management with the City of Chubbuck, Bannock County, Idaho Transportation Department (District 5), and Idaho State University. The Intergovernmental Agreement describes each organization's respective roles and responsibilities related to the National Pollutant Discharge Elimination System (NPDES) Permit #IDS028053. **(ACTION ITEM)**

Documents:

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

13. SUPPORT FOR GRANT APPLICATION – HAZARD FUELS REDUCTION PROJECTS

Council may wish to support a grant application from Idaho Department of Lands to the US Forest Service for a Hazard Fuels Reduction Project in the Highland Bench and Johnny Creek Areas. Request for support includes the following: **(ACTION ITEM)**

a) Grant application submittal, authorize the Mayor to sign documents related to the grant, and; if awarded

b) The City serve as a sub-contractor on the grant, receiving up to \$240,000.00 for the project implementation, subject to Legal Department review.

Although there is not a monetary match for the City, there will be in-kind services provided via City Staff time and administration.

Documents:

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

14. SURPLUS DECLARATION AND REQUEST TO SELL OUTDATED POLICE TASERS

Council may wish to accept the recommendation of Police staff and declare outdated Taser X-26s and Taser X-26Ps including batteries and cartridges related to the tasers as surplus and approve agreements, subject to Legal department review, authorizing sale of the equipment to Accredited Security, LLC. **(ACTION ITEM)**

The Police Department has transitioned to the Taser 7 and is no longer in need of the Taser X-26 or Taser X-26P. Funds from the sale will further the Police Department's goals, extend its budget and help fund needed equipment.

Documents:

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

15. WAIVER REQUEST FOR WATER UTILITY CHARGES – BANNOCK COUNTY EVENT CENTER

Council may wish to consider a request to waive outstanding charges related to the Water Utility Account for Bannock County Event Center in the amount of \$10,223.36. **(ACTION ITEM)**

This request has been made by the Bannock County Commissioners. Installation of a new sprinkler system at the Event Center will allow the County to be self-sufficient by using their own well. The Event Center is used by the public and is available to residents of Pocatello and Bannock County alike.

Documents:

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

16. 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.

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.

16(a). An ordinance amending Pocatello Municipal Code Title 5, Chapter 28 "Childcare", specifically by amending Section 5.28.060 "Background and Criminal History Checks" to comply with Federal Regulations. **(ACTION ITEM)**

16(b). An ordinance to repeal Ordinance 3018 which revised Pocatello Municipal Code Title 10 by adding Chapter 8, Section 270 "Distracted Driving". A statewide law has been adopted regarding the use of mobile electronic devices while driving, which law supersedes any similar local laws or ordinances. **(ACTION ITEM)**

Documents:

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

17. 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.
Phone number for public hearing testimony call-in: 208-234-6283
 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.