

AGENDA

CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

June 2, 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 Tony Seikel, representing Portneuf Sangha.

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: Clarification and Regular Council meetings of April 7, 2022 and Special City Council meetings of March 10, 2022 and May 19, 2022.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the period of May 14, 2022 through May 31, 2022.

(c) ANIMAL SHELTER ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Joan Reed to serve as a member of the Animal Shelter Advisory Board, replacing Brandie Jacobia who resigned. Term to begin June 3, 2022 and expire June 3, 2024.

(d) LIBRARY BOARD OF TRUSTEES APPOINTMENT: Council may wish to confirm the Mayor's appointment of Sarah Godsey to serve as a member of the Library Board of Trustees, replacing Chuck Orr who resigned. Term to begin June 17, 2-22 and expire July 1, 2024.

Documents:

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

4. 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.

5. TAXI CAB LICENSE DENIAL APPEAL – STEPHANIE SCHROEDER

Stephanie Schroeder will be present to appeal the denial of a City of Pocatello Taxi Cab License application which was denied by the Police Department. **(ACTION ITEM)**

6. PUBLIC HEARING – PROPOSED FISCAL YEAR 2022 BUDGET AMENDMENTS

This time has been set aside for the Council to hear comments from the public regarding proposed Fiscal Year 2022 Budget amendments. **(ACTION ITEM)** (Legislative Public Hearing)

Documents:

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

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT

This time has been set aside for the Council to hear comments from the public regarding a request by Dakota Worrell, represented by Krystal Chanda of A & E Engineering (mailing address: 845 West Center Street #E, Pocatello, ID 83201) for a Zoning Ordinance text amendment to amend table 17.05.570-1 regarding multi-family parking standards. Staff finds the proposal compliant with all applicable standards. The Planning and Zoning Commission recommended approval of the application at their Regular meeting held May 11, 2022. **(ACTION ITEM)**

Documents:

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

8. PUBLIC HEARING – RECONSIDERATION REQUEST FOR VARIANCE AT 950 NORTH 10TH AVENUE

This time has been set aside for the Council to hear comments from the public regarding a request by Pat Rowley (mailing address: 950 North 10th Avenue, Pocatello, ID 83201) regarding the decision on a variance application. The Hearing Examiner approved the application with modifications requiring the following: 1) a fifteen (15) foot front setback; 2) a five (5) foot corner-street-side setback; 3) a twenty (20) foot garage setback; and 4) off-street parking to be accessed from the adjacent alley. **(ACTION ITEM)**

Documents:

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

9. PUBLIC HEARING – ZONING AND COMPREHENSIVE PLAN MAP AMENDMENT FOR PROPERTY NEAR GOLDSTAR DRIVE

This time has been set aside for the Council to hear comments from the public regarding a request by Ken Pape, represented by Chris Adams of Creek Hollow and Associates, Inc. (mailing address: 611 Wilson Avenue, Suite 1A, Pocatello, ID 83201), for a Zoning and Comprehensive Plan Map Amendment application. The request calls for rezoning two (2) parcels from Residential Commercial Professional (RCP) to Commercial General (CG). The request also calls to amend the Comprehensive Plan Land Use Map from Mixed Use (MU) to Commercial (C). The property is located north of Goldstar Drive and another parcel south of Goldstar Drive and west of Olympus Drive totaling 10.5 acres (more or less). The Planning and Zoning Commission recommended approval of the request at their May 11, 2022 Regular meeting. **(ACTION ITEM)**

Documents:

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

10. CREEKSIDE DISTRICT SHORT PLAT EXPIRATION

DEADLINE EXTENSION REQUEST – MICHAEL SEIBERT

Council may wish to approve a request by Michael Seibert (mailing address: 1665 Pocatello Creek Road, Pocatello, ID 83201) to extend the two (2) year expiration deadline for a Short Plat. The applicant is unable to complete the project in a timely manner due to material and labor shortages associated with the COVID Pandemic. Council is also asked to define a time period associated with the extension. Staff has recommended a 12-month extension period. **(ACTION ITEM)**

Documents:

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

11. EXCEPTION TO INTERNATIONAL FIRE CODE §D107.1 – LANDS END

Council may wish to approve a request by Brandon Ratliff with Land Quest Development for an exception to the International Fire Code §D107.1 which requires two (2) approved fire access roads for ingress/egress to or from the subdivision when the development exceeds more than 30 dwelling units. **(ACTION ITEM)**

Documents:

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

12. SHORT PLAT APPLICATION – CREEKSIDE DISTRICT DIVISION 2 SUBDIVISION

Council may wish to approve a short plat application submitted by Michael Seibert of Iron Eagle, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 2.31 acres (more or less) into two (2) lots. The proposed subdivision is located at 1625 Pocatello Creek Road. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

13. SHORT PLAT APPLICATION – RICE SUBDIVISION

Council may wish to approve a short plat application submitted by Randy Smith represented by Cardon Payne of Global Land Works (mailing address: 1823 East Center Street, Pocatello, ID 83201) to subdivide 4.33 acres (more or less) into three (3) lots. The proposed subdivision is located at 2396 South Grant Avenue. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

14. FINAL PLAT APPLICATION – HIGH TERRACE DIVISION 3

Council may wish to approve a final plat application submitted by Bill Isley, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 18.69 acres (more or less) into 32 lots. The proposed subdivision is located along the future extension of East Center Street and north of Vista Drive. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

15. EXCEPTION REQUEST TO ALLOW OVERNIGHT CAMPING – COORS LIGHT SOFTBALL TOURNAMENT

Council may wish to consider approving the following requests from the Annual Coors Light Adult Softball Tournament, represented by Pat Zausch, (mailing address: 518 ½ North Grant Avenue, Pocatello, ID 83204), in regards to their annual Adult Softball Tournament: **(ACTION ITEM)**

- a) Allow an exception to City Code 12.36.020, Restricted Hours in Parks, to allow for overnight camping at NOP Park's Watkins Softball Complex on June 3 and 4, 2022 to host the Annual Coors Light Adult Softball Tournament; 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 Tournament 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-15.PDF](#)

16. AIRPORT GRANT APPLICATION AND PROFESSIONAL SERVICES AGREEMENT – AIRPORT

Council may wish to approve and authorize the Mayor to sign the following:

- a) All pertinent documents related to a grant application to the FAA in the amount of \$277,496.00. The required 6.25% match in the amount of \$18,500.33 will be funded using previously budgeted Airport Passenger Facility Charge (PFC) funds. Projects to be funded using grant funds will be preliminary design for the rehabilitation of runway 3/21; completion of a pavement management plan; and independent fee estimate; and if approved
- b) Authorize a Professional Services Agreement with T-O Engineers for preliminary design of the rehabilitation of runway 3/21 and completion of a pavement management plan. Cost for the project is \$291,996.33.
(ACTION ITEM)

Documents:

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

17. CHILDREN PEDESTRIAN SAFETY IMPROVEMENT PROGRAM GRANT APPLICATION

Council may wish to approve submission of a grant application for the Children Pedestrian Safety Program in the amount of \$250,000.00, subject to Legal Department review. If awarded, Council may wish to authorize acceptance of the grant and authorize the Mayor's signature on all pertinent documents related to the grant, subject to Legal Department review. Grant funds will be used for a pedestrian improvement project at

the intersection of Hawthorne Road and Jensen Street. There is no City match. **(ACTION ITEM)**

Documents:

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

18. LEADING IDAHO LOCAL BRIDGE PROGRAM GRANT APPLICATION

Council may wish to consider the following regarding the Leading Idaho Local Bridge Program (LILB) for Benton Street Bridge over the Portneuf River: **(ACTION ITEM)**

- a) Approve submission of a grant application for the Leading Idaho Local Bridge Program (LILB) for Benton Street Bridge over the Portneuf River in the amount of \$2,200,000.00, subject to Legal Department review. There is no City match;
- b) If approved, authorize the Mayor's signature on all pertinent documents related to the grant, subject to Legal Department review;
- c) Adopt a Leading Local Bridge Program – City of Pocatello Resolution; and
- d) Approve a Memorandum of Understanding – Leading Idaho Local Bridge Program between Local Highway Technical Assistance Council and the City of Pocatello.

Documents:

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

19. SOUTH 5TH AVENUE SAFETY IMPROVEMENT PROJECT AGREEMENT/RESOLUTION – IDAHO TRANSPORTATION DEPARTMENT

Council may wish to approve by Resolution, a State and Local Agreement between Idaho Transportation Department and the City of Pocatello and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Council may also wish to authorize the use of funds in the amount of \$65,689.00, the required match for the project.

Funds are available in Fund 70. **(ACTION ITEM)**

Funds for the project were previously awarded by a Local Highway Safety Improvement Program (LLHSIP) grant for the South 5th Avenue Safety Improvement Project in 2019.

Documents:

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

20. MAIN AND ARTHUR PEDESTRIAN IMPROVEMENT PROJECT AGREEMENT – IDAHO TRANSPORTATION DEPARTMENT

Council may wish to approve a State and Local Agreement between Idaho Transportation Department and the City of Pocatello and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Council may also wish to authorize the use of funds in the amount of \$3,000.00, a portion of the required match for the project.

Funds are available in Fund 70. **(ACTION ITEM)**

Funds for the project were previously awarded by a Local Highway Technical Assistance Council (LHTAC) grant for the Main and Arthur Pedestrian Improvement Project in 2020.

Documents:

[AGENDA-ITEM-20.PDF](#)

21. IDAHO POWER UTILITY EASEMENT – POCATELLO REGIONAL AIRPORT

Council may wish to approve and authorize the Mayor to sign an Idaho Power utility easement at Pocatello Airport, subject to Legal Department review. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-21.PDF](#)

22. BID ACCEPTANCE AND CONTRACT FOR WELL #2R TEST WELL – WATER DEPARTMENT

Council may wish to accept the recommendations of staff and award the bid for the Well #2R Test Well project to High Plains Drilling, Inc. in the amount of \$59,508.00, and authorize the Mayor to execute all contract documents, subject to Legal Department review. Funding is available through funds received within the American Rescue Plan Act (ARPA).
(ACTION ITEM)

Documents:

[AGENDA-ITEM-22.PDF](#)

23. LEASE AGREEMENTS/RESOLUTIONS – AIRPORT

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

- a) Richard Carrol and Michael McCormick - A lease for approximately 8,500 square feet of land upon which Mr. Carroll and Mr. McCormick co-own an aircraft hangar. The proposed term is ten (10) years with a proposed annual rental rate of \$1,683.00; and
- b) ITC Services – A lease for approximately 7,750 square feet of warehouse space and 15,000 square feet of outdoor storage yard for the purpose of operation of a hay bale tarping business. The proposed term is two (2) years with an automatic two-year renewal and a proposed monthly rental rate of \$1,306.26.

Both rental rates will be increased annually according to the CPI increase for the previous year with a full rate review based on appraisal or airport comparisons every five years.

Documents:

[AGENDA-ITEM-23.PDF](#)

24. AIRPORT CONSTRUCTION AGREEMENT AND NOTICE OF AWARD

Council may wish to approve and authorize the execution of a construction agreement and notice of award between the City of Pocatello and Staker Parson Co., DBA Idaho Materials and Construction in the amount of

\$507,249.00 for improvements and expansion of the Bureau of Land Management (BLM) tanker base at the airport, subject to Legal Department review. The project will be funded by BLM. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-24.PDF](#)

25. AIRPORT TRANSPORTATION AGREEMENT – AIRPORT

Council may wish to approve and authorize the Mayor to sign a transportation agreement with SkyWest Airlines to provide once daily air service between Pocatello and Salt Lake City. If costs exceed revenue, the City will pay a subsidy to SkyWest for the service. The term of the agreement will be 12 months or until the subsidy funds have been exhausted, whichever comes first. The maximum subsidy for the 12-month period is \$800,000.00. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-25.PDF](#)

26. 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:

- a): An ordinance vacating and abandoning the public's interest of approximately .323 acres of Apex Road. **(ACTION ITEM)**

- b): An ordinance amending the zoning designation for the property located at 920 Deon Drive from Residential Medium Density (RMS) to Commercial General (CG) with current amendment to the Comprehensive Plan map designation of Mixed-Use (MU) to Commercial (C). **(ACTION ITEM)**

- c): An ordinance vacating and abandoning the public's interest in a stormwater and utility easement running across the southerly-most portion of Lots 5 and 6, Block 4, Cedar Lakes Subdivision. **(ACTION ITEM)**

- d): An ordinance vacating and abandoning the public's interest in an existing shared access and utility easement crossing the southeast portion of the southeast $\frac{1}{4}$ southeast $\frac{1}{4}$ (SW1/4SE1/4 of section 36, township 6 south, range 34 East Boise Meridian (EBM)). **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-26.PDF](#)

27. 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.)

28. 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.