

# CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

June 6, 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.

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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](mailto:sbeebe@pocatello.us); 208.234.6248 or 5815 South 5th Avenue, Pocatello, Idaho.

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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.*

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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.

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## 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

## 2. INVOCATION

The invocation will be offered by Pastor Scott Sampson, Rocky Mountain Ministries.

### 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 Clarification and Regular Council meetings of April 18 and May 2, 2019; the Budget Development meetings of May 2, 9, and 16, 2019; the Work Session of May 9, 2019; the Special City Council meeting of May 14, 2019; and the Executive Session of May 16, 2019.

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

(c) HOUSING ALLIANCE AND COMMUNITY PARTNERSHIPS BOARD REAPPOINTMENT: Council may wish to confirm the Mayor

(d) LIBRARY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Chuck Orr to continue his service as a member of the Library Board. Mr. Orr's term will begin July 1, 2019 and will expire July 1, 2024.

(e) PARKS AND RECREATION ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Deb Mullins to serve as a member of the Parks and Recreation Advisory Board, representing the Fort Hall Replica Commission. Ms. Mullins' term will begin June 9, 2019 and will expire June 9, 2021.

(f) POCATELLO ARTS COUNCIL REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Paige Weber to continue her service as a member of the Pocatello Arts Council. Ms. Weber's term will begin July 2, 2019 and will expire July 2, 2022.

(g) COUNCIL DECISION—PERFORMANCE OUTDOOR, APPEAL OF HEARING EXAMINER'S DENIAL OF REQUEST FOR OFF-PREMISES BILLBOARD SIGN: Council may wish to adopt its decision approving the appeal from Applicant, Performance Outdoor, and overturning the Hearing Examiner's denial of Applicant's request for an off-premises billboard sign at 507 East Center Street.

(h) COUNCIL DECISION—LOVE 2 BID SUBDIVISION FINAL PLAT: Council may wish to adopt its decision approving the final plat for Love 2 Bid Subdivision, which subdivides approximately 11.05 acres of land into ten (10) commercial lots, subject to conditions. The property is located at 3400 South 5th Avenue.

(i) COUNCIL DECISION—DENIAL OF REQUEST FROM PRIME TIME AUCTIONS, INC. FOR EXEMPTION FROM CITY CODE REQUIREMENTS: Council may wish to adopt its decision denying the

request by Prime Time Auctions, Inc. for an exemption from Pocatello Municipal Code 16.24.080 and 116.24.110.

(j) GRANT APPLICATION—ASPCA AND SUBARU PET ADOPTION EVENT: Council may wish to approve submission of a grant sponsored by the ASPCA and Subaru Dealership in the amount of \$2,500.00, authorize acceptance of the grant and authorize the Mayor to sign, subject to Legal Department review, documents related to the grant. This Share the Love Adoption Event will promote adoption of animals from the Animal Shelter. This is an annual grant request and there is no City match.

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. APPOINTMENT CONFIRMATION—CHIEF OF POLICE**

Council may wish to confirm the Mayor's appointment of Roger Schei as Chief of Police effective June 18, 2019. **(ACTION ITEM)**

**7. PUBLIC HEARING—CDBG PROGRAM YEAR 2018 ANNUAL REPORT**

As required by the U.S. Department of Housing and Urban Development (HUD), this time has been set aside for the Council to consider any comments from the public concerning the Program Year 2018 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER). The report was available for public view from May 22 to June 6, 2019, after review and recommendation of approval by the CDBG Advisory Committee. **(ACTION ITEM)** (Legislative Public Hearing)

Following the public hearing, Council may wish to approve the report and authorize its submittal, including a summary of any public input, to HUD on or before June 26, 2019.

Documents:

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

**8. PUBLIC HEARING—NEVA ROAD/GATHE DRIVE ANNEXATION**

This time has been set aside for the Council to hear comments from the public regarding a request to annex 115.32 acres (more or less) south of

Neva Road and west of Gathe Drive. The applicant is requesting Residential Low Density zoning and a Comprehensive Plan Land Use Map designation of Residential. The applicant is McCormick Ranch, LLC (mailing address: 547 Partridge Lane, Rexburg, ID 83440-3579) and is represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello ID 83201). **(ACTION ITEM)** (Quasi-Judicial Public Hearing)

At their meeting on May 8, 2019, the Planning and Zoning Commission recommended approval of the annexation, exempting out 40 acres south and southeast of Neva Road, with conditions recommended by staff.

Documents:

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

## **9. LYNDA'S LOTS SHORT PLAT—1940 BENCH ROAD**

Lynda Munk, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), has submitted a short plat application to subdivide 0.92 acres (more or less) into three (3) lots. **(ACTION ITEM)**

The property is located at 1940 Bench Road and is a replat of Lots 2 and 3, Block 3, East Bench Subdivision. It is located within a Residential Medium Density Multi-Family zoning district.

Documents:

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

## **10. TEMPORARY STREET CLOSURE REQUEST—FUN TIME CARNIVAL IN 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 300 block of North Union Pacific Parking Lot July 9 through 14, 2019 for a carnival. Fun Time carnival will operate on the following dates: Wednesday from 5:00 p.m. to 8:00 p.m. and all day Thursday, Friday and Saturday. **(ACTION ITEM)**

Fun Time Carnival will be set up in the parking lot only. No vehicles will be on the street.

Documents:

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

## **11. BID/AGREEMENT—CREATIVE BUS SALES**

Council may wish to consider the recommendations of staff for the following requests regarding the purchase of accessible vans. **(ACTION**

## ITEM)

(a) Accept the bid received on May 20, 2019, from Creative Bus Sales, Inc. in the amount of \$128,668.00 (2 raised roof accessible vans at \$64,334.00 each) and, if the bid is accepted;

(b) Authorize the Mayor to sign documents related to the purchase, subject to Legal Department review.

Funds for the purchase are available in the Transit Department Fiscal Year 2019 budget.

Documents:

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

## 12. SMALL AIR SERVICE DEVELOPMENT PROGRAM GRANT APPLICATION/ACCEPTANCE

Council may wish to approve submission of the following grant application and, if awarded, authorize acceptance of the grant and authorize the Mayor to sign, subject to Legal Department review, documents related to the grant: **(ACTION ITEM)**

A U.S. Department of Transportation Small Community Air Service Development Program grant in the amount of \$800,000.00 with a minimum of \$80,000.00 cost share consisting of funds donated by the community as well as City and Airport funds.

The grant will be used to provide a revenue guarantee and marketing campaign for air service between Pocatello and Denver, if service is instituted by the airline.

Documents:

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

## 13. 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.

An ordinance ready for reading.

13: An ordinance terminating the revenue allocation area for the North Yellowstone Project area and requiring distribution of any surplus determined to exist, pursuant to Idaho Code §50-2909. **(ACTION ITEM)**

Documents:

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

## 14. 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.)**

## 15. ADJOURN

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### 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.
  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.