

AGENDA

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

August 4, 2022 • 6:00 PM
Council Chambers | 911 North 7th Avenue

During low/medium COVID-19 community level designations, individuals are encouraged, but not required, to wear masks/face coverings.

During high COVID-19 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 Tamilyn Carson, Buddhist representative.

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 May 12, 2022; City Council Liaison/Work Session Clarification meeting of May 19, 2022; Budget Development meeting of May 26, 2022; Council Clarification and Regular City Council meetings of June 16, 2022; July 7, 2022; and July 21, 2022; and Special City Council meeting of July 21, 2022.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the period of July 16, 2022 through July 30, 2022.

(c) PARKS AND RECREATION ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Tonya Wilkes to continue serving on the Parks and Recreation Advisory Board, representing School District #25. Tonya's term will begin August 19, 2022 and will expire August 19, 2024.

(d) COUNCIL DECISION – FINAL PLAT – STRATTEN ESTATES FINAL PLAT APPROVAL: Council may wish to adopt its decision approving the final plat for Stratten Estates Division 3, which subdivides approximately 4.30 acres of land into 23 lots, one (1) of which will be non-buildable. The property is zoned Residential Medium Density Single-Family (RMS) and will be accessed from an extension of Troy Lane and a new road connecting the south and east portions of the subdivision.

(e) 2022 EDWARD BYRNE JUSTICE ASSISTANCE GRANT – POLICE DEPARTMENT: Approve a request regarding the 2022 Byrne Memorial Justice Assistance Grant. This is an annual allocation administered by Bannock County. There are no matching funds. If awarded, Police Department staff will use grant funds in the amount of \$23,193.00 toward the purchase of 54 Holosun SCS-MOS (Solar Charging Sights). Total purchase cost will be \$23,505.28. The Police Department has been allocated \$23,193.00. The remaining balance is available in the Pocatello Police Department equipment budget.

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. PUBLIC HEARING – PROPOSED FISCAL YEAR 2023 BUDGET

This time has been set aside for the Council to receive public comments on the proposed Fiscal Year 2023 City Budget (Legislative Public Hearing).

Documents:

[AGENDA-ITEM-5.PDF](#)

6. PUBLIC HEARING – PROPOSED FISCAL YEAR 2023 FEE CHANGES

This time has been set aside for the Council to hear comments from the public on proposed fee changes for Fiscal Year 2023 (Legislative Public Hearing).

Documents:

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

7. PUBLIC HEARING – ZONE MAP AMENDMENT – 1591 ZENER STREET

This time has been set aside for the Council to hear comments from the public regarding a request by Gerald McNabb of University LLC, represented by HLE, Inc. (mailing address: 800 West Judicial Street, Blackfoot, ID 83221) for a Zone Map Amendment to rezone approximately 1.77 acres of property from Light Industrial (LI) to Residential/Commercial/Professional (RCP). The subject property is located at 1591 Zener Street. **(ACTION ITEM)** (Quasi-judicial public hearing)

Documents:

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

8. PUBLIC HEARING – COMPREHENSIVE PLAN MAP AMENDMENT – 22.97 ACRES WEST OF I-15 AND SOUTH OF I-15

This time has been set aside for the Council to hear comments from the public regarding a request by Brandon Ratliff, represented by Rocky Mountain Engineering and Surveying, (RMES) (mailing address: 600 Oak Street, Pocatello, ID 83201) designating a 22.97 acre parcel of land as Residential (R) on the Comprehensive Land Use Map. The parcel is located west of Interstate-15 (I-15) and south of Interstate 86 (I-86) The Planning and Zoning Commission recommended approval of the request following a public hearing. **(ACTION ITEM)** (Quasi-judicial public hearing)

Documents:

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

9. PUBLIC HEARING – ANNEXATION AND ZONING DESIGNATION – 22.97 ACRES WEST OF I-15 AND SOUTH OF I-86

This time has been set aside for the Council to hear comments from the public regarding a request by Brandon Ratliff, represented by Rocky Mountain Engineering and Surveying, (RMES) (mailing address: 600 Oak Street, Pocatello, ID 83201) to annex a 22.97 acre parcel of land located west of Interstate 15 (I-15) and south of Interstate 86 (I-86). A zoning

designation of Residential Medium Density Single-Family (RMS) and Residential Medium Density Multi-Family (RMM) is proposed. The Planning and Zoning Commission recommended approval of the request following a public hearing. **(ACTION ITEM)** (Quasi-judicial public hearing)

Documents:

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

10. OPEN CONTAINER WAIVER REQUEST – IDAHO FOODBANK

Council may wish to consider a request by Idaho Foodbank, represented by Jonna Behm, (mailing address: 555 South 1st Avenue, Pocatello, ID 83201) for a waiver of the open container ordinance to allow beer and wine to be consumed on the 200 block of West Fremont and a portion of the 400 block of North Union Pacific Avenue for a benefit concert and fundraiser for the Idaho Foodbank on August 27, 2022 from 2:00 p.m. to 10:00 p.m. If the open container requirement is waived, it should be contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased. **(ACTION ITEM)**

A Block Party Permit request has been submitted to the Street Department for the temporary closure of the 200 block of West Fremont and a portion of the 400 block of North Union Pacific Avenue. Security will be provided by Idaho Foodbank volunteers and members of the Pocatello Elks Lodge.

Documents:

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

11. RESOLUTION – REITERATING RESOLUTION 2020-11 AFFIRMING THE CITY OF POCATELLO AS A WELCOMING AND INCLUSIVE CITY AND CENSURING CITY COUNCIL MEMBER ROGER BRAY

Council may wish to consider adopting a Resolution that affirms the City of Pocatello as a welcoming and inclusive city and censuring City Council member Roger Bray for comments made during the July 7, 2022 Budget Development meeting and after the July 21, 2022 City Council meeting. **(ACTION ITEM)**

Documents:

AGENDA-ITEM-11.PDF

12. 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:

12: An ordinance rezoning approximately 3.05 acres of land located south of High Terrace Division 1 and east of Tuscany Hills Subdivision 1st Addition from zoning designation Residential Estate (RE) to Residential Low Density (RL). **(ACTION ITEM)**

Documents:

AGENDA-ITEM-12.PDF

13. 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.)

14. 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.