

AGENDA

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

August 5, 2021 • 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.

MASKS/FACE COVERINGS ARE REQUIRED.

**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: City Council Work Session of April 8, 2021 and Clarification and Regular City Council meetings of June 3, 2021, July 1, 2021 and July 15, 2021.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the month of July 2021.

(c) ANIMAL SHELTER ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Beverly Dixon to serve as a member of the Animal Shelter Advisory Board, replacing Roseanne Viguera. Beverly's term will begin August 6, 2021 and expire September 22, 2022.

(d) HISTORIC PRESERVATION COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Joshua Kiggins to serve as a member of the Historic Preservation Commission, replacing Latecia Herzog whose term expired. Joshua's term will begin August 6, 2021 and will expire August 6, 2024.

(e) **PLANNING AND ZONING COMMISSION APPOINTMENT:** Council may wish to confirm the Mayor's appointment of Nathan Roberts to serve as a member of the Planning and Zoning Commission, replacing Jill Kirkham whose term expired. Nathan's term will begin August 6, 2021 and will expire August 6, 2025.

(f) **POCATELLO ARTS COUNCIL REAPPOINTMENT:** Council may wish to confirm the Mayor's reappointment of Cameron Dey to continue serving on the Pocatello Arts Council. Cameron's term will begin August 17, 2021 and will expire August 17, 2024.

(g) **COUNCIL DECISION – JUNIPER RESERVE DIVISION 4 FINAL PLAT APPROVAL:** Council may wish to adopt its decision approving the final plat for Juniper Reserve Division 4, which subdivides approximately 4.58 acres of land into ten (10) residential lots, subject to conditions. The subdivision is zoned Residential Low Density (RL) and will be accessed from the proposed southward extension of Windsong Lane.

(h) **COUNCIL DECISION – VACATION OF A PORTION OF ZIEBARTH ROAD RIGHT-OF-WAY:** Council may wish to adopt its decision to vacate and abandon the public's interest of approximately 2,701 square feet of right-of-way associated with Ziebarth Road.

(i) **COUNCIL DECISION – WILLIAMS VIEW SUBDIVISION FINAL PLAT APPROVAL:** Council may wish to adopt its decision approving the final plat for Williams View Subdivision, which subdivides 3.87 acres of land into six lots, subject to conditions. The subdivision is zoned Residential Medium Density Single-Family (RMS) and will be accessed from a private road extending south from Barton Road.

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 2022 BUDGET

PUBLIC HEARINGS: The procedure that will be used for conducting the public hearings is at the end of the agenda.

This time has been set aside for the Council to receive public comments on the proposed Fiscal Year 2022 City Budget (Legislative Public Hearing).

Documents:

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

6. PUBLIC HEARING – PROPOSED FISCAL YEAR 2022 FEE CHANGES

This time has been set aside for the Council to hear comments from the public on proposed fee changes proposed for Fiscal Year 2022. (Legislative Public Hearing)

Documents:

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

7. PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS – TITLE 16 - SUBDIVISION REGULATIONS

This time has been set aside for the Council to hear comments from the public regarding amendments to Pocatello Municipal Code Title 16, Subdivision Regulations. The amendments were presented to the Council at the July 8, 2021 Work Session and are intended to increase transparency during the review process, while limiting the potential for the delay of subdivision applications.

The Planning and Zoning Commission recommended approval of the proposed changes following a public hearing on July 14, 2021. **(ACTION ITEM)** (Legislative Public Hearing)

Documents:

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

8. PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS – TITLE 17 - ZONING REGULATIONS

This time has been set aside for the Council to hear comments from the public regarding revisions to Pocatello Municipal Code Title 17, Zoning Regulations. The amendments were presented to the Council at the July 8, 2021 Work Session and are intended to update and improve zoning regulations.

The Planning and Zoning Commission recommended approval of the proposed changes following a public hearing on July 14, 2021. **(ACTION ITEM)** (Legislative Public Hearing)

Documents:

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

9. PUBLIC HEARING – CONDITIONAL USE PERMIT – VERIZON WIRELESS

This time has been set aside for the Council to hear comments from the public regarding a request by Verizon Wireless, represented by J5 Infrastructure (mailing address: 3327 North Eagle Road, Suite 110-131, Meridian, ID 83646) for a Conditional Use Permit to install a 50-foot monopole cellular tower to be located at the end of Elm Street near the City-owned water tank. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)** (Quasi-Judicial Public Hearing)

Documents:

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

10. PUBLIC HEARING – PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 2021 ANNUAL ACTION PLAN

This time has been set aside for the Council to accept comments from the public regarding a proposed amendment within Program Year 2021 (PY2021) Community Development Block Grant (CDBG) Annual Action Plan. The CDBG Advisory Committee recommended approval of the amendment at their June 15, 2021 meeting. A 30-day written comment period on the amendment began on June 22, 2021. (Legislative Public Hearing) **(ACTION ITEM)**

Following the public hearing, the Council may wish to approve the amendment and authorize the submission, including any public comments, to HUD.

Documents:

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

11. FINAL PLAT APPLICATION APPROVAL – CITY VIEW ESTATES DIVISION 1

Council may wish to approve a final plat application submitted by Pocatello Property Development, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), to subdivide 21.98 acres (more or less) into 30 lots. The proposed subdivision is located east and northeast of Sleigh Hill Subdivision at the east end of Elm Street. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

12. SHORT PLAT APPLICATION APPROVAL – POCATELLO CREEK BOOSTER STATION

Council may wish to approve a short plat application submitted by Michael and Kathleen Seibert, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), to subdivide a small portion of the properties located on the 1600 block of Pocatello Creek Road to create a single lot measuring one-half acre in size. The subdivision is being created to allow the Pocatello Water Department to place a water booster station which is needed to increase the water supply to the east bench. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

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

13. BID/CONTRACT – ADA RAMPS FISCAL YEAR 2021 (FY21) PROJECT

Council may wish to consider the recommendation of staff for the following requests regarding the ADA Ramps FY21 Project:

- a) Accept the low responsive bid received on June 23, 2021, from D Co Concrete, LLC in the amount of \$57,952.82; and if accepted
- b) Authorize the Mayor's execution of an Agreement between the City of Pocatello and D Co Concrete, LLC in the amount of \$57,952.82 for the ADA Ramps FY21 Project, subject to Legal Department review.

The ADA Ramps FY21 Project is a State of Idaho-funded project through the Idaho Transportation Department (ITD). There is no local match for this project but the City of Pocatello will initially fund 25% of the cost which will be reimbursed after ITD accepts the project. A total of 11 ADA curb ramps will be brought into compliance on 4th and 5th Avenues at the intersections of Lewis, Bonneville and Halliday Streets. **(ACTION ITEM)**

Documents:

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

14. PUBLIC UTILITY EASEMENT REQUEST – IDAHO POWER

Council may wish to approve and authorize the Mayor to sign, subject to Legal Department review, a public utility easement through unimproved right-of-way, located northeast of North 20th Avenue and East Center Street and near the Center Street Water Tank. **(ACTION ITEM)**

Documents:

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

15. RESOLUTION/AMENDMENT TO SCHROEDER FARM LEASE AGREEMENT – WATER POLLUTION CONTROL (WPC)

Council may wish to approve by resolution and authorize the Mayor to sign an amendment to the Farm Lease Agreement with Nathan Schroeder for property used by Water Pollution Control (WPC) for the purpose of biosolids application.

The existing agreement took effect November 1, 2020 for a term of five (5) years. The property is owned by the Airport and leased to WPC for the Biosolids Management Plan. The amendment to the farm lease agreement reduces the total rented acreage for Parcel 1 from 122 acres to

87 acres with an annual rent of \$8,700.00, reducing the annual rent for Parcel 1 from \$12,200.00. The decrease in revenue does not have a significant impact on the WPC budget. **(ACTION ITEM)**

Documents:

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

16. RESOLUTION/LEASE AGREEMENT – POCATELLO REGIONAL AIRPORT

Council may wish to approve by resolution and authorize the Mayor to sign a lease agreement between the City and Morton Buildings, Inc. for 35 acres of land at the Airport, with a right of first refusal on an additional 15 acres, to be used for the purpose of constructing and operating a sales, fabrication and distribution facility for custom-built buildings. The lease term will be 30 years with two (2) 30-year renewal options. The rental rate will be \$15,750.00 per year with 100% increase in year 6; a 50% increase in year 11 and a 12.9% increase in year 16. Rent for renewal periods will be negotiated at the time of renewal. **(ACTION ITEM)**

Documents:

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

17. STATE OF IDAHO OFFICE OF EMERGENCY MANAGEMENT GRANT ACCEPTANCE – FIRE DEPARTMENT

Council may wish to approve, subject to Legal Department review, acceptance of grant funding in the amount of \$25,000.00 from the State of Idaho Office of Emergency Management for equipment to be used by the Region 6 Hazmat team. Current protective suits and air monitoring equipment are beyond functioning service life. There is no City match requirement. The application was approved by Council on April 1, 2021. **(ACTION ITEM)**

Documents:

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

18. ORDINANCE

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.

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.

An ordinance ready for reading.

18: An ordinance amending Pocatello Municipal Code Title 8 "Health and Safety", by revising Sections 8.52.040 "Applicability" to address additional facilities which will be subject to requirements set forth in Chapter 8.52 and 8.52.150 "Violations Deemed a Public Nuisance" to clarify that parties other than the City may do abatement work and by deleting Sections 8.52.070 "Exemptions and Exceptions; 8.52,080 "Stormwater Site Plan Requirements" and 8.52.090 "Stormwater Design Criteria" as these requirements are now addressed in the Portneuf Valley

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.