

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

August 16, 2018 · 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.

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 "DISCUSSION ITEMS." 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 Carlson, 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 June 7, 2018 Budget Development meeting; July 5, 2018 Working Lunch; Clarification meeting and Regular City Council meeting of July 19, 2018; and the August 2, 2018 Fire Union Quarterly Report.

(b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for July showing cash and investments as of July 31, 2018.

(c) HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENTS: Council may wish to confirm the Mayor's appointments of Merritt Clemons and Bill Downs to serve as members of the Human Relations Advisory Committee. Ms. Clemons' term will begin August 17, 2018 and will expire August 17, 2022. Mr. Downs' term will begin August 17, 2018 and will expire May 22, 2019.

(d) PARKS AND RECREATION ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the reappointment of Bart Reed to continue his service as a member of the Parks and Recreation Advisory Board, representing School District No. 25. Mr. Reed's term will begin August 18, 2018 and will expire August 18, 2020.

(e) PLANNING AND ZONING COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Bill Stanton to serve as a member of the Planning and Zoning Commission replacing R. William Hancock, Jr. who resigned. Mr. Stanton's term will begin August 17, 2018 and will expire April 17, 2019.

(f) POCATELLO ARTS COUNCIL APPOINTMENTS: Council may wish to confirm the Mayor's appointments of Camille Griggs and Dale Spencer to serve as members of the Pocatello Arts Council. Both terms will begin August 17, 2018 and will expire August 17, 2021.

(g) SISTER CITIES COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Katherine Van Buskirk to serve as a member of the Japanese Sister Cities Subcommittee filling a long-term vacancy. Ms. Van Buskirk's term will begin August 17, 2018 and will expire February 17, 2021.

(h) MOU—2018 DEPARTMENT OF JUSTICE, BYRNE GRANT: Council may wish to approve a Memorandum of Understanding between the Police Department and Bannock County Sheriff's Office regarding the 2018

Edward Byrne Memorial Justice Assistance grant. This is an annual allocation which Bannock County will administer. The Police Department has been allocated \$19,686.60 which will be used to replace older, outdated equipment and purchase 10 new radar antenna systems for Patrol vehicles.

(i) COLLECTIVE BARGAINING AGREEMENT—FRATERNAL ORDER OF POLICE: Council may wish to approve the adoption of the Fiscal Year 2018-2019 Collective Bargaining Agreement for the Portneuf Valley Fraternal Order of Police Local Lodge No. 13.

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. SHORT PLAT—FARMHOUSE ESTATE

Steve Rigby represented by Matt Baker of Summit Land Surveying (mailing address: 366 Washington Avenue, Pocatello, ID 83201) has submitted a request to subdivide 1.72 acres (more or less) into 1 residential lot. This is a replat of Lots 2, 3, 4, Block 1 and Lots 14 and 15 Block 2, Marcrest Addition No. 1 and is to be known as Farmhouse Estate. The property is located off Monte Vista Drive, east of the intersection with Lucille Avenue. **(ACTION ITEM)**

Documents:

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

7. TEMPORARY STREET CLOSURE REQUEST—TERRY FIRST EVENT

Council may wish to consider a request from Penny Pink, Portneuf Brewing, LLC (mailing address: 615 South 1st Avenue, Pocatello ID 83204) to temporarily close the 600 block of South 1st Avenue on August 25, 2018 from noon until 9:00 p.m. for a Terry First event. **(ACTION ITEM)**

City Staff has reviewed the request.

Documents:

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

8. OPEN CONTAINER WAIVER REQUEST—TERRY FIRST

EVENT

The Council may wish to consider a request from Penny Pink, Portneuf Brewing, LLC (mailing address: 615 South 1st Avenue, Pocatello ID 83204) for a waiver of the open container ordinance to allow the sale of beer and wine during the August 25, 2018 Terry First Event for a Pocket Park Demonstration.

If the open container ordinance is waived it should be contingent upon the applicant meeting Police Department requirements and purchasing appropriate permits. **(ACTION ITEM)**

Documents:

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

9. IDAHO DEPARTMENT OF WATER RESOURCES GRANT APPLICATION/ACCEPTANCE—POCATELLO CREEK REPAIRS

Council may wish to approve the following requests related to an Idaho Department of Water Resources grant application by Science and Environment Division staff for flood damage repairs/stream restoration to Pocatello Creek near Fire Station No. 3. **(ACTION ITEM)**

a) Approve the submittal of an application for an Idaho Department of Water Resources grant in an amount of no more than \$35,000.00 and; if awarded

b) Authorize the Mayor's signature on documents related to the grant, subject to Legal Department review.

Matching funds will come from the Science and Environment Division's cash reserves (\$25,000.00) as well as in-kind time and materials (\$10,000.00).

Documents:

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

10. MCLAUGHLIN YOUNG—EMPLOYEE ASSISTANCE PROGRAM

Council may wish to consider the following agreements with McLaughlin Young for employee assistance program (EAP) services for City of Pocatello employees. **(ACTION ITEM)**

a) Approve an agreement for City of Pocatello employees EAP Services in the amount of \$13,433.76. The agreement reflects a cost \$2.28 per employee per month; and

b) Approve an agreement for Portneuf Valley Fraternal Order of Police Local Lodge No. 13. (Pocatello Police Union) EAP services in the amount of \$14,238.72 The agreement reflects a cost \$11.52 per Union Member per month.

Documents:

AGENDA-ITEM-10.PDF

11. VERIZON WIRELESS LAND LEASE AGREEMENT AND MEMORANDUM OF LAND LEASE AGREEMENT—WATER

Council may wish to approve the Mayor's signature on a Land Lease Agreement and Memorandum of Land Lease Agreement with Idaho Clark 6 – Clark Limited Partnership d/b/a Verizon Wireless, for the use of City property for the installation and operation of a cellular tower and accompanying equipment.

The rental rate of \$10,000.00 per year shall be paid in equal monthly installments beginning the first day of the month of installation or January 1, 2019 and shall continue for five years with five additional five-year automatic renewals. The Water Department will receive said revenue as the communication tower is located near the water tower adjacent to Interstate 15 and the East Clark off-ramp. **(ACTION ITEM)**

Documents:

AGENDA-ITEM-11.PDF

12. DECLARATION OF SURPLUS PROPERTY—POLICE

Council may wish to accept the recommendations of Pocatello Police Department staff and declare 3 cars and 1 van as surplus. The vehicles were seized during ongoing drug investigations and have been adjudicated and awarded to the Pocatello Police Department by the Bannock County Prosecutors Office in accordance with Asset Forfeiture Laws. If approved, staff would like to dispose of the vehicles by public auction. **(ACTION ITEM)**

13. DECLARATION OF SURPLUS PROPERTY—STREET OPERATIONS

Council may wish to accept the recommendation of Street Operations staff and declare an industrial grade, large engine dynamometer as surplus. This equipment was included in the purchase of property at 2405 Garrett Way and City Departments do not have a use for this type of diagnostic tool.

If approved, Street/Fleet Operations staff is requesting Council's authorization to dispose of this item in whatever way is the most advantageous to the City. Proceeds from the sale of this equipment will be used towards remodeling costs for the new facility at 2405 Garrett Way.

Council may also wish to authorize the Mayor's signature on documents related to the equipment sale, subject to Legal Department review.
(ACTION ITEM)

Documents:

AGENDA-ITEM-13.PDF

14. FISCAL YEAR 2019 DEPARTMENTAL FEE RESOLUTION

Council may wish to adopt a resolution with exhibits (a) through (z) setting fees for Fiscal Year 2019 (October 1, 2018 through September 30, 2019).
(ACTION ITEM) The exhibits are:

- a) POCATELLO REGIONAL AIRPORT FEES
- b) ALCOHOLIC BEVERAGE LICENSES FEES
- c) ANIMAL SERVICES FEES
- d) BUSINESS LICENSURE FEES
- e) CEMETERY FEES
- f) CHILDREN'S GROUP TREATMENT CENTER FEES
- g) COMMERCIAL ACTIVITIES IN PARKS AND OTHER PUBLIC PLACES FEES
- h) CONSTRUCTION TRADE FEES
- i) CHILD CARE LICENSE FEES
- j) DEVELOPMENT REIMBURSEMENT FEES
- k) ENGINEERING SERVICES FEES
- l) FIRE DEPARTMENT FEES
- m) GEOGRAPHIC INFORMATION SERVICE FEE
- n) PARKS AND RECREATION ACTIVITIES PROGRAM, RENTAL, AND ADMISSION FEES
- o) PARKS AND RECREATION FACILITY USE FEES
- p) PLANNING AND DEVELOPMENT SERVICES FEES
- q) POLICE DEPARTMENT FEES
- r) PUBLIC RECORD FEES

- s) SANITATION DEPARTMENT FEES
- t) CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL FEES
- u) POCATELLO REGIONAL TRANSIT SYSTEM FEES
- v) UTILITY BILLING DEPARTMENT FEES
- w) VIDEO SERVICES FEES
- x) WATER DEPARTMENT FEES
- y) WATER POLLUTION CONTROL DEPARTMENT FEES
- z) ZOO PROGRAM, RENTAL AND ADMISSION FEES

Documents:

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

15. ORDINANCES

An ordinance approving the Fiscal Year 2019 Appropriation Ordinance. (Prepared for reading under rules of suspension and the whole ordinance needs to be published.) **(ACTION ITEM)**

Documents:

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

16. 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.)**

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.

- 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.

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.

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.