

## AGENDA

# CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

August 19, 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.

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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 "ITEMS"*

*FROM THE AUDIENCE." 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 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) **TREASURER'S REPORT:** Council may wish to consider the Treasurer's Report for July 2021 showing cash and investments as of July 31, 2021.

(b) **POCATELLO ARTS COUNCIL APPOINTMENT:** Council may wish to confirm the Mayor's appointment of Chris Picket to serve as a member of the Pocatello Arts Council, replacing Joshua Pohlman. Chris Pickett's term will begin August 20, 2021 and expire August 20, 2024.

(c) **COUNCIL DECISION – CITY VIEW ESTATES DIVISION 1 FINAL PLAT APPROVAL:** Council may wish to adopt its decision approving the final plat for City View Estates Division 1, which subdivides 21.98 acres into thirty (30) lots and that 13.69 acres (Lot 11, Block 2) be dedicated to the City for the purpose of public open space, subject to conditions. The property is located within Residential Estate (RE), Residential Low Density (RL) and Residential Commercial Professional (RCP) zoning districts at East Lander Street, East Elm Street and the end of Ammon Street. Access to City View Estates Division 1 will be provided from the

proposed extension of East Lander Street and East Elm Street.

(d) COUNCIL DECISION – POCATELLO CREEK BOOSTER STATION SHORT PLAT APPROVAL: Council may wish to adopt its decision approving the final plat for Pocatello Creek Booster Station which subdivides a small portion of property in the 1600 block of Pocatello Creek Road into a single, one-half acre lot, subject to conditions. The property is zoned Commercial General (CG) and will be accessed from a temporary twenty-foot (20') wide access easement.

(e) COUNCIL DECISION – VERIZON WIRELESS CONDITIONAL USE PERMIT: Council may wish to adopt its decision approving the Conditional Use Permit for Verizon Wireless to install a fifty-foot (50') monopole cellular tower, subject to conditions. The subject property is not zoned, but is surrounded on the north and east by property zoned Residential Estate (RE). The tower will be located at the end of Elm Street adjacent to the City-owned water tank west of Interstate 15 and has access from Clark Street, Elm Street and Interstate 15 allowing for emergency services to respond to the site if needed.

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. SOLICITOR'S LICENSE DENIAL APPEAL – GOMEZ**

Steven Gomez will be present to appeal the decision of Pocatello Police Department staff which denied Mr. Gomez a Solicitor's License. **(ACTION ITEM)**

#### **6. SHORT PLAT APPROVAL – STRATTEN ESTATES DIVISION 2**

Council may to approve a short plat application by Homes West Inc., represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide approximately .30 acres into two (2) townhome lots. The subject parcels will be accessed from Troy Lane via Northern Lights Drive. Staff finds the

proposal compliant with all applicable standards with conditions.

**(ACTION ITEM)**

Documents:

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

## **7. USEPA BROWNFIELDS ASSESSMENT COALITION GRANT APPLICATION AND IMPLEMENTATION AGREEMENT**

Council may wish to accept an agreement with Stantec Consulting Services, Inc. to complete the submittal of an USEPA Brownfields Assessment Coalition Grant application in the amount of \$600,000.00; and if awarded, enter into an agreement with Stantec Consulting Services, Inc. to provide implementation assistance and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. There is no required City match for the grant and all fees from Stantec would be paid for from grant funding, if awarded. **(ACTION ITEM)**

The Assessment grant would provide funding for the following: Inventory sites; characterize sites; assess sites; conduct planning for cleanup and redevelopment; and conduct community involvement.

Documents:

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

## **8. PROFESSIONAL SERVICES AGREEMENT – AIRPORT**

Council may wish to approve and authorize the Mayor to sign all pertinent documents for a professional services agreement between the City and T-O Engineers. T-O will conduct an update to the Airport's master plan for aviation facilities and property. The fee is a lump sum, based on time and materials, not to exceed \$680,787.00 and will be funded 100% by grant funds from the FAA and American Rescue Plan Act. The agreement and project are subject to availability of grant funds. **(ACTION ITEM)**

Documents:

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

## 9. 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.

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:

9(a): An ordinance amending Pocatello Municipal Code Title 8 "Health and Safety", by amending Chapters 8.14.110 "Penalties" and 8.14.130 "Abatement of Nuisances" for the purpose of streamlining enforcement and establishing a written process for abatement of properties deemed as nuisance. **(ACTION ITEM)**

9(b): An ordinance vacating the public's interest in approximately 2,701 square feet of right-of-way associated with Ziebarth Road to the adjacent owner, Jared Clinger. Said vacation was approved by City Council Decision dated August 5, 2021, and all conditions contained therein have been met. **(ACTION ITEM)**

9(c): An ordinance revising Title 16 "Subdivision Regulations" by amending Chapters 16.20 "Preliminary Subdivision Plat Application" and 16.24 "Final Subdivision Plat Application" to improve the function of the Code and to increase transparency during the review process, while limiting the potential for the delay of subdivision applications. **(ACTION ITEM)**

9(d): An ordinance revising Title 17 "Zoning Regulations" by amending Chapters 17.01 "General Provisions"; 17.02 "Land Use Decisions"; 17.03 "Zoning Districts"; 17.04 "Overlay Areas"; 17.05 "Development Standards"; and 17.06 "Special Use Standards" to improve the function of this Title. **(ACTION ITEM)**

9(e): An ordinance approving the Fiscal Year 2022 Appropriation Ordinance. **(ACTION ITEM)** (The whole ordinance needs to be published.)

Documents:

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

## 10. 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.)

## 11. ADJOURN

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.