

AGENDA

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

September 16, 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 Father Constantine Zozos, representing Greek Orthodox Church of Assumption.

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: April 15, 2021 Special Council meeting; May 6, 2021 Budget Meeting; and September 9, 2021 Special Council meeting.

(b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for August 2021 showing cash and investments as of August 31, 2021.

(c) GOLF ADVISORY COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Danielle Mabey to continue serving on the Golf Advisory Committee. Danielle's term will begin October 5, 2021 and will expire October 5, 2024.

(d) HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENTS: Council may wish to confirm the Mayor's appointments of Rainbow Maldonado, William Hance and Caitlin Pankau to serve as members of the Human Relations Advisory Committee, replacing Josie Castanada-Salas, whose term expired and Malliga Och and Bhavisha Patel who resigned. Each of the terms will begin September 17, 2021. Rainbow's term will expire September 17, 2025; William's term will expire October 22, 2023; and Caitlin's term will expire January 8, 2025.

(e) COUNCIL DECISION – JAZMINE ESTATES FINAL PLAT APPROVAL: Council may wish to adopt its decision approving the final plat for Jazmine Estates, which subdivides approximately 6.75 acres of land into twenty-six (26) lots. The subdivision is zoned Residential Medium Density Single Family (RMS) and Residential Low Density (RL) and will be accessed from an extension of Dolostone Drive and a new road to be

named Jazmine Street.

(f) **COUNCIL DECISION – ZONING DESIGNATION AND COMPREHENSIVE PLAN LAND USE MAP AMENDMENT OF 3.02 ACRES LOCATED IN THE 2000 BLOCK OF SOUTH 5TH AVENUE:**

Council may wish to adopt its decision approving a request from Neighborworks Pocatello to amend the zoning designation for two parcels of land consisting of approximately 3.02 acres located in the 2000 block of South 5th Avenue from Commercial General (CG) to Residential Commercial Professional (RCP) with a concurrent amendment to the Comprehensive Plan designation of Commercial to Mixed Use.

(g) **COUNCIL DECISION – VACATION OF PUBLIC’S INTEREST IN A UTILITY EASEMENT AND POWER EASEMENT RUNNING THROUGH LOT 3, BLOCK 1, PRIME TIME SUBDIVISION:** Council may wish to adopt its decision to vacate and abandon the public’s interest in a public utility easement established with the Roper Subdivision and a power easement granted to Idaho Power. Both easements run through Lot 3, Block 1, Prime Time Subdivision.

Documents:

[AGENDA-ITEM-3.PDF](#)

4. 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. PUBLIC HEARING – PROPOSED FISCAL YEAR 2021 BUDGET AMENDMENTS

This time has been set aside for the Council to hear comments from the public regarding proposed Fiscal Year 2021 Budget amendments. An Ordinance has been prepared for Council’s consideration under Agenda Item No. 21. (Legislative Public Hearing) **(ACTION ITEM)**

Documents:

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

7. PUBLIC HEARING – CDBG PROGRAM YEAR 2018 ACTION PLAN AMENDMENT

This time has been set aside for the Council to receive comments from the public regarding a proposed amendment within Program Year 2018 (PY2018) Community Development Block Grant (CDBG) Annual Action Plan to reallocate funds from the Housing Rehabilitation activity to the Public Facilities Activity. The reallocation will enable funding of the Family Services Alliance foundation repair project. The CDBG Advisory Committee recommended approval of the amendment at a Special

Meeting held on August 9, 2021. A 30-day written comment period on the amendment began on August 13, 2021. (Legislative Public Hearing)

Following the public hearing, the Council may wish to approve the amendment and authorize the submission, including any public comments, to HUD. **(ACTION ITEM)**

Documents:

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

8. PUBLIC HEARING – POCATELLO CREEK DEVELOPMENT CO. ANNEXATION

This time has been set aside for the Council to receive comments from the public regarding a request by Pocatello Creek Development Co., represented by Rocky Mountain Engineering and Surveying, (mailing address: 600 East Oak Street, Pocatello, ID 83201) to annex approximately 122.8 acres of property to be zoned Residential Low Density (RL). The subject property is located east of the Greenfield and Crestview development projects and north of High Country Subdivision First Addition. (Quasi-Judicial Public Hearing) **(ACTION ITEM)**

Documents:

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

9. GRANT RATIFICATION AND AWARD ACCEPTANCE – FISCAL YEAR 2021 LEAD HAZARD CONTROL AND HEALTHY HOMES

Council may wish to approve the following requests related to a US Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Homes Lead Based Paint Hazard Reduction Grant. The grant submission was approved at the July 8, 2021 Work Session: **(ACTION ITEM)**

- a) Ratify the Fiscal Year 2021 Lead Based Paint Hazard Reduction Grant to the US Department of Housing and Urban Development (HUD) Office of Lead Hazard Control and Healthy Homes; and
- b) Authorize acceptance of the grant in the amount of \$2,648,197.00 and authorize the Mayor's signature on documents related to the grant with HUD and any contractors or subcontractors, subject to Legal Department

review.

Documents:

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

10. GRANT APPLICATION – IDAHO HERITAGE TRUST GRANT FOR HISTORIC BRADY CHAPEL

Council may wish to authorize submission of a grant application to the Idaho Heritage Trust and if awarded, authorize the Mayor's signature on any related documents, subject to Legal Department review. The application request is in the amount of \$5,000.00 with a match obligation of \$5,000.00. The grant funding will be used for preservation work on the Historic Brady Chapel. **(ACTION ITEM)**

Documents:

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

11. GRANT APPLICATION – IDAHO HERITAGE TRUST GRANT FOR RIVERSIDE GOLF COURSE BRIDGE

Council may wish to authorize submission of a grant application to the Idaho Heritage Trust. The application request is in the amount of \$15,000.00 with a match obligation of \$15,000.00. Grant funds will be used to repair and restore the stone bridge at Riverside Golf Course. The Council may wish to authorize the Mayor's signature on any related documents, subject to Legal Department review. **(ACTION ITEM)**

Documents:

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

12. 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 Community-Wide Assessment Grant application in the amount of \$400,000.00; 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-12.PDF](#)

13. LEASE AGREEMENT/RESOLUTION – 323 NORTH MAIN STREET

Council may wish to approve by resolution and authorize the Mayor to sign a Lease Agreement between the City and KC's Boxing Club, Inc. for the property located at 323 North Main Street for the purpose of operating a non-profit boxing club training facility for amateur boxing. The lease term will be five (5) years at a rental rate of \$1.00 per year. **(ACTION ITEM)**

Documents:

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

14. DONATION ACCEPTANCE AND PROJECT APPROVAL – POCATELLO ANIMAL SERVICES

Council may wish to approve a donation acceptance from Friends of the Pocatello Animal Shelter in the amount of approximately \$95,000.00, subject to Legal Department review, for the completion of the following projects: a) Construction of a new dog park at OK Ward Park; b) Upgrade dog run fencing at Pocatello Animal Shelter; and c) Installation of security and fire/CO safety improvements at Pocatello Animal Shelter. **(ACTION ITEM)**

Documents:

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

15. PROFESSIONAL SERVICES AGREEMENT FOR POCATELLO ANIMAL SHELTER – DR. RENA CARLSON

Council may wish to approve and authorize the Mayor's signature on a professional services agreement with Dr. Rena Carlson for continued state and federally-required licensure and oversight at the Pocatello Animal Shelter. Dr. Carlson will provide oversight for all drugs and medications

used at the shelter and provide a review of current policies and practices. The contract, in the amount of \$5,000.00, will renew annually. **(ACTION ITEM)**

Documents:

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

16. DONATION ACCEPTANCE AND MEMORANDUM OF UNDERSTANDING WITH OPERATION UNDERGROUND RAILROAD – POLICE DEPARTMENT

Council may wish to approve acceptance of a donation by Operation Underground Railroad (OUR) of a fully-equipped mobile command post/mobile forensic lab to be used by the Police Department and authorize the Mayor's signature on all pertinent documents. The new vehicle and all equipment has been contributed by donors to combat human trafficking and Internet Crimes Against Children (ICAC). There is no match requirement and funding for any maintenance costs is available in the Police Department budget. **(ACTION ITEM)**

Documents:

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

17. PROFESSIONAL SERVICES AGREEMENT – WPC FACILITIES PLANNING STUDY AND ENGINEERING AGREEMENT

Council may wish to adopt the Water Pollution Control Facilities Planning Study prepared by Keller Associates and Stantec Consulting as approved by the Idaho Department of Environmental Quality in August 2021 and approve a contract agreement with Keller Associates for the engineering design services of the WPC Priority 1 Improvements, subject to Legal Department review. **(ACTION ITEM)**

Documents:

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

18. COLLECTIVE BARGAINING AGREEMENT – POLICE UNION

Council may wish to approve adoption of the Fiscal Year 2022-2025 Collective Bargaining Agreement for the Portneuf Valley Fraternal Order of Police Local Lodge No. 13, subject to Legal Department review. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-18.PDF](#)

19. COLLECTIVE BARGAINING AGREEMENT – FIRE UNION

Council may wish to approve adoption of the Fiscal Year 2022-2024 Collective Bargaining Agreement for the International Association of Firefighters Pocatello Firefighters Local #187, subject to Legal Department review. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-19.PDF](#)

20. FISCAL YEAR 2022 DEPARTMENTAL FEE RESOLUTION

Council may wish to adopt a resolution with exhibits (a) through (y) setting fees for Fiscal Year 2021 (October 1, 2021 through September 30, 2022). **(ACTION ITEM)** The exhibits are:

- a) POCATELLO REGIONAL AIRPORT FEES
- b) ALCOHOLIC BEVERAGE LICENSES
- c) ANIMAL SERVICES
- d) BUSINESS LICENSE FEES
- e) CEMETERY FEES
- f) CHILDREN GROUP TREATMENT CENTER FEES
- g) FEES FOR COMMERCIAL ACTIVITIES IN PARKS AND OTHER PUBLIC PLACES
- h) CONSTRUCTION TRADE FEES
- i) CHILD CARE LICENSE FEES
- j) DEVELOPMENT REIMBURSEMENT FEES
- k) ENGINEERING REVIEW SERVICE FEES
- l) FIRE DEPARTMENT FEES
- m) GEOGRAPHICAL INFORMATION SERVICE FEE
- n) PARKS AND RECREATION PROGRAM, RENTAL AND ADMISSION FEES FOR PARKS AND RECREATION ACTIVITIES
- o) PARKS AND RECREATION FACILITY USE FEES
- p) PLANNING AND DEVELOPMENT SERVICE 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) WATER DEPARTMENT FEES
- x) WATER POLLUTION CONTROL DEPARTMENT FEES
- y) ZOO IDAHO PROGRAM, RENTAL AND ADMISSION FEES

Documents:

[AGENDA-ITEM-20.PDF](#)

21. 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:

21: An ordinance approving an amendment to the Fiscal Year 2021 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$40,538,506.00 to account for additional revenues, including grant funds received by the City and to use previously unappropriated cash balances for unanticipated expenses incurred by the City. (Whole ordinance will need to be published.) **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-21.PDF](#)

22. 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.)

23. 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.