

# CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

September 20, 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.

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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 "DISCUSSION ITEMS." 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 Tim Bridges representing Calvary Chapel.

### 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 Police Union Quarterly Update meeting of September 6, 2018.

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

(c) ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the reappointment of Rosanne Viguera to continue her service as a member of the Animal Shelter Advisory Board. Ms. Viguera's term will begin September 22, 2018 and will expire September 22, 2020.

(d) GOLF ADVISORY COMMITTEE REAPPOINTMENT: Council may wish to confirm the reappointment of Larry Morton to continue his service as a member of the Golf Advisory Committee. Mr. Morton's term will begin October 6, 2018 and will expire October 6, 2021.

(e) POCATELLO ARTS COUNCIL REAPPOINTMENT: Council may wish to confirm the reappointment of Stan Cope to continue his service as a member of the Pocatello Arts Council. Mr. Cope's term will begin October 1, 2018 and will expire October 1, 2021.

(f) COUNCIL DECISION—9100 BLOCK OF ANDERSON LANE: Council may wish to adopt its decision granting a request by Kenneth Horsley to rezone by contract approximately 3.50 acres of undeveloped land located in the 9100 block of Anderson Lane, from Residential Medium Density Single Family (RMS) to Light Industrial (LI) for the construction of self-service storage and an outdoor storage area for recreational vehicles and boats, pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.

(g) COUNCIL DECISION—ELM STREET SUBDIVISION SHORT PLAT: Council may wish to adopt its decision approving the Short Plat for Elm Street Subdivision, which subdivides approximately .30 acres of land into two (2) residential lots, subject to conditions. The property is located at 187 East Taft Avenue.

(h) COUNCIL DECISION—TRAIL CREEK ESTATES DIVISION 2 FINAL PLAT: Council may wish to adopt its decision approving the Final Plat for Trail Creek Estates Division 2, which subdivides approximately 13.24 acres of land into thirty-four (34) residential lots, subject to conditions. The

property is located near Champlain Place and Magellan Loop.

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. PUBLIC HEARING—ADDITIONAL PROPOSED FISCAL YEAR 2018 SEPTEMBER BUDGET AMENDMENTS**

This time has been set aside for the Council to receive public comments on additional proposed Fiscal Year 2018 budget amendments as discussed at the September 13, 2018 Work Session. (An ordinance has been prepared for Council's consideration under Agenda Item No. 12.b) **(ACTION ITEM)**

Documents:

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

#### **7. PUBLIC HEARING—PROPOSED ORDINANCE TO REGULATE FEEDING OF WILDLIFE WITHIN CITY LIMITS**

This time has been set aside for the Council to receive public comments on a proposed ordinance to regulate "Feeding of Wildlife" as discussed at the April 12, 2018 Study Session. **(ACTION ITEM)**

Documents:

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

#### **8. RIGHT-OF-WAY USE LICENSE—SWIRE COCA-COLA**

Council may wish to consider a request by Swire Coca-Cola (mailing address: 1003 North Main Street, Pocatello, ID 83204) represented by Signature Signs, (mailing address: 2349 North Woodruff, Idaho Falls, ID 83401) for a Right-Of-Way Use License to allow placement of an awning with signage over the front of the business projecting over the sidewalk at 1003 North Main Street.

Staff's recommended conditions are listed in the Executive Summary. **(ACTION ITEM)**

Documents:

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

### **9. EXCEPTION REQUEST—AVCENTER, INC.**

Council may wish to approve a request from Steven Booth representing AvCenter, Inc. (mailing address: 1483 Flightline Box 12, Pocatello, ID 83204) for an exception to City Code 15.12.080 that restricts the capacity of above ground fuel tanks. City Code limits tank capacity to 1,000 gallons and the AvCenter would like to install two (2) additional tanks that exceed the allowed capacity.

Airport and Fire Department staff has reviewed the application and support the request. **(ACTION ITEM)**

Documents:

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

### **10. OPEN CONTAINER WAIVER REQUEST—PARK(ING) DAY EVENT**

Council may wish to consider a request from Penny Pink, Portneuf Valley 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 September 21, 2018 PARK(ing) Day event.

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

Documents:

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

### **11. AGREEMENT—IDAHO DEPARTMENT OF WATER RESOURCES**

Council may wish to approve an agreement with Idaho Department of Water Resources as discussed at the September 13, 2018 Executive Session. **(ACTION ITEM)**

### **12. 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)**

**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.

12(a) An ordinance providing that the Airport Commission shall continue as an advisory board to the Mayor and City Council and that the provisions of the Commission shall be established by resolution. (This ordinance is prepared for reading under the rules of suspension.) **(ACTION ITEM)**

12(b) An ordinance approving an amendment to the Fiscal Year 2018 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$62,428.00 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. (This Ordinance is prepared for reading under the rules of suspension. **(Whole ordinance will need to be published.) (ACTION ITEM)**)

Documents:

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

### **13. RESOLUTION—POCATELLO REGIONAL AIRPORT COMMISSION**

Council may wish to adopt a resolution that states the Pocatello Regional Airport Commission will continue to function as an advisory board for the City. **(ACTION ITEM)**

Documents:

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

### **14. 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.)**

## 15. ADJOURN

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### 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.

### 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.

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EXAMPLE MOTIONS:

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