

# CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

December 6, 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 Reverend Jim Jones, Blazing Grace Church.

### **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 Work Session of November 8, 2018; the following meetings held November 15, 2018: Council Liaison/Work Session Clarification, Executive Session, Special City Council meeting/Grant Application for Carson Street Bridge, Clarification meeting, and Regular City Council meeting.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of November 2018.

(c) CIVIL SERVICE COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Daniel Lenihan to serve as a member of the Civil Service Commission replacing Pete Black whose term expired. Mr. Lenihan's term will begin December 7, 2018 and will expire December 7, 2024.

(d) COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Callie Nielsen to serve as a member of the Community Development Block Grant (CDBG) Advisory Committee replacing Nannette Siemen who resigned. Ms. Nielsen's term will begin December 7, 2018 and will expire January 1, 2021.

(e) JAPANESE SISTER CITIES SUBCOMMITTEE REAPPOINTMENT: Council may wish to confirm the reappointment of Richard Harmon to continue his service as a member of the Japanese Sister Cities Subcommittee. Mr. Harmon's term will begin December 8, 2018 and will expire December 8, 2022.

(f) AMENDED COUNCIL DECISION—THE CROSSINGS DIVISION ONE: Council may wish to adopt its decision amending the final plat for The Crossings Division One, subdividing the approximately 37.31 acres of land from ninety-seven (97) lots with seven (7) unbuildable lots to seventy-four (74) lots with two (2) lots being unbuildable, subject to conditions.

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—FISCAL YEAR 2019 FTA/ITD 5310 GRANT APPLICATION—TRANSIT**

This time has been set aside for the Council to receive comments from the public regarding approval of the following grant-assisted projects for Pocatello Public Transit: (Legislative Public Hearing) **(ACTION ITEM)**

a) Federal Transit Administration (FTA) Grant 5310 application in the amount of \$25,000.00 for Fiscal Year 2019 with the local share to be split between Urban (\$3,125.00) and Rural (\$3,125.00), and

b) Authorize the Mayor to sign documents related to the grant and authorize the Public Transit Director to make necessary amendments and modifications related to the grant, subject to Legal Department review.

Bannock Transportation Planning Organization will provide \$2,500.00 of the Urban Program share and Transit has funding available in their Fiscal Year 2019 budget to support the remaining \$625.00. No City funds will be used for the Rural Program share.

Documents:

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

## **7. PROTEST CONSIDERATION REQUEST REGARDING THE BID ACCEPTANCE AND PROCUREMENT AGREEMENT FOR A SNOW PLOW/BLOWER—AIRPORT**

Council may wish to consider the protest by Kodiak America, LLC regarding their submitted bid for the purchase of snow removal equipment. It is staff's recommendation that Council affirm its prior determination regarding the bids for a snow plow/blower for the Pocatello Regional Airport as voted upon at the Regular Council meeting held September 6, 2018 declaring Oshkosh Products, LLC to be the lowest responsive bidder. **(ACTION ITEM)**

a) Accept the lowest responsive bid from Oshkosh Airport Products, LLC in the amount of \$649,267.00. *A bid from Kodiak America, LLC was submitted in the amount of \$561,278.00 and was deemed unresponsive as it did not meet the technical requirements of the specifications. A protest from Kodiak was received and reviewed by staff. After a thorough review, awarding the bid to Oshkosh is still recommended. If the bid is accepted;*

b) Authorize the execution of a procurement agreement and notice of award between the City of Pocatello and Oshkosh Airport Products, LLC in the amount of \$649,267.00, subject to Legal Department review.

The purchase will be funded 93.75% by FAA grant funds and 6.25% by airport passenger facility charge (PFC) funds. The purchase is contingent upon the award of grant funds and FAA approval.

Documents:

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

### **8. PIGGY BACK BID—SANITATION COLLECTION TRUCKS**

Council may wish to accept the recommendations of Sanitation Department staff to piggy-back the National Joint Powers Alliance/Sourcewell for the purchase of two (2) new residential side load collection trucks scheduled for replacement in Fiscal Year 2019. **(ACTION ITEM)**

- a) Award the bid to National Joint Powers Alliance/Sourcewell for (2) 2019 Peterbilt 320 cab/chassis and Labrie Automizer packer bodies at \$287,646.00 each for a total price of \$575,292.00 and, if awarded
- b) Authorize the Mayor to sign and execute the purchase agreement, subject to Legal Department review.

Funds for the purchase are available in the Fiscal Year 2019 Sanitation Department budget.

Documents:

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

### **9. BID/AGREEMENT CURBSIDE RECYCLING PROGRAM—WESTERN RECYCLING**

Council may wish to consider the recommendations of staff for the following requests regarding co-mingled recyclable materials collected from the City's curb-side recycling program. **(ACTION ITEM)**

- a) Accept the bid received on November 7, 2018 from Western Recycling, who submitted the only bid. Bid price is based on fair market value per ton (less commodity credit): Items processed at Western Recycling \$156.14; Items processed out of state MRF \$168.40 and, if the bid is accepted
- b) Authorize the execution of an agreement between the City of Pocatello and Western Recycling with costs as outlined, subject to Legal Department review.

The increase in cost for processing curb-side recycling is available in the Sanitation Department's Fiscal Year 2019 budget. The current Rate Study ends September 30, 2019. During the rate development, additional costs may need to be built into the rates for future years.

Documents:

## AGENDA-ITEM-9.PDF

### 10. 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.

An ordinance ready for reading.

10. An ordinance enacting a new section of Pocatello Municipal Code Title 10, Chapter 08, Section 270 "Distracted Driving", prohibiting the use of mobile electronic devices while driving, establishing penalties and allowing law enforcement officers to stop vehicles for violations. (This ordinance has been prepared for reading under the rules of suspension) **(ACTION ITEM)**

Documents:

## AGENDA-ITEM-10.PDF

### 11. RESOLUTION—ESTABLISHING FINES FOR VIOLATION OF CITY CODE 10.08.270

Council may wish to adopt a resolution identifying specific fines and penalties for violation of City Code 10.08.270, except for in specific situations as set forth in the said Section. **(ACTION ITEM)**

Documents:

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

## 12. 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.)**

## 13. ADJOURN

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### 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.
  - o Names and addresses are required from those presenting/testifying.
  - o Questions/comments should be addressed to the Mayor and Council.
  - o 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.
  - o 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.