

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

November 7, 2019 · 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 Tony Seikel, 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) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from Clarification meeting and Regular Council meetings of September 19, 2019; the Special City Council meeting, Council Liaison/Works Session Clarification meeting of October 17, 2019 and the Joint Cities/Bannock County/School District No. 25/ISU meeting of October 24, 2019.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of October 2019.

(c) CHILD CARE ADVISORY COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Corey Lewis to continue her service as a member of the Child Care Advisory Committee. Ms. Lewis' term will begin November 6, 2019 and will expire November 6, 2023.

(d) POCATELLO REGIONAL AIRPORT COMMISSION REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Michele Poletti to continue her service as a member of the Pocatello Regional Airport Commission. Ms. Poletti's term will begin November 20, 2019 and will expire November 20, 2021.

(e) PLANNING AND ZONING COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Jill Kirkham to serve as a member of the Planning and Zoning Commission, replacing Ryan Loveland who resigned. Ms. Kirkham's term will begin November 8, 2019 and expire July 13, 2021.

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. CHILD CARE LICENSE DENIAL APPEALS

(a) BURRELL - Shane Burrell will be present to appeal the decision of Police Department staff which denied Mr. Burrell a child care license. **(ACTION ITEM)**

(b) FINK – Hannah Fink will be present to appeal the decision of Police Department staff which denied Ms. Fink a child care license. **(ACTION ITEM)**

(c) SINGLETON – Erica Singleton will be present to appeal the decision of Police Department staff which denied Ms. Singleton a child care license. **(ACTION ITEM)**

7. PUBLIC HEARING – FISCAL YEAR 2020 PROGRAM OF PROJECTS—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 Public Transit: **(ACTION ITEM)** (Legislative Public Hearing)

a) Federal Transit Administration Rural Idaho Transportation Department Grants, (5311 and 5310), in the amount of \$737,014.00 and \$164,000.00 for Fiscal Year 2020. Required local match is \$361,405.00. No City funds are used for the Rural Program;

b) Federal Transit Administration Urban Grant 5307 in the amount of \$1,321,134.00 for Fiscal Year 2020 with a local share of \$587,784.00; Local Share is available in the Fiscal Year 2020 Public Transit budget; and

c) Authorize the Public Transit Director to make necessary amendments and modifications related to the grants, subject to Legal Department review.

Documents:

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

8. FINAL PLAT – COPPER CREEK SUBDIVISION RE-PLAT

Jason Kilgore of Kilgore Properties (mailing address: 13614 South Carolina Hills Ct, Draper, UT 84020), Tracey Roberts, Jordan Olson, Kade Paulsen, Jacob and Connie Tracy, represented by Mitchell Greer of Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), has submitted a final plat to subdivide 8.70 acres (more or less) into 40 lots. This property is located along Surprise Valley Road and is a re-plat of the Copper Creek Subdivision. **(ACTION ITEM)**

At their meeting on June 26, 2019, the Planning and Zoning Commission recommended approval of the plat with conditions outlined in the staff report.

Documents:

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

9. APPEAL OF HPC CONDITION OF APPROVAL – 312 WEST CENTER STREET

Dane Simmons, Jr. (mailing address: 123 North Main Street, Pocatello, ID 83204) has appealed the Historic Preservation Commission (HPC) condition of approval for the certificate of appropriateness for new windows at 312 West Center Street, the Sonnenkalb Building. HPC approved replacing the windows but with the condition that the anodized aluminum edging be painted or wrapped with vinyl to match the wood trim. **(ACTION ITEM)**

Documents:

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

10. LEASE AGREEMENT – BIG MOMMA’S HOUSE, INC.

Council may wish to authorize the Mayor to execute, on behalf of the City, a Lease Agreement with Big Momma’s House, Inc. for the use of City property located at 429 Washington Street. Said property shall be used as administrative offices for Big Momma’s House and shall be subject to certain conditions specified in the Lease Agreement. **(ACTION ITEM)**

Documents:

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

11. RESOLUTION – CLEAN ENERGY

Council may wish to adopt a resolution supporting Idaho Power’s commitment to 100% clean electricity and committing to continue to work towards a fully clean energy system. The proposed resolution was discussed at the September 12, 2019 Work Session and October 17, 2019 City Council Liaison/Work Session Clarification meeting. **(ACTION ITEM)**

Documents:

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

12. RIGHT OF WAY ACCEPTANCE – NORTHGATE PARKWAY

Council may wish to accept the Northgate Parkway right-of-way west of the Olympus Drive roundabout to the east right-of-way of the Interstate 15 Exit 73 interchange. If accepted, authorize the Mayor to sign the right-of-way plat map for the Northgate Parkway right-of-way subject to conditions. **(ACTION ITEM)**

Documents:

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

13. RIGHT OF WAY ACCEPTANCE – OLYMPUS DRIVE

Council may wish to accept the Olympus Drive right-of-way from Chubbuck Road north through the roundabout. If accepted, authorize the Mayor to sign the right-of-way plat map for the Olympus Drive right-of-way subject to conditions. **(ACTION ITEM)**

Documents:

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

14. TSA GRANT REIMBURSEMENT APPLICATION – POLICE

Council may wish to permit the Police Department to apply and participate in a Transportation Security Administration (TSA) Law Enforcement Officer Reimbursement Program, subject to Legal Department review. The program provides partial reimbursement for the cost of assigning officers to the TSA screen checkpoint at the Pocatello Airport during screening operations for departing flights. **(ACTION ITEM)**

Documents:

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

15. ITD GRANT RESOLUTION AND AGREEMENT – AIRPORT

Council may wish to approve and authorize the Mayor to sign a Resolution, Grant Agreement and other pertinent documents as part of the acceptance of a grant offer from the Idaho Transportation Department Division of Aeronautics (ITD). **(ACTION ITEM)**

The grant is for \$15,000.00 to reimburse expenses incurred against the fiscal year 2020 airport improvement project consisting of rehabbing pavements on Taxiway A north, FBO apron, and terminal apron, rehab the runway lighting electrical vault and replace the rotating beacon on the ATC Tower.

The State requires a resolution, which is included with the Grant Agreement. The grant requires City expenditure of \$292,834.53 which will be funded using budget Airport Passenger Facility Charge funds already allocated to the projects.

Documents:

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

16. TAP APPLICATIONS FOR CONSTRUCTION OF MULTIUSE PATHWAY FROM TERRY STREET TO POCATELLO CREEK ROAD

The Trails Working Group and Portneuf Greenway Foundation request the

City Council's support for submission of two (2) DRAFT Transportation Alternatives Program (TAP) project applications to the Idaho Transportation Department in the amount of \$500,000.00 each. The final application will be considered at a later meeting. **(ACTION ITEM)**

TAP Grant Funds would be used for construction of two multi-use trail sections from Terry Street to Pocatello Creek Road. The Portneuf Greenway Foundation will provide the required 7.34% matching funds for the grants. The City of Pocatello will have full ownership of the trails upon completion.

Documents:

AGENDA-ITEM-16.PDF

17. TAP GRANT APPLICATIONS FOR PUBLIC WORKS PROJECTS

Council may wish to consider the following requests regarding Public Works Projects: **(ACTION ITEM)**

- a. South 5th Avenue Sidewalk Transportation Alternatives Program (TAP) Grant application
 1. Application for a TAP grant in the amount of \$500,000.00, and if awarded,
 2. Authorize the Mayor to sign the Program Agreement form outlining the program.

The grant will be used to fund a 1.3 mile sidewalk project running from Samuel Street to the Bannock County Sheriff's Office on the east side of South 5th Avenue. The design will be done in house this year (2019) by the Engineering Department and if awarded the construction should start in 2021. A 7.34% local match is required (\$366,700) which is recommended to come from Fund 70.

- b. Center Street Pedestrian Bridge Transportation Alternatives Program (TAP) Grant application
 1. Application for a TAP grant in the amount of \$422,600.00, and if awarded,
 2. Authorize the Mayor to sign the Program Agreement form outlining the program.

The grant will be used for the construction of a pedestrian bridge over Center Street, pathway leading to and from the pedestrian bridge, and landscape restoration of the park at Center Street in Old Town Pocatello. A 7.34% local match is required (\$31,020) which is recommended to come from Fund 70.

Documents:

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

18. PORTNEUF HEALTH TRUST AGREEMENT FOR FUNDING – ACQUISITION AND USE OF RECREATIONAL TRAIL BUILDING EQUIPMENT

Council may wish to consider approval of an agreement with Portneuf Health Trust, subject to Legal Department review, for the funding, acquisition and use of Recreation Trail Building Equipment whereas: **(ACTION ITEM)**

- a) Portneuf Health Trust donates funding for the purchase of specialized trail building equipment for the purpose of constructing new recreational trails and maintaining existing trails for the use and enjoyment of the community; and
- b) City Parks and Recreation Department assumes ownership and on-going no cost use of the equipment, and also houses and administers use of the equipment to other qualified lessees, the proceeds of which will be used to maintain the equipment.

Documents:

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

19. PIGGY-BACK BIDS LEASE/PURCHASE FOR WATER DEPARTMENT

Council may wish to accept the recommendations of staff and award the following piggy-back bids and if they are accepted, authorize the Mayor to sign the necessary documents subject to Legal Department review. The amounts have been budgeted for in the Water Department's Fiscal Year 2020 Budget. **(ACTION ITEM)** The piggy-back bids are:

- a) COMPACTOR – Sourcewell Contract No. 032119-CAT with Western States Caterpillar for the lease of one (1) 2019 Caterpillar CB34B Vibratory Double Drum Asphalt Compactor in the amount of \$55,341.84 with five (5) annual payments of \$8,319.84 each.;
- b) LOADER – Sourcewell Contract No. 032119-CAT with Western States Caterpillar for the lease of one (1) 2019 Caterpillar 938M Wheel Loader in the amount of \$160,128.08 with five (5) annual payments of \$11,169.84 each. The Water Department will be trading in one 1994 Wheel Loader and one 1997 Asphalt Reclaimer, which provides a total of \$50,000.00 trade-in value.
- c) RECLAIMER – HBACBuy Contract with Asphalt Zipper for the purchase of one (1) 480X-200E Asphalt Reclaimer/Stabilizer in the amount of \$169,600.00.

Documents:

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

20. DECLARATION OF SURPLUS EQUIPMENT AND SALE GUIDELINES

Council may wish to accept the recommendations of staff to declare the following items as surplus and sale of same as outlined below. **(ACTION ITEM)**

a) FIRE APPARATUS – Declare surplus and authorize sale of three (3) 1994 Pierce Dash fire apparatus to the following South East Idaho fire districts: Arimo \$6,500.00; Rockland \$TBD, and North Bannock County Fire Department \$12,000.00 The apparatus have no functional life left for the City of Pocatello.

b) STREET SALT STORAGE STRUCTURE – Declare surplus and authorize sale of the salt storage structure located near the old Street Department building. The structure cannot be relocated without specialty services and does not fit with current geography of the new Public Works Annex property. If approved, authorize disposal of the structure in whatever way is the most advantageous to the City.

c) DISCARDED DUMP TRUCK BED – Declare surplus and authorize sale of a discarded dump truck bed located at the Public Works Annex. The dump truck bed was left behind by the previous property owners of 2405 Garrett Way. The equipment is not in optimal condition and does not fit any of the City's current equipment. If approved, authorize disposal of the equipment in whatever way is the most advantageous to the City.

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.

An ordinance ready for reading.

21. Adopt an ordinance amending Pocatello Municipal Code Title 10, Chapter 16, "Speed Regulations", by amending Section 10.16.050 "Areas Thirty Five Miles Per Hour" to delete a portion of Bench Road and to add sections of Chubbuck Road and Olympus Drive to a speed limit of 35 MPH and amending Section 10.16.060 "Areas of Forty Five Miles Per Hour" to include a section of Olympus Drive and the newly constructed Northgate Parkway. **(ACTION ITEM)**

Documents:

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

22. 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.)**

23. ADJOURN

PUBLIC HEARING PROCEDURE

1. Explanation of hearing procedures by Mayor or staff.
 - o 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.