

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
FEBRUARY 4, 2021

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:01 p.m.
ROLL CALL AND by Mayor Brian Blad. Council members present via GoTo
PLEDGE OF Meeting, an online meeting platform, were Heidi Adamson, Roger
Bray, Rick Cheatum, Linda Leeuwrik, Claudia Ortega and Chris
Stevens.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: A moment of silence was observed in place of an invocation.
INVOCATION

AGENDA ITEM NO. 3: Council was asked to consider the following business items:
CONSENT AGENDA

-MINUTES (a) Waive the oral reading of the minutes and approve the minutes of
the following meetings: City Council Clarification and Regular
City Council meetings of January 7, 2021 and January 21, 2021;
and Special Council meeting of January 21, 2021.

-PAYROLL AND (b) Consider the payroll and material claims for the month of
MATERIAL CLAIMS January 2021 in the amount of \$6,186,644.29.

-ANIMAL SHELTER (c) Confirm the Mayor's reappointment of Arlen Walker to continue
ADVISORY BOARD serving on the Animal Shelter Advisory Board. Arlen's term will
REAPPOINTMENT begin February 18, 2021 and expire February 18, 2023.

-COMMUNITY (d) Confirm the Mayor's appointment of Steve Ernst to serve as
DEVELOPMENT member of the CDBG Advisory Committee, filling a vacancy.
BLOCK GRANT (CDBG) Steve's term will begin February 5, 2021 and will expire
ADVISORY January 1, 2024.
COMMITTEE
APPOINTMENT

-SISTER CITIES (e) Confirm the Mayor's reappointment of Kate Van Buskirk and
COMMITTEE Katie Cooper to continue serving on the Sister Cities Committee.
REAPPOINTMENTS Both terms will begin February 17, 2021 and will expire
February 17, 2025.

-COUNCIL DECISION (f) Adopt the Council's decision to approve the short plat for
-POCA TELLO Pocatello Courtyard, which subdivides approximately 5.62 acres
COURTYARD SHORT of land into two (2) lots. The property is located on the 200 block
PLAT APPROVAL of Vista Drive.

-CITIZEN DONATION (g) ACCEPTANCE FOR K-9 OFFICER Accept a donation from the Jason Meador family in the amount of \$10,000.00 for the purchase of a new canine to be used in the Pocatello Police Department. This K-9 officer will replace K-9 officer "Bart" who passed away due to a genetic heart abnormality while on duty.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve consent agenda items 3 (a) through 3 (f) and to consider 3 (g) as a separate agenda item. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson, Bray, Ortega and Stevens.

Agenda Item 3 (g) to accept donation from the Jason Meador family in the amount of \$10,000.00 for purchase of a new canine to be used in the Pocatello Police Department. This K-9 officer will replace K-9 officer "Bart" who passed away due to a genetic heart abnormality while on duty. Was discussed at this time.

In response to questions from Council, Captain Cliff Kelley, Police Department, stated that the Jason Meador family has offered to donate the full amount needed to purchase a new K-9, even if it is more than the stated \$10,000.00 and that the K-9 will belong to the City once purchased. He noted the K-9 will be a dual purpose dog working on both patrol and drug protection units. Captain Kelley explained that there will be no extra cost incurred by the City for the training of the new K-9, as the training will be done by the department.

The Council expressed their great appreciation for the generous donation made by the Jason Meador family.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, to approve consent agenda item 3 (g). Upon roll call, those voting in favor were Adamson, Cheatum, Bray, Leeuwrik, Ortega and Stevens.

AGENDA ITEM NO. 4: Mayor Blad reminded the Council members of the February 11th CALENDAR REVIEW Work Session at 9:00 a.m.; and the following meetings to be held on February 18th: City Council Liaison/Work Session Clarification meeting at 2:00 p.m., Clarification meeting at 5:30 p.m., and Regular Council meeting at 6:00 p.m. Mayor Blad also noted that all aforementioned meetings will be in person at City Hall.

Mayor Blad announced that City Offices will be closed February 15th for President's Day. However, garbage and recycle pick-ups will remain on schedule. Reminder: Face coverings are required when individuals are in public places within the city of Pocatello; and keep sidewalks clear of snow and ice. When clearing sidewalks and driveways of snow, please do not place snow in the street. It becomes a driving hazard.

AGENDA ITEM NO. 5: This time was set aside for the Council to receive comments from PUBLIC HEARING the public regarding a request by McCormick Ranch, LLC, -FINAL PLAT represented by Rocky Mountain Engineering and Surveying THE RIDGES AT (mailing address: 600 East Oak Street, Pocatello, ID 83201), for a TRAIL CREEK final plat application to subdivide approximately 30.22 acres into 16 residential lots. The proposed subdivision is located along Foothill Boulevard and North Gathe Drive. The Planning and Zoning Commission recommended approval of the preliminary plat application with conditions following a public meeting on August 26,

2020. Staff found the proposal compliant with all applicable standards with conditions. The public hearing was requested by Linda Popelka and Ralph Heckard and was approved by Council at the Regular City Council meeting on January 7, 2021.

Mayor Blad opened the public hearing.

Council members announced there had been no ex parte communication.

Brady Smith, representing Rocky Mountain Engineering and Surveying, gave an overview of the property. He pointed out that the developer had reached an agreement with the landowners to secure the land needed to have the secondary access road. They are just waiting for documentation to be finalized.

Carl Anderson, Senior Planner, summarized the staff report. He noted that on the slope analysis submitted, the area to remain undisturbed shall be shown on the plat and delineated with a building restriction line and this boundary should be shown on the plat and staked prior to the beginning of construction. Mr. Anderson noted as a condition of the preliminary plat, it was required that the applicant work with staff and the adjacent property owner to the south to verify access to the property prior to final plat submittal. He announced the applicant had provided an exhibit showing the future plans for access to the site. Mr. Anderson stated the Public Works Department requires that this access be established by an easement for emergency access and access to the 40-acre parcel located south of the development, which will terminate upon dedication of permanent right-of-way. He also reported the staff has reviewed the application and finds that the proposed Ridges at Trail Creek Subdivision is in compliance with all applicable standards of City Code 16.24, assuming compliance with the conditions listed in the staff report. The Planning and Zoning Commission recommended approval with conditions at the public meeting held on August 26, 2020.

Mayor Blad announced that no written correspondence had been received.

Linda Popelka, Pocatello resident, spoke in opposition of the application. She explained that to approve the plat as proposed, would prevent her from having useable access to her adjacent property.

Ralph Heckard, Pocatello resident, spoke in opposition of the application. He noted that there is no verifiable access to his adjacent property on the final plat. He expressed that to approve the plat as proposed, his property would become inaccessible.

Patrick Davis, attorney representing McCormick Ranch, LLC, addressed citizens' concerns regarding their adjacent properties. He noted the plans show there will be access to their property from the west.

In response to a question from Council, Brian Ball, McCormick Ranch, LLC., stated that as per City Code, they must provide access to the adjacent property. He explained the ground to the west has been identified, but they are unable to put in a legal description until the final plat is submitted and approved by the City. Mr. Ball reported they are willing to put the easement area on the plat, but stipulated that its location may shift 20 to 30 feet one way or the other.

In response to a question from Council, Carl Anderson, Senior Planner, reported one City requirement is to provide for a connected transportation system. He stated that the secondary access be dedicated as an easement for access to adjacent property in addition to emergency access. Mr. Anderson explained when a roadway is platted, that easement would terminate and would become a right-of-way.

In response to questions from Council, Merrill Quayle, Development Engineer, stated that this is the final plat and the City is requiring a temporary easement be put in place until a plat comes forward for the extension of roadways. He added these roadways would be dedicated to the City and in turn dedicated to the right-of-way to the west side of the 38 acres. Mr. Quayle recounted the reason the easements are temporary in nature is because the access location could shift a bit, as previously stated by Mr. Ball. Mr. Quayle explained the temporary easement is assurance that the adjacent property owners have access prior to the right-of-way being platted.

There being no further public comments, Mayor Blad closed the public hearing.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, to approve a final plat application submitted by McComick Ranch, LLC, represented by Rocky Mountain Engineering and Surveying, to subdivide approximately 30.22 acres into 16 residential lots with the following conditions: 1) All conditions on the Final Plat Subdivision Application Executive Summary attached shall be met; 2) All conditions set out in the Public Works Department Memorandum from Merrill Quayle, P.E. dated January 8, 2021, attached shall be met; 3) In order to address the requirement of Fire Code that when more than 30 or more units are constructed, a secondary emergency access shall be provided, or, as an alternative, all units shall have fire sprinkling as permitted by the International Fire Code; 4) Prior to recording of the plat, the Applicant shall submit and receive approval of a plan meeting all applicable requirements of Pocatello Municipal Code 17.05.170, Sensitive Lands Standards; 5) Prior to recording of the plat, the area to remain undisturbed shall be shown on the plat and delineated with a building restriction line. The boundaries shown on the plat shall be surveyed and staked prior to beginning of construction. All other standards of Pocatello Municipal Code 17.05.140 shall apply; and 6) All other standards and conditions of Municipal Code not herein discussed but applicable to residential development shall apply and that the decision be set out in appropriate Council decision format and that the proposed subdivision is located along Foothill Boulevard and North Gathe Drive. Upon roll call, those voting in favor were Adamson, Cheatum, Bray, Leeuwrik, Ortega and Stevens.

AGENDA ITEM NO. 6: This time was set aside for the Council to receive comments from
PUBLIC HEARING the public regarding the request by Willie Biorn, represented by
-ANNEXATION OF Connect Engineering (mailing address: 1150 Hollipark Drive,
PROPERTY LOCATED Idaho Falls, ID 83405), to annex and zone approximately 5.97
AT 6715 SOUTH 5TH acres of land at 6715 South 5th Avenue. The requested zoning for
AVENUE the property is Light Industrial (LI) with a Comprehensive Plan
designation of Employment (E). The Planning and Zoning

Commission recommended approval of the proposed changes following a public hearing on January 13, 2021. Staff found the proposal compliant with all applicable standards with conditions.

Mayor Blad opened the public hearing.

Council members announced there had been no ex parte communication.

Berry Bame, Connect Engineering, gave a brief overview of the proposed annexation. He explained that the parcel in question fits zoning requirements for Light Industrial (LI). He stated that the parcel conforms to the comprehensive plan land use designation, blends well into the surrounding areas, and is physically suitable to the proposed zone.

Matthew Lewis, Senior Planner, gave an overview of the application submitted by Willie Biorn, represented by Connect Engineering. He noted the subject property is within the adopted Area of City Impact, and lies contiguous to the City's corporate boundary at the southern and eastern most property line. Mr. Lewis pointed out the property has been home to Jack's Tire and Oil for many years and was recently purchased by Peterbilt. He reported that land uses adjacent to and near the site include but are not limited to Fed-Ex distribution center, various warehouses and repair shops. Mr. Lewis added that City water is available and all public noticing requirements were met.

Mayor Blad announced that no written correspondence had been received.

There being no public comments, Mayor Blad closed the public hearing.

A motion was made by Mr. Cheatum, seconded by Mr. Bray, to annex and zone approximately the 5.97 acres of land at 6715 South 5th Avenue with the following conditions: 1) The subject property shall be annexed into the corporate boundaries of the City of Pocatello excluding therefrom the land area located west of the draw, which bisects the proposed annexation area; 2) Applicant shall enter into an Annexation Agreement with the City of Pocatello; 3) An updated legal description of the parcels of land to be annexed, prepared by a licensed surveyor, shall be submitted by the applicant prior to the adoption of the annexation ordinance; 4) Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; 5) Any activity requiring a separate development or building permit shall comply with applicable regulations; 6) City of Pocatello Resolution No. 2006-02 provides for the developer of real property being annexed into the city limits to provide a water source sufficient to support the water needs of the development of said property, or to provide a cash payment of an amount sufficient to purchase a water source utilizing the formula approved by the City Council. As the amount for the water assessment is unknown at this time and shall be established as development occurs, it will be made part of the Annexation Agreement; 7) Upon annexation, the subject property shall be designated Light Industrial (LI); and 8) The Comprehensive Plan Map designation for the property shall be Employment and that the decision be set out in appropriate Council decision format and the property to be annexed is located at 6715 South 5th Avenue. Upon roll call, those voting in favor were Cheatum, Bray, Adamson, Leeuwrik, Ortega and Stevens.

AGENDA ITEM NO. 7: Council was asked to consider bids received on January 19, 2021 for materials used by the Water Department for capital improvement projects, maintenance and to replenish materials inventory. The bid was separated into thirteen (13) separate lots in an effort to guarantee the lowest price for the City. Staff asked that Council award each lot to the lowest responsive bidder as follows:

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|----------------------|----|---|
| -CORE AND MAIN | a) | Lots One, Three, Five and Ten in the amount of \$398,602.64; |
| -MOUNTAINLAND SUPPLY | b) | Lot Four in the amount of \$74,312.44; |
| -FERGUSON WATERWORKS | c) | Lots Two, Six, Seven, Eight, Nine, Twelve and Thirteen in the amount of \$129,270.00; and |
| -HD FOWLER CO. | d) | Lot Eleven in the amount of \$13,343.90. |

Total cost for the materials bid is \$615,528.98. Funds are available in the Water Department's Fiscal Year 2021 budget.

A motion was made by Mr. Bray, seconded by Mrs. Ortega, to accept bids received January 19, 2021 for materials used by the Water Department for capital improvement projects, maintenance and to replenish inventory as outlined in Agenda Item No. 7(a) through 7(d) and that the total cost for the materials bids is \$615,528.98. Upon roll call, those voting in favor were Bray, Ortega, Adamson, Cheatum, Leeuwrik and Stevens.

AGENDA ITEM NO. 8: Council was asked to approve the following grant applications for GRANT APPLICATIONS the 2020 Assistance to Firefighters Grant (AFG) and if awarded, -2020 ASSISTANCE TO accept the grant and authorize the Mayor's signature on all FIREFIGHTERS GRANT applicable documents, subject to Legal Department review, APPLICATION the grants are as follows:

-PURCHASE ONE (1) a) A project in the amount of \$142,347.00 for the purchase of WILDLAND ENGINE one (1) wildland engine. Grant funds will cover \$128,112.30 and will require 10% match in the amount of \$14,234.70 and would come from the Capital Contingency funds. The wildland engine would replace an aging and unsafe engine which has exceeded its useful life; and

-PURCHASE b) A project in amount of \$54,827.67 for the purchase of extrication EXTRICATION equipment. Grant funds will cover \$49,344.90 and requires a 10% EQUIPMENT match in the amount of \$5,482.77 and would come from the Capital Contingency funds. The equipment would replace outdated equipment and provide needed equipment for each of the four (4) staffed fire engines.

Wildland engines and extrication equipment have been deemed high priority capital needs by the Federal Grant Priority.

A motion was made by Mr. Bray, seconded by Ms. Leeuwrik, to approve grant application for the 2020 Assistance to Firefighters Grant Application as outlined in Agenda Item No. 8(a) and 8(b), and authorize the Mayor's signature on all applicable documents, subject to Legal Department review.

A substitute motion was made by Ms. Adamson, seconded by Ms. Stevens, to approve grant applications for the 2020 Assistance to Firefighters Grant Application as outlined in Agenda Item No. 8(a) and 8(b) with the condition that matching funds come from the Fire Department budget and not from Capital Contingency funds and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Upon roll call, those voting in favor were Adamson, Stevens, Bray, Cheatum, Leeuwrik and Ortega.

AGENDA ITEM NO. 9: Council was asked to consider a piggy-back bid on a City of Boise PIGGY-BACK BID contract for the purchase of three (3) vehicles to replace aging, -POLICE DEPARTMENT high mileage patrol vehicles in the Police Department. The VEHICLE PURCHASE vehicles to be purchased are: one (1) 2021 Ford Expedition for \$39,590.00; one (1) Ford Explorer Hybrid for \$39,122.00; and one (1) 2021 Dodge Charger for \$31,238.00 for a total cost of \$109,950.00. Funds for the purchase are available within the Fiscal Year 2021 Police Department budget.

In response to a question from Council, Captain Cliff Kelley, Police Department, stated that the proposed vehicles would replace similar vehicles in the fleet. He noted the Expedition will be replacing a sergeant's vehicle, which must have the capacity to carry additional equipment and utilize the vehicle as a command center. Captain Kelley informed the Council the Explorer is replacing an Explorer and the Ford Taurus is no longer available with required specification, so they will be replaced with a similar sedan. He reported that they have worked out a schedule with the Fleet Department to purchase three vehicles a year for three years, replacing and rotating out the highest mileage and highest maintenance cost vehicles. Captain Kelley explained when current leases have come to the end of their term they will then replace six vehicles a year. He stated that replacing vehicles in this manner will allow the department to stay within their yearly fleet budget.

Council members asked that local dealerships be contacted for future bids and be given the opportunity to participate in bidding.

A motion was made by Ms. Leeuwrik, seconded by Ms. Stevens, to approve a piggy-back bid on a City of Boise contract for the purchase of three (3) vehicles to replace aging, high mileage patrol vehicles in the Police Department. The vehicles to be purchased are: one (1) 2021 Ford Expedition for \$39,590.00; one (1) 2021 Ford Explorer Hybrid for \$39,122.00; and one (1) 2021 Dodge Charger for \$31,238.00 for a total cost of \$109,950.00 and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Funds for the purchase are available within the Fiscal Year 2021 Police Department budget. Upon roll call, those voting in favor were Leeuwrik, Stevens, Adamson, Bray, Cheatum and Ortega.

AGENDA ITEM NO. 10: Council was asked to consider an ordinance amending Title 17 ORDINANCE "Zoning Regulations", specifically, by amending Chapters 17.01 - ZONING "General Provisions"; 17.02 "Land Use Decisions"; 17.03 REGULATION "Zoning Districts"; 17.04 "Overlay Areas"; 17.05 "Development AMENDMENTS Standards"; and 17.06 "Special Use Standards" to correct errors and inconsistencies and improve the function of this Title.

A motion was made by Mr. Cheatum, seconded by Mr. Bray, that Agenda Item No. 10, be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication. Upon roll call, those voting in favor were Cheatum, Bray, Adamson, Leeuwrik and Stevens. Due to technical difficulties, Mrs. Ortega was not present for the vote.

Jared Johnson, City Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance amending Title 17 "Zoning Regulations", specifically, 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 correct errors and inconsistencies and improve the function of this Title. Mayor asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Leeuwrik, Ortega and Stevens.

AGENDA ITEM NO. 11: This time was set aside for Council to revisit Ordinance No. 3061, -COUNCIL DISCUSSION an ordinance establishing standards for face coverings for REGARDING individuals when they are in public places, as approved by the ORDINANCE NO. 3061 Council November 19, 2020, effective November 21, 2020. "FACE COVERINGS"

A motion was made by Mr. Cheatum, seconded by Ms. Adamson, to rescind Ordinance No. 3061, an ordinance establishing standards for face coverings for individuals when they are in public places, as approved by Council November 19, 2020. Upon roll call, those voting in favor were Cheatum, Adamson and Ortega. Those voting in opposition were Bray, Leeuwrik and Stevens.

Due to a tie in voting, Mayor Blad was required to cast the deciding vote.

Mayor Blad stated that he has spent many hours considering the ordinance, reading written comments and visiting with individuals who are on both sides of the issue. Mayor Blad voted in favor of the motion. The motion passed.

A motion was made by Mr. Cheatum, seconded by Ms. Adamson, that an ordinance to repeal Ordinance No. 3061 be prepared by staff and presented for Council to consider at the Regular City Council meeting on February 18, 2021. Upon roll call, those voting in favor were Cheatum, Adamson, Bray, Ortega and Stevens. Leeuwrik voted in opposition. The motion passed.

Mayor Blad reminded Council that Ordinance No. 3061 will be in effect until February 18, 2021 if repeal by Ordinance by Council action.

AGENDA ITEM NO. 12: Heather Disselkoen, Pocatello citizen, stated the data book she presented to Council was her contribution by consolidating mass volumes of data into one place to be used and added as a supplemental tool for Council to use in their future decision-making process. She noted that all information within the data book came from reliable sources like the US Census Bureau and Department of Labor.

AGENDA ITEM NO. 13: There being no further business, Mayor Blad adjourned the meeting at 7:40 p.m.

APPROVED BY:

BRIAN C. BLAD, MAYOR

ATTEST AND PREPARED BY:

KONNI R. KENDELL, CITY CLERK

PREPARED BY:

WENDY A. PRATHER, DEPUTY CITY CLERK