

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
MARCH 15, 2018

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:03 p.m.
ROLL CALL AND by Mayor Brian Blad. Council members present were Heidi
PLEDGE OF Adamson, Roger Bray, Rick Cheatum and Jim Johnston.
ALLEGIANCE Council member Linda Leeuwrik was excused.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Major Ben LaBarge (Ret.), Salvation
INVOCATION Army.

Mayor Blad announced Agenda Item No. 7 had been pulled from the agenda.

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 from
the Special City Council Finance Training of February 8, 2018; the
following meetings held February 15, 2018: Police Union Quarterly Report; City Council Clarification
meeting; and Regular City Council meeting; City Council Tour of Billboards and Electronic Signs of
February 27 and 28, 2018; and the March 1, 2018 City Council Liaison Working Lunch.

-TREASURER'S (b) Consider the Treasurer's Report for February showing cash and
REPORT investments as of February 28, 2018 in the amount of
\$49,614,452.26.

-COMMUNITY (c) Confirm the Mayor's appointment of Cass Fonnesbeck to serve as a
DEVELOPMENT member of the CDBG Advisory Committee, replacing Samuel Perry
BLOCK GRANT whose term expired. Ms. Fonnesbeck's term will begin March 16,
ADVISORY COMMITTEE 2018 and will expire January 1, 2021.
APPOINTMENT

-PLANNING AND (d) Council may wish to confirm the Mayor's appointment of Jared
AND ZONING Bernt to serve as a member of the Planning and Zoning
COMMISSION Commission, replacing Jack Brennan who resigned. Mr. Bernt's
APPOINTMENT term will begin March 16, 2018 and will expire July 20, 2020.

-RESOLUTION (e) Adopt by resolution (2018-05) proposed Policies and Procedures -
POLICIES AND for the Lead Hazard Control Grant program. As a recipient of the
PROCEDURES FOR grant, the City is required to have policies/procedures in place to
LEAD HAZARD govern how this HUD program will be managed.
CONTROL GRANT
PROGRAM

-COUNCIL DECISION (f) Adopt the Council's decision approving the Final Short Plat for
-CENTURY BUSINESS Century Business Center, which subdivides approximately 4.01 acres
CENTER FINAL into four (4) commercial lots, subject to conditions. The property is
SHORT PLAT located in the NE1/4SW/4 of Section 16, Township 7 South, Range
35 EBM, Tax 149 Bannock County, Idaho and is zoned Light
Industrial (LI). All lots will have direct access from South 5th Avenue and Hildreth Road.

-COUNCIL DECISION (g) Adopt the Council's decision granting a request by Idaho Power to
-IDAHO POWER rezone by contract approximately 1.2 acres of undeveloped land
REZONE POLE LINE/ located at the northwest corner of Pole Line and Eldredge Roads
ELDREDGE ROADS and east of Faith Lutheran Evangelical Church, from Residential
Commercial Professional (RCP) and Residential Medium Density
Single-Family (RMS) to Light Industrial (LI) for the sole use of an electrical substation owned by Idaho
Power, pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.

-COUNCIL DECISION (h) Adopt the Council's decision granting a request by Dave Packer to
-REZONE BY rezone by contract approximately 2.34 acres of undeveloped land
CONTRACT OF located in the 3900 Block of Hawthorne Road between 3942 and
UNDEVELOPED 3916 Hawthorne Road, from Residential Medium Density Single-
PROPERTY LOCATED IN Family (RMS) to Residential High Density (RH), pursuant to
THE 3900 BLOCK OF Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.
HAWTHORNE ROAD

A motion was made by Mr. Cheatum, seconded by Mr. Johnston, to approve the items on the consent agenda. Upon roll call, those voting in favor were Cheatum, Johnston, Adamson and Bray.

AGENDA ITEM NO. 4: Mayor Blad announced there were no communications or
COMMUNICATIONS proclamations.

Mayor Blad welcomed Boy Scouts from Troop Nos. 121, 116 and 306.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the April 5th City Council
CALENDAR REVIEW Working Lunch at 1:00 p.m.; the April 5th Clarification Meeting at
5:30 p.m.; the Regular City Council Meeting at 6:00 p.m. on April
5th; the April 6th Budget Development meeting at 9:00 a.m.; and the April 12th Study Session at 9:00 a.m.

Mayor Blad announced "Chrome in the Dome" will be held at Holt Arena March 16th and 17th; the annual spring cleanup at City cemeteries begins April 2nd. Crews will remove and discard all flowers and decorations. Citizens are asked to remove decorations, etc. they have placed on a cemetery space if they wish to avoid disposal of the item by staff. Cleanup is expected to continue through the end of April; and Compost Happens yard-waste-only composting program begins the first Wednesday in April (April 4th) and continues through the last week of November. For more information, contact the Sanitation Department.

Mr. Cheatum announced the Pocatello Chiefs would be holding their annual "Spring Cleanup" on May 4th beginning with a free breakfast for volunteers at 7:00 a.m. at Caldwell Park.

AGENDA ITEM NO. 6: Emily Miller was present to appeal the decision of Police
CHILD CARE LICENSE Department staff which denied Ms. Miller a Child Care License.
DENIAL APPEAL-MILLER

Jene Purman, License Enforcement Officer, stated Ms. Miller's application was denied based upon her admission of guilt to a charge of burglary.

In response to a question from Council, Ms. Miller stated the event occurred in 2017 and explained that she removed two car seats from her ex-husband's car without his permission. She added that the charges were later dropped. Ms. Miller stated she was later diagnosed with Post Traumatic Stress Disorder (PTSD), and the admitted burglary was related to PTSD. She added that she is an Army veteran and is currently undergoing treatment with a therapist for her condition. Ms. Miller stated she understands that the removal of the property was wrong and has served probation for the withheld judgement. She added that her employer is aware of the charges.

In response to a question by Council, Ms. Purman confirmed that the Police Department denied Ms. Miller's child care license due to her admission of guilt, according to City Code. She suggested that Ms. Miller submit a letter written by her mental healthcare provider to verify her ongoing treatment.

A motion was made by Mr. Johnston, seconded by Mr. Cheatum, to overturn the decision of the Police Department and approve an appeal by Emily Miller to approve a childcare license with the condition that Ms. Miller provide documentation from her mental healthcare provider verifying her ongoing treatment. Upon roll call, those voting in favor were Johnston, Cheatum, Adamson and Bray.

AGENDA ITEM NO. 7: As announced earlier, Agenda Item No. 7, a request for
SANITARY SEWER permission to connect an existing home and parcel of land
CONNECTION REQUEST commonly known as 8354 North Gathe Road to the City's
-8354 NORTH sanitary sewer system had been pulled from the agenda.
GATHE ROAD

AGENDA ITEM NO. 8: Council was asked to accept Pocatello Regional Transit (PRT) staff
BID-LOW FLOOR/RAMP recommendations and award the lowest responsive bid for seven (7)
TRANSIT BUSES low-floor, ramp-equipped Champion buses in the amount of
\$126,414.00 each to Davey Coach of Sedalia, Colorado. The total
bid is \$884,898.00 and the buses will be used for urban services.

Funding for 5 urban transit buses is from Federal Transit Administration grants and PRT program funds (20%) as match. Two buses are funded 100% by the Department of Environmental Quality. Funds for the bus purchases are available in PRT budget 008 and 009.

In response to a question from Council, Dave Hunt, Transit Director, stated 5 of the 7 buses would be used immediately in the Pocatello area. The other two buses would be used in the Franklin County/Cache Valley area under a contract with the Department of Environmental Quality (DEQ). He added that the contract with DEQ is for 3 1/2 years and at the end of the contract, the buses would be returned to the Pocatello area for continued service.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to accept Pocatello Regional Transit staff recommendations and award the lowest responsive bid for seven (7) low-floor, ramp-equipped Champion buses in the amount of \$126,414.00 each to Davey Coach of Sedalia, Colorado for a total of \$884,898.00. Upon roll call, those voting in favor were Bray, Johnston, Adamson and Cheatum.

AGENDA ITEM NO. 9: Council was asked to consider the Pocatello Police Department's
TRADE AND PURCHASE (PPD) recommendation and accept the quote from Salt Lake
OF FIREARMS – POLICE Wholesale (Blue Label Glock Dealer for Law Enforcement) for the
following firearms. The firearms will be used by members of the
Pocatello Police Department.

TRADE-IN a) Trade-in 40 older Glock 21's SF's and Generation 4 firearms; and
PURCHASE b) Purchase 40 new Glock 17's handguns.

Staff can purchase the new Glocks at a discounted rate of \$110.00 per gun for a Glock 21 Generation 4 and \$160.00 for a Glock 21SF. Funds are available in the Police Department's Fiscal Year 2018 budget.

A motion was made by Ms. Adamson, seconded by Mr. Johnston, to accept the quote from Salt Lake Wholesale (Blue Label Glock Dealer for Law Enforcement) for the trade in and purchase of firearms to be used by members of the Pocatello Police Department, as outlined in Agenda Item No. 9(a) and 9(b).

In response to a question from Council, Captain Roger Schei explained that the purchase of Glock firearms for a law enforcement agency can only be done through a Glock-approved, Blue Label Glock Dealer for Law Enforcement. He added that Salt Lake Wholesale in Utah is the closest distributor. Other Glock-approved, Blue Label Glock Dealers for Law Enforcement are located in Washington and Oregon. Mr. Schei added that this is due to strict regulations by Glock.

Ms. Adamson's motion was voted upon at this time. Upon roll call, those voting in favor were Adamson, Johnston, Bray and Cheatum.

AGENDA ITEM NO. 10: Council was asked to accept the recommendations of Police
POLICE EQUIPMENT Department staff to declare the following equipment as surplus and
-DECLARATION OF authorize donation of equipment as outlined, subject to Legal
SURPLUS AND Department review.
DONATIVE TRANSFER

DONATION TO a) Donate 15 older bullet proof vests and 20 older flashlights to Idaho
ISU LE PROGRAM State University (ISU) Law Enforcement (LE) Program. The vests
are no longer serviceable to wear on the street and the flashlights are
no longer used by officers. ISU LE Program representatives noted that cadets are currently using vests
and equipment much older than the items outlined and cadets will greatly benefit from the items.

DONATION TO b) Donate 8 older bullet proof vests to Accushape to recycle.
ACCUSHAPE Accushape is the Police Department's current vest provider and has
a need to recycle some older vests.

A motion was made by Mr. Cheatum, seconded by Mr. Johnston, to accept the recommendations of Police Department staff to declare equipment as surplus and authorize donation of equipment as outlined in Agenda Item 10(a) and 10(b), subject to Legal Department review. Upon roll call, those voting in favor were Cheatum, Johnston, Adamson and Bray.

AGENDA ITEM NO. 11: Council was asked to consider a Use Agreement, subject to Legal USE AGREEMENT Department review, with Pocatello Running Club for use of a -OVER THE TOP portion of the City Creek Management Area for a running event. TRAIL RACE The Over the Top Trail Race will be held on May 12, 2018 with course set up on May 11, 2018. Pocatello Running Club will be charged \$100.00 for the use, will be responsible for set up and cleaning of the area after the event, any damages and any additional costs incurred by the City as a result of the event, and will be required to provide liability insurance, naming the City as an additional insured.

A motion was made by Ms. Adamson, seconded by Mr. Johnston, to approve a Use Agreement, subject to Legal Department review, with Pocatello Running Club for use of a portion of the City Creek Management Area for a running event, "Over the Top Trail Race" to be held on May 12, 2018 with course set up on May 11, 2018 and that Pocatello Running Club will be: a) charged \$100.00 for the use; b) responsible for set up and cleaning of the area after the event; c) responsible for any damages and any additional costs incurred by the City as a result of the event; and d) required to provide liability insurance, naming the City as an additional insured. Upon roll call, those voting in favor were Adamson, Johnston, Bray and Cheatum.

AGENDA ITEM NO. 12: Council was asked to approve submission of a 2017 Fire Prevention FIRE PREVENTION and Safety Grant and, if awarded, authorize the Mayor to sign, AND SAFETY GRANT subject to Legal Department review, documents related to the grant. APPLICATION The Grant will be used to hire an outside consulting organization to conduct a Community Risk Assessment for our area of response.

A motion was made by Mr. Bray, seconded by Mr. Cheatum, to approve submission of a 2017 Fire Prevention and Safety Grant and, if awarded, authorize the Mayor to sign, documents related to the grant, subject to Legal Department review. Upon roll call, those voting in favor were Bray, Cheatum, Adamson and Johnston.

AGENDA ITEM NO. 13: Council was asked to approve a Professional Services Agreement PROFESSIONAL with TAG Historical Research and Consulting to complete work on SERVICES AGREEMENT the Historic Preservation Plan (HP Plan). The HP Plan was -TAG HISTORICAL approved as part of the Certified Local Government Grant. The RESEARCH AND agreement will extend from March 1, 2018 through May 31, 2018. CONSULTING

A motion was made by Mr. Bray, seconded by Mr. Johnston, to approve a Professional Services Agreement with TAG Historical Research and Consulting to complete work on the Historic Preservation Plan (HP Plan), as approved as part of the Certified Local Government Grant and that the agreement will extend from March 1, 2018 through May 31, 2018. Upon roll call, those voting in favor were Bray, Johnston, Adamson and Cheatum.

AGENDA ITEM NO. 14: NeighborWorks Pocatello (Mailing address: 206 North Arthur ALAMEDA ACRES Avenue, Pocatello, ID 83204), represented by HLE, Inc. (mailing SUBDIVISION address: 800 West Judicial Street, Blackfoot, ID 83221), has -SHORT PLAT submitted an application to subdivide 0.67 acres (more or less) into 4 Residential Medium Density Single Family lots located on the 700 block of Grace Drive (specifically Lot 2, 1st Addition to Richland Townsite). The subdivision is to be known as Alameda Acres Subdivision.

Staff recommended approval of the request with conditions outlined in the staff report.

A motion was made by Ms. Adamson, seconded by Mr. Johnston, to approve a request by NeighborWorks Pocatello, represented by HLE, Inc. to subdivide 0.67 acres (more or less) into 4 Residential Medium Density Single Family lots located on the 700 block of Grace Drive (specifically Lot 2, 1st Addition to Richland Townsite with the following conditions: 1) All Public Works comments contained in the Memorandum dated February 15, 2018 from Jeremy Manska, Senior Engineer Technician and Merrill Quayle PE, Public Works/Development Engineer to Carl Anderson, Senior Planner, shall apply; 2) the final plat will be prepared in accordance with applicable State and City subdivision plat standards and subject to review by the City Surveyor; and 3) all other standards or conditions of Municipal Code not herein stated but applicable to the subdivision shall apply and that the subdivision is to be known as Alameda Acres Subdivision and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Adamson, Johnston, Bray and Cheatum.

AGENDA ITEM NO. 15: Jake R. Richards (mailing address: 5206 Daisy Lane, Pocatello, ID 83204, represented by Matt Baker of Summit Land Surveying (mailing address: 366 Washington Avenue, Pocatello, ID 83201), has submitted an application to subdivide 7.09 acres (more or less) into 2 Residential Medium Density Single Family lots located at the end of Running Iron Lane. The subdivision is to be known as Tallgrass Subdivision.

Staff recommended approval of the request with conditions outlined in the staff report.

A motion was made by Mr. Johnston, seconded by Ms. Adamson, to approve a request by Jake R. Richards, represented by Matt Baker of Summit Land Surveying, to subdivide 7.09 acres (more or less) into 2 Residential Medium Density Single Family lots located at the end of Running Iron Lane with the following conditions: 1) All Public Works comments contained in the Memorandum dated March 6, 2018 from Jeremy Manska, Senior Engineer Technician and Merrill Quayle PE, Public Works/Development Engineer to Carl Anderson, Senior Planner, shall apply; 2) the final plat will be prepared in accordance with applicable State and City subdivision plat standards and subject to review by the City Surveyor; and 3) all other standards or conditions of Municipal Code not herein stated but applicable to the subdivision shall apply and that the subdivision is to be known as Tallgrass Subdivision and that the decision be set out in appropriate Council decision format.

Mr. Bray stated he is concerned about possible nitrates from the septic system affecting the groundwater.

In response to a question from Council, Merrill Quayle, Public Works/Development Engineer, stated the City Ordinance requires a property owner to connect to the public sewer line if the property is located within 300 feet of the service line. Mr. Richards' property is located in excess of 300 feet of the service line. In addition, a high-pressure gas pipeline is located on an easement near the property which would require a possible sewer connection to be approximately 12 feet deep. Mr. Quayle stated because Mr. Richards' property is beyond the 300 foot requirement and due to health and safety reasons, it is not recommended that Mr. Richards connect to the City sewer system. Mr. Quayle stated the State Health Department oversees the permitting process for septic systems.

Mr. Bray asked if the Health Department oversaw the permitting and placement process for septic systems when the Johnny Creek area was developed.

Mr. Quayle stated the Johnny Creek area was developed while the land was overseen by Bannock County, and was later annexed into the City of Pocatello boundaries. He added that when Mr. Richards'

property was annexed into the boundaries of the City of Pocatello, the deed restriction allowed for construction of no more than two homes on the property.

Mr. Johnston's motion was voted upon at this time. Upon roll call, those voting in favor were Johnston and Adamson. Those voting in opposition were Bray and Cheatum.

Due to a tie in voting, Mayor Blad was required to cast the deciding vote. Mayor Blad voted in favor of the motion. The motion passed.

AGENDA ITEM NO. 16: Kelly Marie and Ken Swisher (mailing address: 812 East Clark Street, Pocatello, ID 83201), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) have submitted a request to subdivide approximately 3.06 acres (more or less) into 7 residential lots. The subdivision, Countryside Subdivision, 8th Addition, will create the final connection of Foxmore Street.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on May 10, 2017 and recommended approval with conditions.

A motion was made by Mr. Johnston, seconded by Mr. Bray, to approve a request by Kelly Marie and Ken Swisher, represented by Rocky Mountain Engineering and Surveying to subdivide approximately 3.06 acres (more or less) into 7 residential lots with the following conditions: 1) All conditions submitted by Public Works Department representatives as noted in the Memorandum Dated March 6, 2018 from Jeremy Maska, Senior Engineer Technician and Merrill Quayle PE, Public Works/Development Engineer to Carl Anderson, Senior Planner, shall be adhered to; and 2) all other standards or conditions of Municipal Code not herein stated but applicable to residential development shall apply and that the subdivision will be known as Countryside Subdivision 8th Addition and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Johnston, Bray, Adamson and Cheatum.

AGENDA ITEM NO. 17: Council was asked to approve the following documents related to an easement for public utilities within the Countryside Subdivision 8th Addition Final Plat, subject to Legal Department review:

PERPETUAL EASEMENT a) A perpetual easement between the City of Pocatello and Kelly Swisher for the purpose of installing and maintaining a water line perpendicular to Foxmore Street within the Countryside Subdivision 8th Addition and, if approved;

AUTHORIZE PURCHASE AND SALE AGREEMENT b) Authorize the Mayor to sign a Purchase and Sale Agreement in the amount of \$12,000.00, for the perpetual easement.

Funds for the easement purchase are available in the Water Department's Fiscal Year 2018 Budget.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to approve documents related to an easement for public utilities within the Countryside Subdivision 8th Addition Final Plat, as outlined in

Agenda Item No. 17(a) and 17(b), subject to Legal Department review. Upon roll call, those voting in favor were Bray, Johnston and Adamson. Cheatum voted in opposition to the motion. The motion passed.

AGENDA ITEM NO. 18: G. Brandon Ratliff (mailing address: 4902 Burley Drive, Suite 9, BREEZY POINTE Chubbuck, ID 83202) and Kurt Davis (mailing address: 1891 DIVISION THREE Kinghorn Road, Pocatello, ID 83201), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East -FINAL PLAT Oak Street, Pocatello, ID 83201), have submitted a request to subdivide approximately 5.10 acres (more or less) into 18 residential lots. The subdivision, Breezy Point Division 3, is located east of Philbin Road and south of West Quinn Road.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on December 13, 2017 and recommended approval with conditions.

A motion was made by Mr. Johnston, seconded by Ms. Adamson, to approve a request by G. Brandon Ratliff and Kurt Davis, represented by Rocky Mountain Engineering and Surveying to subdivide approximately 5.10 acres (more or less) into 18 residential lots with the following conditions: 1) All conditions submitted by Public Works Department representatives as noted in the Memorandum dated February 28, 2018 from Jeremy Maska, Senior Engineer Technician and Merrill Quayle PE, Public Works/Development Engineer to Carl Anderson, Senior Planner, shall be adhered to; 2) all corrections noted by City representatives on the preliminary plat shall be made prior to submittal of the final plat; and 3) all other standards or conditions of Municipal Code not herein stated but applicable to residential development shall apply and that the subdivision, located east of Philbin Road and south of West Quinn Road, will be known as Breezy Point Division 3 and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Johnston, Adamson, Bray and Cheatum.

AGENDA ITEM NO. 19: G. Brandon Ratliff (mailing address: 4902 Burley Drive, Suite 9, BREEZY POINTE Chubbuck, ID 83202), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID DIVISION FOUR 83201), has submitted a request to subdivide approximately 3.57 -FINAL PLAT acres (more or less) into 16 residential lots. The subdivision, Breezy Point Division 4, is located east of Philbin Road and south of West Quinn Road.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on December 13, 2017 and recommended approval with conditions.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, to approve a request by G. Brandon Ratliff, represented by Rocky Mountain Engineering and Surveying, to subdivide approximately 3.57 acres (more or less) into 16 residential lots with the following conditions: 1) All conditions submitted by Public Works Department representatives as noted in the Memorandum dated March 5, 2018 from Jeremy Maska, Senior Engineer Technician and Merrill Quayle PE, Public Works/Development Engineer, to Carl Anderson, Senior Planner, shall be adhered to and that the subdivision, located east of Philbin Road and south of West Quinn Road will be known as Breezy Point Division 4 and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Adamson, Cheatum, Bray and Johnston.

AGENDA ITEM NO. 20: This time was set aside for Council to hear comments from the public regarding proposed changes to the Reader Boards section (15.20.160) and Off Premises/Billboard Signs section (15.20.240) of the City of Pocatello Sign Ordinance.
PUBLIC HEARING
PROPOSED AMENDMENTS
TO SIGN ORDINANCE
SECTION 15.20

Mayor Blad opened the public hearing.

Carl Anderson, Senior Planner, gave an overview of the proposed changes to the Reader Boards section and Off Premises/Billboard Signs section of the City of Pocatello Sign Ordinance.

Mayor Blad announced written correspondence had been received and distributed to Council members.

Mike Seibert, Pocatello resident, spoke in support of the proposed changes. He stated he feels City staff did a good job of addressing issues for residents and sign companies and that a fair ordinance using common sense has been crafted for Council's consideration. Mr. Seibert stated he feels property owners within 300 feet of the proposed structure should be notified, rather than property owners within 200 feet of the property lines, as listed in the current ordinance.

DJ Lotter, Young Electric Sign Company, Boise, spoke in support of the proposed changes. He feels there should be no changes to scrolling regulations for on-premise signs.

David Lee, Young Electric Sign Company, spoke in support of the proposed changes. He stated he is in support of changing the measurement standards from nits to foot candles and feels there should be no changes to scrolling regulations for on-premise signs. Mr. Lee stated he feels removal of that regulation allows business owners to make changes in a timelier manner.

Jeff Young, Young Electric Sign Company, spoke in support of the proposed changes. He stated he is in favor of changing measurement standards to reflect foot candles and the addition of dimming regulations. Mr. Young stated he feels addressing dimming issues would adequately address safety issues and there should be no changes to scrolling regulations for on-premise signs. In response to a question from Council, Mr. Young stated he is in favor of increasing the notification requirements to 500 feet of the property line.

Frank Nuding, Pocatello resident, spoke in support of the proposed sign code changes. He thanked the Council for taking the time to learn about the signs and illumination and the impact upon residents and local businesses. Mr. Nuding feels the 300 foot notification requirement is adequate and more closely follows the state noticing criteria. He added that he feels sign companies which install on-premise signs should be monitoring the signs to maintain compliance regarding brightness standards.

Steven Conway, Pocatello resident, spoke in support of the proposed changes. He expressed appreciation to staff members and Council members who worked on the ordinance revisions. Mr. Conway feels it would be beneficial to increase the notification requirements for electronic signs in order to allow citizens the opportunity to share their opinions.

Niki Taysom, Chubbuck resident, spoke in opposition to the proposed changes to the sign code. She stated she is opposed to all electronic signs and any device which could damage the environment.

In response to questions from Council, Mr. Anderson stated electronic signs which currently have scrolling and animation would be "grandfathered in" under the proposed sign code being drafted at this time. He stated when a new sign permit application is submitted, current code standards would apply.

Mr. Anderson explained that the state standard for noticing requirements is 300 feet from the property line, and that municipalities can be more restrictive, but not less restrictive than the state statute.

Mr. Bray stated he would like to have staff prepare two ordinances for Council's consideration—an option which states that property owners within 300 feet of the property line will be notified of proposed changes; and a second option which states that property owners within 500 feet of the property line will be notified of proposed changes, related to electronic billboards.

In response to a question from Council, Mr. Anderson stated brightness issues could be examined by staff.

Ms. Adamson state she would like staff to provide clarification regarding “grandfather rights” for signage as outlined in the draft ordinance.

Melanie Gygli, Planning and Development Services Director, stated state requirements for land use issues require notification to residents in properties within 300 feet of the property line of proposed changes. She stated the same noticing requirements could be applied to electronic signs to maintain consistency. In response to a question from Council, Ms. Gygli stated there are provisions in the sign code which allow static billboards to affix attachments to the billboard beyond the standard size. As an example, billboards currently being used by Chick-fil-A restaurants have cutouts on the top and sides of the billboards.

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

A motion was made by Mr. Johnston, seconded by Mr. Cheatum, to instruct City staff to prepare two versions of an ordinance outlining proposed changes to the sign code for Council's consideration: 1) an option which states that property owners within 300 feet of the property line will be notified of proposed changes; and 2) an option which states that property owners within 500 feet of the property line will be notified of proposed changes, as they relate to electronic billboards. Upon roll call, those voting in favor were Johnston, Cheatum, Adamson and Bray.

AGENDA ITEM NO. 21: ORDINANCE -ANNEXATION OF 11.87 ACRES AT 5096 SOUTH 5 TH AVENUE	Council was asked to consider an ordinance which annexes a parcel of land comprised of approximately 11.87 acres owned by Brush Meadows, LLC. The parcel is located at 5096 South 5 th Avenue and will be zoned Residential Commercial Professional (RCP) with a Comprehensive Plan designation of “Mixed Use.”
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A motion was made by Mr. Bray, seconded by Mr. Johnston, that the ordinance, Agenda Item No. 21, 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 Bray, Johnston, Adamson and Cheatum.

Rich Diehl, Deputy City Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance annexing a parcel of land comprised of approximately 11.87 acres owned by Brush Meadows, LLC, located at 5096 South 5th Avenue and will be zoned Residential Commercial Professional (RCP) with a Comprehensive Plan designation of “Mixed Use.” Mayor Blad asked, “Shall the ordinance pass?” Upon roll call, those voting in favor were Adamson, Bray, Cheatum and Johnston. Mayor Blad declared the ordinance and summary sheet passed,

that it be numbered 3004 and be submitted to the Idaho State Journal for publication. (It was later found that the zoning designation for Brush Meadows was incorrect. As a result, the ordinance will be considered by Council at a later date.)

AGENDA ITEM NO. 22: Cindy Moore, 1415 North Harrison, stated the driveway at her home is shared with the next door neighbor. She stated that her neighbor built a fence in the middle of the shared driveway, and that the fence permit was issued by the City Building Department. Ms. Moore explained that her neighbor has since added to the fence, making it more difficult for her to access her property and her belongings. She feels the addition to his fence was done illegally and she is not receiving any cooperation from the Building Official. Ms. Moore shared photos of the property and fence with Council members.

Niki Taysom, Chubbuck resident, shared her support for the U.S. Constitution and her opposition to international enterprise.

There being no further business, Mayor Blad adjourned the meeting at 7:34 p.m.

APPROVED BY:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

KONNI R. KENDELL, DEPUTY CITY CLERK