

CITY OF POCATELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
APRIL 16, 2020

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:00 p.m.
ROLL CALL by Mayor Brian Blad. Council members were in attendance as follows: Physically present - Heidi Adamson. By Go To Meeting an on-line meeting platform - 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 for the 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 from the March 5, 2020 and March 12, 2020 Budget Development meetings; the March 12, 2020 Work Session; and the Clarification and Regular Council meetings of March 19, 2020.

-PAYROLL AND MATERIAL CLAIMS AND TREASURER'S REPORT (b) Consider the payroll and material claims for the month of March, 2020 in the amount of \$5,678,159.27; and the Treasurer's Report for March showing cash and investments as of March 31, 2020 in the amount of \$66,248,412.15.

-CHILD CARE ADVISORY COMMITTEE APPOINTMENT (c) Confirm the Mayor's appointment of Edith Wiggers to serve as a member of the Child Care Advisory Committee, replacing Robert Crocker whose term expired. Ms. Wiggers' term will begin April 3, 2020 and will expire April 3, 2024.

-HOUSING ALLIANCE AND COMMUNITY PARTNERSHIPS BOARD REAPPOINTMENT (d) Confirm the Mayor's reappointment of Lori Craney to continue her service as a member of the Housing Alliance and Community Partnerships Board. Ms. Craney's term will begin April 23, 2020 and expire April 23, 2025.

-HUMAN RELATIONS ADVISORY BOARD APPOINTMENT (e) Confirm the Mayor's appointment of Virginia Kelly to continue her service as a member of the Human Relations Advisory Committee. Ms. Kelly's term will begin April 20, 2020 and expire April 20, 2024.

-POCATELLO DEVELOPMENT AUTHORITY REAPPOINTMENTS (f) Confirm the Mayor's reappointments of Heidi Adamson, Chad Carr and Scott Turner to continue their service as members of the Pocatello Development Board of Directors. All three terms will begin May 1, 2020 and will expire May 1, 2024.

MOU -TNR PROGRAM (g) Approve, and authorize the Mayor to sign, a Memorandum of Understanding (MOU) and related documents, subject to Legal Department review, between the City of Pocatello and Best Friends for a \$50,000.00 grant to implement the TNR program. The TNR Program will require the addition of a full-time position at the Animal Shelter that will be dedicated to run the program.

- AGREEMENT FOR (h) Approve an agreement with AG Concrete in the amount of
DOG KENNELS \$5,000.00 to install concrete pads in dog kennels at the Animal
CONCRETE PROJECT Shelter.
-AG CONCRETE
- TIME CLOCK PLUS (i) Approve purchasing additional licenses in the amount of \$12,425.00
PURCHASE OF for seasonal and variable hour employees to utilize the electronic
ADDITIONAL LICENSES time keeping system as discussed at the March 12, 2020 Work
-HUMAN RESOURCES Session.
- COUNCIL DECISION (j) Adopt Council's decision denying a request by Thomas J.
-VACATION OF Katsilometes to vacate the public's interest in the existing right-of-
RIGHT OF WAY DENIAL way consisting of the north shoulder of Hildreth Road between
FOR KATSILOMETES Interstate 15 and Diamondback Lane.
- COUNCIL DECISION (k) Adopt Council's decision approving the short plat for Mr. Mower
-MR. MOWER Subdivision, which subdivides approximately 2.39 acres of land into
SUBDIVISION SHORT PLAT two (2) lots, subject to conditions. The property is located at 4105
4105 HAWTHORNE ROAD Hawthorne Road, Pocatello.
- AMENDED COUNCIL (l) Adopt an amended Council Decision to include all of the conditions
DECISION - REPLAT OF recommended to Council at the November 21, 2019 meeting for
COPPER CREEK the Replat of Copper Creek Subdivision.
SUBDIVISION
- AMENDED COUNCIL (m) Adopt an amended Council Decision to allow a 70 foot by 60 foot
DECISION - ZONING stand-alone structure at 2909 Pole Line Road. City staff reviewed
AMENDMENT this proposed modification and has no objection to the change.
2909 POLE LINE ROAD

Ms. Adamson requested Agenda Item 3(g) be considered separately.

Ms. Stevens requested Agenda Items 3(c) through 3(f) and 3(h) be considered separately.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve Consent Agenda Items 3(a-b) and 3(i-m) as outlined. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson, Bray, Ortega and Stevens.

Agenda Items 3(c) through 3(f) were discussed at this time.

- CHILD CARE (c) Confirm the Mayor's appointment of Edith Wiggers to serve as a
ADVISORY member of the Child Care Advisory Committee, replacing Robert
COMMITTEE Crocker whose term expired. Ms. Wiggers' term will begin April 3,
APPOINTMENT 2020 and will expire April 3, 2024.
- HOUSING ALLIANCE (d) Confirm the Mayor's reappointment of Lori Craney to continue her
AND COMMUNITY service as a member of the Housing Alliance and Community
PARTNERSHIPS BOARD Partnerships Board. Ms. Craney's term will begin April 23, 2020 and
REAPPOINTMENT expire April 23, 2025.

- HUMAN RELATIONS ADVISORY BOARD APPOINTMENT (e) Confirm the Mayor's appointment of Virginia Kelly to continue her service as a member of the Human Relations Advisory Committee. Ms. Kelly's term will begin April 20, 2020 and expire April 20, 2024.
- POCATELLO DEVELOPMENT AUTHORITY REAPPOINTMENTS (f) Confirm the Mayor's reappointments of Heidi Adamson, Chad Carr and Scott Turner to continue their service as members of the Pocatello Development Board of Directors. All three terms will begin May 1, 2020 and will expire May 1, 2024.

Ms. Stevens feels there needs to be discussion about reappointing positions to City advisory boards without taking new applications. She also feels individuals serving on advisory boards are the experts and need to be more involved in reviewing applications and making recommendations to the Mayor. Ms. Stevens believes the current process could be improved.

Mayor Blad gave an overview of the process to reappointment positions on City advisory boards. He noted that members that are serving have an opportunity to serve two terms or up to 8 years. The reappointment positions are not advertised. City staff inform members their term is up. If the member does not wish to serve another term, the position is advertised. For vacancies or resignations from boards/committees, staff removes them from the board/committee and advertise for the position(s). Members can choose to continue another term by reappointment. Council participates at that point to confirm the appointment or reject it. Mayor Blad noted the guidelines are found in State Code 50-210.

Ms. Stevens shared her concerns with the current process. She would like to reach out to individuals that may be interested in also serving instead of allowing reappointments as outlined.

Mrs. Ortega noted that when an initial term comes due, she feels it should be advertised. She feels by not advertising the position each time it may be excluding other people from serving.

Mayor Blad gave a brief overview of the application process and mentioned many times it is difficult to find volunteers to get the positions filled. He suggested discussion regarding the process be held at a future meeting. Mayor Blad reminded Council that it is ultimately the Mayor's choice of who to appoint and the Council can make their voice known through the voting process. He also invited Council to call and let him know if they have an issue with a pending appointment.

Mr. Bray mentioned the City may need to review the different advisory groups that currently serve. Perhaps discussion regarding new criteria for volunteers could be developed and staff re-look at the current format.

General discussion continued regarding receiving applications for volunteers to serve on City boards/committees. It was mentioned the City might strive to acquire recruits instead of volunteers.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve Consent Agenda Item 3(c) through 3(f) as outlined. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson and Bray. Ortega and Stevens voted in opposition to the motion. The motion passed.

Agenda Item No. 3(g) was discussed at this time.

- MOU -TNR PROGRAM (g) Approve, and authorize the Mayor to sign, a Memorandum of Understanding (MOU) and related documents, subject to Legal Department review, between the City of Pocatello and Best Friends

for a \$50,000.00 grant to implement the TNR program. The TNR Program will require the addition of a full-time position at the Animal Shelter that will be dedicated to run the program.

Ms. Adamson shared she has concerns with the City being in the middle of a pandemic and the potential after effects of the pandemic. She noted that in a previous meeting, Council suggested the following reductions: a) employee raises are off the table; b) a possible hiring freeze; and c) asking departments to reduce their Fiscal Year 2021 budget by 5%. Ms. Adamson mentioned she cannot support the TNR Program at this time based upon Council's suggestions for reductions. She knows there are citizens who very much support the TNR Program and are very concerned about animals.

Mrs. Ortega agreed with Ms. Adamson regarding the suggested reductions and possible increase in costs for the TNR Program. She is concerned with the proposed wording and mentioned she did not recall that the grant would include hiring another person. Mrs. Ortega was under the impression Council would be accepting a grant only. She does not support the addition of staff.

Ms. Leeuwrik clarified the additional position and the costs to implement was always included in what was presented to the Council. She respectfully disagreed with Ms. Adamson's comments. Ms. Leeuwrik mentioned some members of the Council have asked for a hiring freeze, but this has not been agreed upon. The feral cat problem is not going away. However, the opportunity to receive the grant will go away.

Mayor Blad read minutes from the February 13, 2020 Work Session and the February 20, 2020 Council Liaison/Work Session Clarification meeting regarding the TNR program. The minutes detailed the TNR Program and discussion regarding an additional Animal Services position and costs.

Ms. Stevens agreed with Ms. Leeuwrik that there is a difference between discussing something and deciding something. Ms. Stevens feels the Animal Shelter has been struggling for some time and there is not a clear defined administrative structure there. She disagrees it will take another full-time position to fulfill the grant requirements. Ms. Stevens noted there is a current open position at the Animal Shelter and would like the City to consider other administrative aspects of filling the position and utilizing funds in the budget to meet the grant requirements.

Mayor Blad mentioned over one year ago the Animal Shelter was struggling administratively. He is confident the situation has improved and the shelter is operating better today than in years past.

Ms. Adamson shared she has only heard compliments from the public regarding how the Animal Shelter has turned around under the administration of Captain Ron Knapp and Josh Heinz, Animal Services Director. She feels City staff are the experts and know what can be accomplished with the shelter staff they have. Ms. Adamson noted that a vote to approve the MOU is a vote to increase tax dollars.

Ms. Leeuwrik agrees that City staff can be trusted to determine what they need to make the TNR program work. The cost estimate outlined in their presentation was given to make the costs clear to Council.

Ms. Stevens shared she is a data driven decision maker. She would like to see the facts, figures and structure regarding the way Animal Shelter staff are doing things now to verify it is the only way to complete their functions.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, to deny approval of Agenda Item 3(g). Upon roll call, those voting in favor were Adamson and Cheatum. Those voting in opposition to the motion were Bray, Leeuwrik, Ortega and Stevens. The motion failed.

In response to questions from Council, Mayor Blad clarified Captain Ron Knapp and Josh Heinz, Animal Services Director, have worked with Best Friends representatives and discussed the need to have a full-time person run the TNR Program. The MOU from Best Friends is the result of that discussion.

Mrs. Ortega noted many of these discussions were held before the COVID-19 pandemic. She would like Animal Shelter staff to be absolutely certain they cannot do the program without an additional person.

Ms. Stevens reiterated there is already an open position at the Animal Shelter with benefits. She feels the department can absorb the TNR responsibilities into the open position.

Ms. Adamson noted when Best Friends representatives came before Council, there was discussion about the costs to implement the TNR Program. The City will have to fund the entire program eventually.

Mr. Bray feels there are a couple of things for Council to remember. Best Friends cut the expectations from 600 to 300 cats. Council did not commit to how to budget for the program. He noted the MOU was not part of the initial discussion. Mr. Bray feels there are efficiencies at the Shelter that can be looked at in further detail to find funding for the Program.

A motion was made by Ms. Leeuwrik, seconded by Ms. Stevens, to approve Consent Agenda Item 3(g) as outlined. Upon roll call, those voting in favor were Leeuwrik, Stevens, Bray and Ortega. Adamson and Cheatum voted in opposition to the motion. The motion passed.

AGREEMENT FOR (h) Approve an agreement with AG Concrete in the amount of
DOG KENNELS \$5,000.00 to install concrete pads in dog kennels at the Animal
CONCRETE PROJECT Shelter.
-AG CONCRETE

A motion was made by Mr. Cheatum, seconded by Mrs. Ortega, to pull Agenda Item No. 3(h) from the agenda at this time until additional information identifying funding for the project could be obtained. Upon roll call, those voting in favor were Cheatum, Ortega, Adamson, Bray, Leeuwrik and Stevens.

It was noted that Mr. Heinz will meet with Friends of the Animal Shelter representatives to clarify funding for the project.

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

AGENDA ITEM NO. 5: Mayor Blad reminded the Council that due to COVID-19 pandemic
CALENDAR REVIEW meeting guidelines - all scheduled public meetings will be held
through live streaming until further notice. April 23 Budget
Development meeting at 9:00 a.m.; May 7 Budget Development meeting at 9:00 a.m.; May 7
Clarification meeting at 5:30 p.m. and Regular Council meeting at 6:00 p.m.; and the May 14 Work
Session followed by a Budget Development meeting at 9:00 a.m.

Mayor Blad also reminded the Council of the annual Spring Clean Up at City Cemeteries continues. Crews are removing and discarding all flowers and decorations. Clean up is expected to continue through the end of April. Governor Little's COVID-19 Stay At Home order continues through April 30th. There will be limited access to City Hall until the order is lifted.

AGENDA ITEM NO. 6: Jenny Murdock was present to appeal the decision by Police
CHILD CARE Department staff which denied Ms. Murdock a child care license.
LICENSE DENIAL
-MURDOCK

Jene Purman, Licensing Enforcement, shared Ms. Murdock failed to disclose information on her Child Care application regarding previous criminal offenses.

Ms. Murdock explained that she has made some mistakes and is not making excuses for them. She is no longer associated with the individuals when the charges occurred. She is also in the process of getting back to school at Idaho State University.

Ms. Stevens mentioned that she has noticed that for whatever reason people seem to fail to disclose previous convictions. Is the application clear about the need to disclose and how far back the applicant should go?

Ms. Murdock shared it was a 2007 offense and is not sure why she did not fill it out.

Ms. Purman read the question as written on the application. The wording is as follows: Have you ever been convicted of, plead guilty to, or admitted to any violation of criminal law or had a withheld judgement for any crime committed?

In response to questions from Council, Ms. Murdock clarified she would be able to pass a drug screening.

Mr. Cheatum mentioned the criminal offenses were very old and feels Ms. Murdock has turned her life around since that time. A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve the appeal of the decision by Police Department staff which denied Ms. Murdock a child care license.

In response to questions from Council, Ms. Purman explained she did not find anything else on the criminal report and does not have further concerns regarding Ms. Murdock's application.

Mr. Cheatum's motion was voted upon at this time. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson and Bray. Ortega and Stevens voted in opposition to the motion. The motion passed.

Mrs. Ortega announced that she was having technical difficulties while participating in the Go To Meeting platform and did not wish to participate for the rest of the meeting. As a result, she left the meeting at 7:40 p.m.

AGENDA ITEM NO. 7: This time was set aside for the Council to hear comments from the
PUBLIC HEARING public regarding a request by Billy Isley (mailing address: 2227 East
-VACATION OF Center, Pocatello, ID 83201) to vacate the public's interest in the
RIGHT OF WAY right-of-way near the east corner of Center Street and Apex Road.
ON APEX ROAD

Planning and Zoning Commission recommended approval of the request with conditions.

Mayor Blad opened the public hearing. He announced due to COVID-19 pandemic guidelines, public comments would be received by phone call. The phone number for public hearing testimony was 208-234-6283.

Council members announced that there had been no ex parte communication.

Mr. Isley gave a brief overview of the proposed vacation of a portion of Apex Road. He reviewed the new alignment if Apex Road is built. Mr. Isley explained this is similar to when Tuscan Heights was developed.

In response to questions from Council, Mr. Isley explained the road alignment was provided by Rocky Mountain Engineering and Surveying. He wanted to have the alignment in case the road needed to be built.

Merril Quayle, Development Engineer, gave an overview of the request. He explained the application is to vacate and abandon the public's interest of approximately 5,663 square feet of Apex Road northwest of Lot 4 Block 2 of Tuscan Heights Subdivision.

In response to questions from Council, Mr. Quayle explained there is a recommendation from the Planning and Zoning Commission to approve the request with conditions as outlined in his staff report dated March 24, 2020.

Mayor Blad announced 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 Ms. Stevens, to approve the request by Billy Isley to vacate the public's interest in the right-of-way near the east corner of Center Street and Apex Road, and that the decision be set out in the appropriate Council Decision format. Upon roll call, those voting in favor were Cheatum, Stevens, Adamson, Bray and Leeuwrik.

AGENDA ITEM NO. 8: This time was set aside for the Council to hear comments from the
PUBLIC HEARING public regarding a request to annex and zone .51 acres (more or less)
-MCCORMICK AND of land located west of the future Trail Creek Estates – Division 4.
HANCOCK ANNEXATION The applicant are Ryan and Carol Hancock and McCormick Ranch,
LLC, represented by Rocky Mountain Engineering and Surveying
(mailing address: 600 East Oak Street, Pocatello, ID 83201).

Planning and Zoning Commission recommended approval of the request with conditions.

Mayor Blad opened the public hearing. He announced due to COVID-19 pandemic guidelines, public comments would be received by phone call. The phone number for public hearing testimony was 208-234-6283.

Council members announced that there had been no ex parte communication.

Mitch Greer, Rocky Mountain Engineering and Surveying, explained the annexation is located west of the future Trail Creek Estates – Division 4. He noted the property went through closure and some areas did not get annexed in 2007. Mr. Greer mentioned the owners are doing a little parcel trade to square up

some of the lots. The lots are not very large, but the annexation should make the project better.

Carl Anderson, Senior Planner, gave an overview of the request. He explained the annexation is in statutory compliance with Idaho Code [Section 50-222 (3.a (i))] as a category “A” annexation, which allows annexation to take place wherein all private landowners have consented to annexation. The subject property is within the adopted Area of City Impact and lies contiguous to the City limits. Following the public hearing held on March 11, 2020, the Planning and Zoning Commission voted 6 – 0 to recommend approval of the annexation request, with a zoning designation of RL (CG) and Comprehensive Plan Land Use Map designation of Residential (R).

Mayor Blad announced no written correspondence had been received.

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

A motion was made by Ms. Leeuwrik, seconded by Mr. Cheatum, to approve the request by Ryan and Carol Hancock and McCormick Ranch LLC, represented by Rocky Mountain Engineering and Surveying to annex and zone .51 acres (more or less) of land located west of the future Trail Creek Estates – Division 4 with the following conditions: 1) applicant shall enter into an Annexation Agreement with the City of Pocatello; 2) 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; 3) Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; 4) Any activity requiring a separate development or building permit shall comply with applicable regulations; 5) 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; 6) Upon annexation, the subject property shall be designated Residential Low Density (RL); 7) The Comprehensive Plan Map designation for the property shall be Residential (R) and that the decision be set out in the appropriate council decision format. Those voting in favor were Cheatum, Leeuwrik, Adamson, Bray and Stevens.

AGENDA ITEM NO. PUBLIC HEARING PLANNED UNIT DEVELOPMENT BREEZY APARTMENTS	9: This time was set aside for the Council to hear comments from the public regarding a request by Jonathan Vincent of Gate City Builders, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID - 83201) to develop a Planned Unit Development (PUD) to be called Breezy Apartments. The proposed PUD is located east of Philbin Road and south of Quinn Road.
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Planning and Zoning Commission recommends approval of the request with conditions.

Mayor Blad opened the public hearing. He announced due to COVID-19 pandemic guidelines, public comments would be received by phone call. The phone number for public hearing testimony was 208-234-6283.

Council members announced that there had been no ex parte communication.

Brady Smith, Rocky Mountain Engineering and Surveying, gave an overview of the project. He explained the development will have the same amount of buildings that it had before. He noted that 3

bedroom units are much more appealing than 2 bedrooms and the goal is to keep the same number of buildings, but with 3 bedroom units. The buildings will be joined with a 2-hour fire wall. Mr. Smith reviewed the changes since the project was looked at previously. There will be a Homeowners Association within the project. As a result, all property owners will be required to have the same requirements and properties will not look different from each other. Mr. Smith explained one of the biggest concerns identified is that there is an easement that belongs to the Price family just adjacent to the easternmost property line. He noted the proposed buildings are 10 feet off the line which equals 5 feet into the easement. Mr. Smith mentioned there is a verbal agreement with the adjacent land owner to designate a lot to keep the irrigation system there intact.

Carl Anderson, Senior Planner, gave an overview of the request. The property is located east of Philbin Road and south of Quinn Road and encompasses 3.72 acres, more or less. The development will be accessed from Quinn Road. The applicant is proposing to subdivide the property into twenty-three total lots including eighteen residential lots, and the remaining five of which is proposed to be dedicated as common area. The common area will provide for parking, open space and storm water retention. The minimum lot size and method of averaging lots size for development was reviewed. It was identified during the application process that there exists a 15-foot easement adjacent to the easternmost property line. The applicant shall coordinate with the property owner to maintain this easement, or provide for an alternative at the time of submitting the final plat. Staff recommends Council amend the condition to state the applicant will work with adjacent property owners regarding the easement.

Mayor Blad announced no written correspondence has been received.

Rebuttal – Mr. Smith clarified that the easement concerns have been identified. He feels the Developer will work with both parties regarding the easement issue

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

A motion was made by Mr. Cheatum, seconded by Ms. Stevens, to approve the request to develop a Planned Unit Development (PUD) to be called Breezy Apartments, that the proposed PUD is located east of Philbin Road and south of Quinn Road with the following conditions: 1) Pursuant to Pocatello Municipal Code (PMC) 17.02.140D.3. which states that subdividing of land may not proceed until a proposed PUD has been approved, the final plat shall not be submitted until the subject PUD has been approved; 2) All applicable standards of PMC 16.20 and 16.24 shall be strictly adhered to; 3) Pursuant to PMC 17.02.140D.1., the project shall remain under unified control throughout the entire planning stage and the completion of all approved infrastructure to ensure that development is accomplished as planned; 4) Pursuant to PMC 17.02.140D.7., the subject PUD shall continue for the approved use upon a change of property ownership, subject to the same conditions and terms of approval herein referenced; 5) All open space designated as part of the subject PUD shall be maintained by the future home owners association subject to the standards of PMC 17.02.140.D.4; 6) The Applicant shall coordinate with City staff to locate and incorporate improvement designed to increase pedestrian circulation and access to the community park area, at the time of building permit; 7) The Applicant shall breakup the building façade, on both the front and rear, on Lots 6 – 10 to reduce the appearance of a blank wall by incorporation a variation of materials and colors throughout, to be approved at the time of building permit; 8) The parking area shall be dedicated as shared common area and at no point may any fencing or other obstruction be placed within the parking and access area to prevent fire access and turnaround; 9) All approved architectural design shall be enforced by the associated homeowner's association, pursuant to PMC 17.02.140G; 10) Pursuant to PMC 17.02.140D.6., physical construction of approved infrastructure shall begin within three (3) years of final approval of the PUD, which does not include grading or landscaping. Build-out of the PUD infrastructure shall be completed within five (5) years of final approval; 11) All other standards or conditions of PMC not herein stated but applicable to

land subdivision and residential property development shall apply; 12) the project shall include fencing along the eastern and southeastern property line, adjacent to the property; 13) The Developer shall verify the existence of a potential easement along the eastern most property line and maintain said subject easement; and that the decision be set out in the appropriate Council Decision format. Upon roll call, those voting in favor were Cheatum, Stevens, Adamson, Bray and Leeuwrik.

AGENDA ITEM NO. 10: David Bickley of Rocky Mountain Investing, LLC, (mailing address: FINAL PLAT 5015 Brooke Lane #B, Chubbuck, ID 83202) represented by Rocky –RIVERSIDE GREENS Mountain Engineering and Surveying (mailing address: 600 East SUBDIVISION Oak Street, Pocatello, ID 83201) has submitted an application for a final plat to subdivide 4.49 acres (more or less) into 10 lots. The proposed name for this subdivision is Riverside Greens.

Planning and Zoning Commission recommended approval of the request with conditions.

A motion was made by Ms. Adamson, seconded by Mr. Bray, to approve the request by David Bickley of Rocky Mountain Investing, LLC, represented by Rocky Mountain Engineering and Surveying, for an application for a final plat to subdivide 4.49 acres (more or less) into 10 lots with the following conditions: 1) All conditions on the Final Plat Subdivision Applicant Staff Report shall be met; 2) All conditions set out in the Public Works Department Memorandum from Merrill Quayle, P.E. dated, March 24, 2020, shall be met; 3) Direct vehicular access to Bannock Highway shall be restricted from Lot 5, Block 2; 4) An “R” restriction shall be added to Lot 7, Block 1 and Lot 3, Block 2, designating both lots as non-buildable and dedicated to stormwater retention or open space; 5) As proposed, the applicant or the associated homeowner shall be responsible for the upkeep and maintenance of all easements designating open space shown on the plat unless otherwise approved by the Pocatello City Council; 6) All other standards and conditions of Municipal Code not herein stated but applicable to residential development shall apply; 7) A building permit may not be issued unless all applicable standards of City Code Section 16.24.100 are adhered to or a subdivision surety bond and warranty bond is obtained as outlined in City Code 16.24.110, prior to recording, the proposed subdivision will be known as Riverside Greens and that the decision be set out in the appropriate Council decision format. Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Leeuwrik and Stevens.

AGENDA ITEM NO. 11: Council was asked to adopt a resolution rescinding Resolution 1998-10 and closing School District No. 25 Development Reimbursement which requires that property owners adjacent to South 5th Avenue and as provided in Resolution 1998-10, who desire to connect to City sewer pay a special sewer connection fee. REIMBURSEMENT

Resolution 1998-10 was requested by School District No. 25 in May 1998 for development reimbursement of construction of the Century High School sewer line. The resolution is in excess of twenty years old with no sunset clause provided.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to adopt Resolution (2020-02) rescinding Resolution 1998-10 and closing School District No. 25 Development Reimbursement which requires that property owners adjacent to South 5th Avenue and as provided in Resolution 1998-10, who desire to connect to City sewer pay a special sewer connection fee. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson, Bray and Stevens.

AGENDA ITEM NO. 12: Council was asked to consider the recommendations of staff for the

BID/CONTRACT
AGREEMENT
-DAY STREET BUS STOP
PROJECT

following requests regarding the Day Street Bus Stop project.

BID ACCEPTANCE
IMC

a) Accept the low responsive bid received on March 17, 2020, from – Idaho Materials and Construction (IMC) in the amount of \$54,500.00; and if the bid is accepted;

CONTRACT
AGREEMENT
-IMC

b) Authorize execution of the Contract Agreement between the City of Pocatello and IMC in the amount of \$54,500.00 for the Day Street Bus Stop project, subject to Legal Department review.

Funding for this project are from the following: 80% from the Federal Transit Authority (FTA) and 20% local match from Housing Alliance and Community Partnerships. Staff recommended approval of the project.

A motion was made by Mr. Bray, seconded by Ms. Stevens, to approve Agenda Items No. 12 (a) and 12(b) as recommended by staff for the Day Street Bus Stop project. Upon roll call, those voting in favor were Bray, Stevens, Adamson, Cheatum and Leeuwrik.

AGENDA ITEM NO. 13:
CONSULTING SERVICES
AGREEMENT – WATER
TANK INTERNAL
RECOATING PROJECT

Council was asked to approve a Consulting Services Agreement with Corrosion Control Technologies for the following requests related to Water Department’s Five-Million Gallon Water Tank Internal Recoating Project.

TASK “A”
DESIGN AND BID

a) Approve Task “A” – Design and Bid Period Services in the amount of \$9,070.00;

TASK “B”
CONSTRUCTION
SERVICES

b) Approve Task “B” – Construction Services in the amount of \$101,390.00. (Task “B” is contingent and will only be rendered if the project is successfully bid and approved by the City Council for Fiscal Year 2021); and

AUTHORIZE
MAYOR’S SIGNATURE

c) Authorize the Mayor’s signature on the agreement, subject to Legal Department review.

Total fees for the project is \$110,460.00. This project has been identified within the Water Department’s 5-year capital improvement program within the recent Utility Rate Study. Project construction is planned for the beginning of Fiscal Year 2021.

Mr. Cheatum asked for clarification regarding the total cost of the project since this agenda item is only for the supervision/inspection portion of the project. There are future costs and he asked to have the costs identified.

Justin Armstrong, Water Department Superintendent, clarified the agenda items. Actual construction would take place over a 14-week period and coordinating the time of construction is critical. Mr. Armstrong explained the current request is for design and bid services. Construction itself will be approximately \$529,000.00. Construction services would include the inspection, blasting and recoating

of the steel tank. The total project is approximately \$650,000.00.

Ms. Stevens asked for clarification regarding possible impacts if the proposed project must be delayed.

Mr. Armstrong explained the engineer recommended that the project be completed within the next 3 years. If the City does not do the project, the tank will further corrode. He noted that most of the corrosion is around ventilation areas and up in the rafters of the tank. The coating is no longer present in some places and the tank will experience structural failure at some point.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve Agenda Item No. 13 (a) through 13 (c) as outlined.

Ms. Stevens noted that because of everything going on with the COVID-19 pandemic and other budgeting factors, if the rest of the project ends up not being approved - Will the work that has been completed by Construction Services still be valid?

Mr. Armstrong explained Construction Services would only continue to do design and bid preparation for the project. Task "B" will not move forward if the project is not approved. However, the City will have a "shelf ready" project. Mr. Armstrong does not feel it will be a waste of City funds to move forward with the design and bid services.

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

AGENDA ITEM NO. 14: Council was asked to consider the following request regarding a ITD
AGREEMENT State Local Agreement with Idaho Transportation Department
-PROJECT DEVELOPMENT (ITD).
STAGE OF SOUTH 5TH
AVENUE SAFETY
IMPROVEMENT PROJECT

STATE LOCAL a) Approve a State Local Agreement with ITD for the South 5th
AGREEMENT Avenue Safety Improvement Project – Project Development Phase;
-PROJECT DEVELOPMENT
PHASE

AUTHORIZE b) Authorize the Mayor to execute the State Local Agreement, and
MAYOR'S SIGNATURE other documents related to the Improvement Project; and

AUTHORIZE c) Authorize the expenditure of \$8,000.00 (7.34% City Match) from
EXPENDITURE Fund 70.

Execution of the Agreement is necessary to initiate the Project Development Phase of the project. Construction Phase of the project is anticipated for Fiscal Year 2021 and will be under a separate agreement. Total cost of the project is estimated to be \$205,000.00 and remaining matching funds are estimated to be \$7,047.00.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, to approve Agenda Items 14 (a) through (c) as outlined. Upon roll call, those voting in favor were Adamson, Cheatum, Bray, Leeuwrik and Stevens.

In response to questions from Council, Jeff Mansfield, Public Works Director, explained the project has been approved by Idaho Transportation Department (ITD). He noted there have been serious accidents at the intersection. As a result, ITD awarded additional funds for the project more quickly than first anticipated.

AGENDA ITEM NO. 15: Council was asked to approve the following requests related to a beautification project on State of Idaho property located at the intersection of North Main Extension/Garrett Way/Highway 30 and Hawthorne Road.

RATIFICATION OF IFFT FOUNDATION GRANT AND ACCEPTANCE – PORTNEUF VALLEY PARTNERS INTERSECTION IMPROVEMENT PROJECT

- RATIFICATION a) Ratify a \$10,000.00 Ifft Foundation Grant Application which had a due date for submission of March 13, 2020; and if the grant is awarded
- ACCEPTANCE b) Acceptance of the grant and authorize the Mayor's signature on documents related to the grant, subject to Legal Department review.

There is no City match requirement for the grant.

A motion was made by Mr. Cheatum, seconded by Ms. Stevens, to approve Agenda Items No. 15 (a) and (b) as outlined. Upon roll call, those voting in favor were Cheatum, Stevens, Adamson, Bray and Leeuwrik.

AGENDA ITEM NO. 16: Council was asked to approve and authorize the Mayor to sign a lease agreement between the City and Frigitek Industrial Parks, for a 20-acre parcel at the airport for the purpose of operating a cold storage facility and related services to support its tenants. The lease term will be 30 years with two, 10-year renewal options. The rental rate will be \$6,480.00 per year with an annual Consumer Price Index increase and an additional \$6,000.00 per year added in years 5, 10, 15 and 20. The lease is subject to Legal Department review.

A motion was made by Ms. Leeuwrik, seconded by Ms. Adamson, to approve and authorize the Mayor to sign a lease agreement between the City and Frigitek Industrial Parks, for a 20-acre parcel at the airport for the purpose of operating a cold storage facility and related services to support its tenants. The lease term will be 30 years with two, 10-year renewal options. The rental rate will be \$6,480.00 per year with an annual Consumer Price Index increase and an additional \$6,000.00 per year added in years 5, 10, 15 and 20.

Council discussion followed regarding airport lease amounts and property values. It was noted the current value for bare ground is not very much. However, it is anticipated as the airport industrial park grows the next parcel will be worth more because of improvements made to this parcel. It was mentioned this is a great project and the City is excited about the economic impact it will have in the community. Frigitek Industrial Parks is positioned to bring jobs and increase the current tax base in Pocatello.

Mr. Cheatum mentioned staff has been working on this project for two years. He added the project has

the potential to open opportunities for serious development at the airport. This could be the tipping point that can make great things happen for the City.

Mayor Blad agreed it is very exciting to approve the lease and the potential development. He anticipates this may be a way for the airport to increase revenues and thus reducing taxes designated for the airport.

Jared Johnson, City Attorney, clarified the lease agreement itself and not the agenda wording is what is being considered.

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

- AGENDA ITEM NO. 17: Council was asked to approve the following piggy-back bids for public works projects:
- PIGGY BACK BIDS
-PUBLIC WORKS
PROJECTS
- ADA CURB RAMP REPLACEMENTS
-M&S DEVELOPMENT
- 2020 SEALING OILS
-IDAHO ASPHALT SUPPLY, INC.
- 2020
MICROSURFACING SERVICES
-VALLEY SLURRY SEAL
- a) Piggy-backing the City of Chubbuck's 2020 bid awarded to M&S Development for ADA curb ramp replacements in the approximate sum of \$77,075.00;
- b) Piggy-backing Power County contracts with Idaho Asphalt Supply, Inc. for 2020 sealing oils in the approximate amount of \$37,923.00; and
- c) Piggy-backing the 2019 City of Pocatello contract with Valley Slurry Seal for 2020 microsurfacing services in the approximate amount of \$581,000.00..

Mr. Bray mentioned the world crisis has driven gas prices lower and questioned if staff has looked at current prices instead of piggy-backing on older prices.

Tom Kirkman, Deputy Public Works Director, explained crude prices are down, but asphalt prices have only fluctuated 1% – 2%. He noted that in 2019 only one contractor responded to their request for bids. Mr. Kirkman mentioned most suppliers are locked-in to their price because they purchased it at a higher rate.

A motion was made by Ms. Leeuwrik, seconded by Mr. Cheatum, to approve Agenda Item No. 17 (a) through (c) as outlined. Upon roll call, those voting in favor were Leeuwrik, Cheatum, Adamson, Bray and Stevens.

- AGENDA ITEM NO. 18: Council was asked to accept the recommendations of Street Operations staff and approve the purchase of GSB-88 2:1 Latex Emulsion from Asphalt Systems, Inc. to be a valid sole source expenditure for the City's 2020 Summer Paving Program and authorize the Mayor to sign documents related to the purchase.
- SOLE SOURCE
DECLARATION – LATEX
EMULSION PURCHASE

The product is trademarked material that no other company makes and therefore, it is

impractical/impossible to obtain three bids. The amount requested is 137.4 tons for a total purchase price of \$119,369.50 (F.O.B. Salt Lake City, Utah)

Ms. Stevens asked for clarification regarding the product being purchased and why there isn't any other product that meets the criteria for the job.

Tom Kirkman, Deputy Public Work Director, explained the Latex Emulsion product is very unique. It is a natural product mixed with rock. He noted it is also a rejuvenating oil and works as a preventative maintenance product for the City's streets. It does not go through the refining process and is a very good oil that is environmentally friendly.

A motion was made by Mr. Cheatum, seconded by Ms. Adamson, to approve the declaration to purchase of GSB-88 2:1 Latex Emulsion from Asphalt Systems, Inc. to be a valid sole source expenditure for the City's 2020 Summer Paving Program and authorize the Mayor to sign documents related to the purchase. Upon roll call, those voting in favor were Cheatum, Adamson, Bray, Leeuwrik and Stevens.

AGENDA ITEM NO. 19: Council was asked to consider an ordinance amending Pocatello ORDINANCE Municipal Code Title 13, Chapter 16 "Sanitary Sewer Regulations", -SANITARY SEWER specifically by amending Section 13.16.090 "Separate Sewers for REGULATIONS Each Building" to correspond with established requirements for separate water service lines; Section 13.16.180 "Sanitary Sewer Users" to include a procedure to enforce the provisions of Chapter 13.16 and by adding 13.16.230 "Violation Penalty" to establish violation penalties.

A motion was made by Mr. Bray, seconded by Mr. Cheatum, that the ordinance, Agenda Item No. 19, 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, Cheatum, Adamson, Leeuwrik and Stevens.

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

Mayor Blad declared the final reading of the ordinance amending Pocatello Municipal Code Title 13, Chapter 16 "Sanitary Sewer Regulations", specifically by amending Section 13.16.090 "Separate Sewers for Each Building" to correspond with established requirements for separate water service lines; Section 13.16.180 "Sanitary Sewer Users" to include a procedure to enforce the provisions of Chapter 13.16 and by adding 13.16.230 "Violation Penalty" to establish violation penalties. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Leeuwrik and Stevens. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3048 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 17: There being no further business, Mayor Blad adjourned the ADJOURN meeting at 8:55 p.m.

APPROVED BY:

BRIAN C. BLAD, MAYOR

REGULAR CITY COUNCIL MEETING
APRIL 16, 2020

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PREPARED BY AND ATTEST:

RUTH NEWSOM, CITY CLERK, C. C.