

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
MAY 2, 2019

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:00 p.m.
ROLL CALL AND by Mayor Brian Blad. Council members present were Heidi
PLEDGE OF Adamson, Roger Bray, Rick Cheatum, Jim Johnston, Linda
ALLEGIANCE Leeuwrik and Beena Mannan.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Reverend Jim Jones, Blazing
INVOCATION Grace Church.

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 7, 2019 Budget Development Meeting; April 4, 2019
Walkability Discussion meeting, Clarification meeting and Regular Council meeting; April 11, 2019
Work Session; April 17, 2019 and April 18, 2019 Executive Sessions; and April 18, 2019 City Council
Liaison/Work Session Clarification meeting.

-PAYROLL AND (b) Consider the payroll and material claims for the month of
MATERIAL CLAIMS April 2019 in the amount of \$6,334,633.58.

-ANIMAL SHELTER (c) Confirm the Mayor's reappointment of Jane Guidinger to continue
ADVISORY BOARD her service as a member of the Animal Shelter Advisory Board. Ms.
REAPPOINTMENT Guidinger's term will begin May 8, 2019 and will expire May 8, 2021.

-RESOLUTION (d) Adopt a Resolution (2019-02) providing for the destruction of
DESTRUCTION OF temporary records pursuant to Idaho Code §50-907 and the City's
CITY RECORDS Record Policy.

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

AGENDA ITEM NO. 4: Mayor Blad welcomed a Boy Scout from Troop No. 369.
COMMUNICATIONS
AND PROCLAMATIONS

Councilmember Bray, on behalf of Mayor Blad, proclaimed May 5 – 11, 2019 to be Drinking Water Week in Pocatello and urged citizens to help protect source waters from pollution and practice water conservation.

Justin Armstrong, Water Superintendent, thanked the Mayor and Council for the proclamation and invited citizens to attend the 28th annual Open House at the Water Department May 6th through 9th.

Councilmember Johnston, on behalf of Mayor Blad, proclaimed May 19 – 25, 2019 to Public Works Week in Pocatello and encouraged citizens to recognize the substantial contributions made by public works professionals to protect health, safety and quality of life.

Jeff Mansfield, Public Works Director, thanked the Mayor and Council for the proclamation.

Councilmember Cheatum, on behalf of Mayor Blad, proclaimed May 2019 to be Older Americans Month and urged residents to recognize older adults and the people who serve them as essential and valuable members of the community.

Kristin Barrington, representing the Area Agency on Aging, accepted the proclamation and thanked the Mayor and Council for the recognition of older Americans.

Councilmember Adamson, on behalf of Mayor Blad, Bannock County Commissioners, and the Mayors of the Cities of Arimo, Chubbuck, Downey, Inkom, Lava Hot Springs and McCammon, proclaimed support to be a committed partner with the US Census Bureau in achieving the goal of a full and accurate 2020 Census Count for Bannock County.

Councilmember Linda Leeuwrik, representing the Bannock County 2020 Census Complete Count Committee, thanked the Mayor and Council for supporting the 2020 Census and its importance.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the May 9th Work
CALENDAR REVIEW Session at 9:00 a.m. followed by a Budget Development meeting;
May 14th Special Council Meeting at 10:30 p.m.; and the following
meetings on May 16th: 9:00 a.m. Budget Development meeting; 5:30 Clarification meeting; and 6:00 p.m.
Regular City Council meeting.

Mayor Blad announced Idaho State University graduation would be held May 4th and offered congratulations to all graduates; Portneuf Valley Fun Run Series begins May 4th with the Law Day Run. Contact Parks and Recreation office for more information; City-wide cleanup day would be held May 4th at Caldwell Park beginning with a free breakfast at 8:30 a.m.; Police Chief candidate forum would be held May 6th at 5:00 p.m. at City Hall; May 6th through 9th is National Water Week. The 28th annual Open House will be held at the Water Department, 1889 North Arthur Street; and the City auction would be held May 11th at Prime Time Auctions.

AGENDA ITEM NO. 6: Jody Breeding of Rio Properties, LLC and Adam T. Waldron,
HAYDEN AND HAYES represented by Rocky Mountain Engineering and Surveying (mailing
SUBDIVISION address: 600 East Oak Street, Pocatello, ID 83201) have submitted a
-SHORT PLAT short plat to subdivide 0.29 acres (more or less) into two (2)
residential lots. This subdivision is located at the intersection of
Hayden Street and Hayes Avenue and is to be known as the Hayden and Hayes Subdivision.

A motion was made by Mr. Johnston, seconded by Mr. Cheatum, to approve a request by Jody Breeding of Rio Properties, LLC and Adam T. Waldron, represented by Rocky Mountain Engineering and Surveying to approve a short plat to subdivide 0.29 acres (more or less) into two (2) residential lots with the following conditions: 1) All conditions on the Subdivision Application Staff Report shall be met; 2) all conditions set out in the Public Works Department Memorandum from Merrill Quayle, P.E. dated April 22, 2019, shall be met; 3) Subdivision Covenants, Conditions and Restrictions (CCR's), if applicable, shall be submitted to the City; 4) all corrections, if any, to the plat which were noted by City staff shall be made prior to submittal of the final plat; 5) the plat shall conform to all State and local laws and ordinances; 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 subdivision, located at the intersection of Hayden Street and Hayes Avenue

is to be known as the Hayden and Hayes Subdivision. Upon roll call, those voting in favor were Johnston, Cheatum, Adamson, Bray, Leeuwrik and Mannan.

A motion was made by Mr. Johnston, seconded by Mr. Bray, to amend the agenda to include additional information pertaining to dates and locations of events as requested by Old Town Pocatello. Upon roll call, those voting in favor were Johnston, Bray, Adamson, Cheatum, Leeuwrik and Mannan.

AGENDA ITEM NO. 7: Council was asked to consider a request from Old Town Pocatello (mailing address: PO Box 222, Pocatello, ID 83204) for a waiver of the open container ordinance to allow alcohol to be consumed in the: 200 block of West Fremont and the 400 block of North Union Pacific Avenue on Wednesdays from May 22 to August 28, 2019 for Revive @ 5 on September 4, 2019 for End of Summer Bash, from 4:30 p.m. to 9:00 p.m. (beer and wine), on the 200 and 300 blocks of East Center Street on August 3, 2019 for the Downtown Days Neon Street Dance from 5:00 p.m. to 11:00 p.m. (beer, wine & spirits), and on the 200 to 400 blocks of North Main Street on September 7, 2019 for the 2nd Annual Brewfest 2 from 4:00 p.m. to 9:00 p.m. (beer and wine).

If the open container ordinance is waived it should be contingent upon the applicant meeting Police Department requirements and purchasing appropriate permits.

A motion was made by Ms. Mannan, seconded by Ms. Leeuwrik, to approve a request from Old Town Pocatello and approve a waiver of the open container ordinance as outlined in Agenda Item No. 7 contingent upon the applicant meeting Police Department requirements and purchasing appropriate permits. Upon roll call, those voting in favor were Mannan, Leeuwrik, Adamson, Bray, Cheatum and Johnston.

AGENDA ITEM NO. 8: Council was asked to approve a representation agreement with Keller Lenkner, LLC; Consovoy McCarthy Park, PLLC and Mooney Wieland, PLLC for prosecution of claims against certain pharmaceutical companies involved in the marketing, sale and distribution of opioids and authorize the Mayor to sign the representation agreement with said law firms.

This is a contingency fee agreement, therefore there is no cost to the City.

A motion was made by Ms. Leeuwrik, seconded by Mr. Bray, to approve a representation agreement with Keller Lenkner, LLC; Consovoy McCarthy Park, PLLC and Mooney Wieland, PLLC for prosecution of claims against certain pharmaceutical companies involved in the marketing, sale and distribution of opioids and authorize the Mayor to sign the representation agreement with said law firms.

Mr. Cheatum clarified that he intends to vote against the motion because he feels it is wrong to prosecute a 20-year old issue that has already begun to be resolved.

Ms. Leeuwrik's motion was voted upon at this time. Upon roll call, those voting in favor were Leeuwrik, Bray, Adamson, Johnston and Mannan. Cheatum voted in opposition of the motion. The motion passed.

AGENDA ITEM NO. 9: Council was asked to approve and authorize the Mayor to sign a lease agreement between the City and McNabb Trucking for approximately 4,750 square feet of warehouse space located in the north half of building No. 231 located at 1963 Beechcraft, for the purpose of cold storage of business supplies and equipment, along with outdoor storage for truck parking consisting of 190 feet along the east side of the building and 48 feet along the north side.

The lease term will be 5 years at a rental rate of \$300.00 per month to be reviewed annually and increased at least by the amount of Consumer Price Index increase for the previous year. Lessee will be responsible for maintenance of the building.

A motion was made by Mr. Cheatum, seconded by Mr. Bray, to approve and authorize the Mayor to sign a lease agreement between the City and McNabb Trucking for approximately 4,750 square feet of warehouse space located in the north half of building No. 231 located at 1963 Beechcraft, for the purpose of cold storage of business supplies and equipment, along with outdoor storage for truck parking consisting of 190 feet along the east side of the building and 48 feet along the north side for a lease term of 5 years at a rental rate of \$300.00 per month to be reviewed annually and increased at least by the amount of Consumer Price Index increase for the previous year and that the lessee will be responsible for maintenance of the building. Upon roll call, those voting in favor were Cheatum, Bray, Adamson, Johnston, Leeuwrik and Mannan.

AGENDA ITEM NO. 10: Council was asked to adopt, subject to final action on the proposed RESOLUTIONS Northgate Urban Renewal Area, the following resolutions:
ADOPTING
INTERGOVERNMENTAL
AGREEMENTS
-NORTHGATE URBAN
RENEWAL AREA

Mr. Johnston recused himself from discussion and voting upon Agenda Item Nos. 10(a) and 10(b).

URBAN RENEWAL AREA INTERGOVERNMENTAL CODE a) A resolution of the Mayor and City Council of the City of Pocatello to provide for an Intergovernmental Code Section 50-2906(3)(b) between the City of Chubbuck, Idaho and the City of Pocatello, Idaho; providing for areas outside the City limits to be included within an Urban Renewal Area; and providing an effective date.

URBAN RENEWAL AREA INTERGOVERNMENTAL AGREEMENT b) A resolution of the Mayor and City Council of the City of Pocatello to provide for an Intergovernmental Agreement for roles and responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County, Idaho and the City of Pocatello, Idaho; providing for areas outside the City limits to be included within an Urban Renewal Area; and providing an effective date.

A motion was made by Mr. Cheatum, seconded by Ms. Mannan, to adopt a resolution (2019-03) to provide for an Intergovernmental Code Section 50-2906(3)(b) between the City of Chubbuck, Idaho and the City of Pocatello, Idaho; providing for areas outside the City limits to be included within an Urban Renewal Area; and providing an effective date; and adopt a resolution (2019-04) to provide for an Intergovernmental Agreement for roles and responsibilities under Idaho Code Section 50-2906(3)(b)

between Bannock County, Idaho and the City of Pocatello, Idaho; providing for areas outside the City limits to be included within an Urban Renewal Area; and providing an effective date. Upon roll call, those voting in favor were Cheatum, Mannan, Adamson, Bray and Leeuwrik.

AGENDA ITEM NO. 11: Council was asked to consider the following ordinances:
ORDINANCES

URBAN RENEWAL PLAN-NORTHGATE a) An ordinance approving the Urban Renewal Plan for the Northgate Urban Renewal Project, which plan includes revenue allocation financing provisions.
URBAN RENEWAL

Mr. Johnston recused himself from discussion and voting upon Agenda Item No. 11(a).

Mr. Bray stated he has concerns regarding the formation of the Tax Increment Financing (TIF) district at this time. He added that Pocatello has one of the most successful TIF records in Idaho and he feels that must be protected. Mr. Bray shared that he has concerns regarding the number of residential properties proposed within the TIF district and feels it would be appropriate to look further into the issue.

Mayor Blad stated that the Pocatello Development Authority has accepted and adopted the proposed plan. He feels the City has received sufficient information regarding the plan and because there is no bonded debt, there is little to no risk for the City of Pocatello. Mayor Blad added that the City went into bonded debt for the Pocatello Square development and that TIF district was very successful and will close early. He reminded the Council that an analysis on potential costs to the rest of the city outside the TIF district has not been requested when approving past districts.

Mr. Bray stated he is concerned with the lack of information regarding an anchor business before approval of the TIF district.

Mayor Blad stated the City is well protected within the proposed TIF district and reminded the Council that Portneuf Medical Center will be locating within the TIF District.

Ms. Mannan added that she feels comfortable that the developers have prioritized repayment to government entities first. She feels it minimizes the risk for the City.

Ms. Leeuwrik stated she feels comfortable that the City has minimal risk with the proposal.

Mr. Cheatum stated that a secondary water source will be necessary regardless of the formation of a TIF district. He added that the developers are investing their own money and will not receive a return on their investment unless the proposal is successful.

A motion was made by Mr. Cheatum, seconded by Ms. Mannan, that Agenda Item No. 11(a) 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, Mannan, Adamson and Leeuwrik. Bray voted in opposition to the motion. The motion passed.

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

Mayor Blad declared the final reading of the ordinance approving the Urban Renewal Plan for the Northgate Urban Renewal Project, which plan includes revenue allocation financing provisions. Mayor

Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Cheatum, Leeuwrik and Mannan. Bray voted in opposition to the motion. The motion passed. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3026 and be submitted to the Idaho State Journal for publication.

RECONVEYANCE b) An ordinance adding a subsection to Chapter 12.38.030, "Reversion
OF CEMETERY to the City", which provides guidelines for reconveying cemetery
SPACES spaces to owners whose spaces have reverted to the City.

A motion was made by Mr. Cheatum, seconded by Ms. Mannan, that the ordinance, Agenda Item No. 11(b), 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, Mannan, Adamson, Bray, Johnston and Leeuwrik.

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

Mayor Blad declared the final reading of the ordinance adding a subsection to Chapter 12.38.030, "Reversion to the City", which provides guidelines for reconveying cemetery spaces to owners whose spaces have reverted to the City. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston, Leeuwrik and Mannan. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3027 and be submitted to the Idaho State Journal for publication.

ENFORCEMENT OF c) An ordinance amending Pocatello Municipal Code Title 12, Chapter
MAINTENANCE 4, "Sidewalks/Curbs", by amending Section 12.04.030 "Owner's
REQUIREMENTS Duty to Construct, Repair or Replace Curbs and Sidewalks" to
OF CURBS BY specifically require maintenance of curbing and repealing and
PUBLIC WORKS enacting a new 12.04.040 "City's Ability to Require Construction,
DEPARTMENT Repair or Replacement of Curbs and Sidewalks" to grant authority
 to the City's Public Works Director or his designee to enforce
 requirements listed in Section 12.04.030.

A motion was made by Ms. Adamson, seconded by Ms. Leeuwrik, that the ordinance, Agenda Item No. 11(c), 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 Adamson, Leeuwrik, Bray, Cheatum, Johnston and Mannan.

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

Mayor Blad declared the final reading of the ordinance amending Section 12.04.030 "Owner's Duty to Construct, Repair or Replace Curbs and Sidewalks" to specifically require maintenance of curbing and repealing and enacting a new 12.04.040 "City's Ability to Require Construction, Repair or Replacement of Curbs and Sidewalks" to grant authority to the City's Public Works Director or his designee to enforce requirements listed in Section 12.04.030. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston, Leeuwrik and Mannan. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3028 and be submitted to the Idaho State Journal for publication.

WATER DEPARTMENT REGULATIONS: SANITARY SEWER/ WATER SUPPLY/ OUTSIDE CITY CONNECTIONS/BILLING REQUIREMENTS

d) An Ordinance amending Pocatello Municipal Code Title 13, Chapter 4, “Water Department: General Regulations” and Title 13, Chapter 16 “Sanitary Sewer Regulations”, amending Section 13.04.030 “Connection to Potable Water Supply”, 13,04.070 “Outside City Connections”, 13.16.085 “Connection to Proximate Sewer Required” and 13.16.220 “Billing to clarify the connection requirements for water and sewer services.

A motion was made by Ms. Adamson, seconded by Ms. Leeuwrik, that the ordinance, Agenda Item No. 11(d), 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 Adamson, Leeuwrik, Bray, Cheatum, Johnston and Mannan.

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 4, “Water Department: General Regulations” and Title 13, Chapter 16 “Sanitary Sewer Regulations”, amending Section 13.04.030 “Connection to Potable Water Supply”, 13,04.070 “Outside City Connections”, 13.16.085 “Connection to Proximate Sewer Required” and 13.16.220 “Billing to clarify the connection requirements for water the sewer services. Mayor Blad asked, “Shall the ordinance pass?” Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston, Leeuwrik and Mannan. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3029 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 12: There were no individuals signed up to speak during this agenda DISCUSSION ITEMS item.

AGENDA ITEM NO. 13: There being no further business, Mayor Blad adjourned the meeting ADJOURN at 6:56 p.m.

APPROVED BY:

BRIAN C. BLAD, MAYOR

REGULAR CITY COUNCIL MEETING
MAY 2, 2019

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ATTEST:

RUTH NEWSOM, CITY CLERK, C.C.

PREPARED BY:

KONNI R. KENDELL, DEPUTY CLERK