

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
MAY 7, 2020

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. The following Council members were in
PLEDGE OF attendance through Go To Meeting, an on-line meeting platform:
ALLEGIANCE Heidi Adamson, Roger Bray, Rick Cheatum, Linda Leeuwrik,
Claudia Ortega and Chris Stevens.

Mayor Blad led the pledge of allegiance.

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

Mayor Blad announced that Agenda Item No. 9 had been pulled from the agenda and would be considered as an administrative item.

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 January 16, 2020 Council Liaison/Work Session
Clarification meeting; Executive Sessions of April 8 and April 23, 2020; and the Budget Development
meeting of April 9, 2020.

-PAYROLL AND (b) Consider the payroll and material claims for the month of
MATERIAL CLAIMS April, 2020 in the amount of \$6,906,380.87.

-ANIMAL SHELTER (c) Confirm the Mayor's reappointment of Su Puckett to continue her
ADVISORY BOARD service as a member of the Animal Shelter Advisory Board,
REAPPOINTMENT representing the Bannock Humane Society. Ms. Puckett's term will
begin April 20, 2020 and will expire April 20, 2022.

-COUNCIL DECISION (d) Adopt the Council's decision vacating and abandoning the public's
-VACATION OF interest in approximately 5,663 square feet of a right-of-way on
RIGHT OF WAY ON Apex Road located near the east corner of Center Street and Apex
APEX ROAD Road.

-COUNCIL DECISION (e) Adopt the Council's decision to approve the annexation of a parcel
-MCCORMICK AND of land comprised of approximately .51 acres owned by McCormick
HANCOCK Ranch, LLC and Ryan and Carol Hancock. The parcel is located
ANNEXATION west of the future Trail Creek Estates – Division 4 and will be zoned
Residential Low Density (RL) with a Comprehensive Plan
designation of "Residential".

-COUNCIL DECISION (f) Adopt the Council's decision granting a request by Jonathan Vincent
-BREEZY APARTMENTS d/b/a Gate City Builders for a Planned Unit Development
PLANNED UNIT consisting of approximately 3.72 acres located east of Philbin Road
DEVELOPMENT and south of Quinn Road. The development shall consist of twenty-
three (23) lots, including eighteen (18) residential high density lots

for multi-family dwelling units and the remaining five (5) lots dedicated as common area, subject to conditions.

-COUNCIL DECISION (g) Adopt the Council's decision approving the final plat for Riverside
-RIVERSIDE GREENS Greens Subdivision – 4th Addition, which subdivides 4.49 acres of
SUBDIVISION land into ten (10) lots, two (2) of which are non-buildable and shall
4TH ADDITION be dedicated for open space/storm water retention, subject to
FINAL PLAT conditions. The property is located east of Bannock Highway and
south of Lundberg Lane.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve the items on the Consent Agenda. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson, Bray, Ortega and Stevens.

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

Mayor Blad thanked Scout Troop No. 363 members who were watching the meeting remotely.

AGENDA ITEM NO. 5 Mayor Blad reminded the Council of the following upcoming
CALENDAR REVIEW meetings: May 14th Budget Development meeting at 9:00 a.m.; the
following meetings to be held May 21st: Budget Development
meeting at 9:00 a.m.; Clarification Meeting at 5:30 p.m.; and Regular City Council meeting at 6:00 p.m.;
and a Budget Development meeting on May 28th at 9:00 a.m.

Mayor Blad offered congratulations to all ISU graduates; dog licenses are on sale for half price during the month of May; and reminded residents that Governor Little's COVID-19 guidelines for opening up Idaho are still in place at all City offices.

AGENDA ITEM NO. 6: This time was set aside for Council to receive comments from the
PUBLIC HEARING public regarding the CARES Fiscal Year 2020 5307 grant application
–CARES FISCAL YEAR in the amount of \$3,401,950.00 for Pocatello Transit.
2020/5307 FUNDING
APPLICATION

CARES Funding is provided at 100% Federal funds and there is zero local match.

Mayor Blad opened the public hearing.

Skyler Beebe, Transit Director, present via Go To Meeting, stated that grant funding is available to US agencies in response to needs concerning the COVID-19 pandemic. He stated that the allocated funds would be used for Transit operation, maintenance, salaries and other operational needs related to the COVID-19 pandemic. Mr. Beebe stated that the funds do not expire and can be used to cover expenses during the current budget year and possibly Fiscal Year 2021. In response to a question from Council,

Mr. Beebe stated that funding is anticipated to be delivered within two to four weeks after the application is submitted.

Mayor Blad announced no written correspondence had been received.

Mayor Blad announced that public comments could be shared by calling into the meeting at this time and announced the phone number for individuals to call.

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 CARES Fiscal Year 2020 5307 grant application in the amount of \$3,401,950.00 and if granted, accept the grant, subject to Legal Department review. Upon roll call, those voting in favor were Leeuwrik, Cheatum, Adamson, Bray, Ortega and Stevens.

AGENDA ITEM NO. 7: Mike and Kathy Seibert (mailing address: 1665 Pocatello Creek Road, Pocatello, ID 83201), represented by Mitch Greer of Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) has submitted a short plat application to subdivide 3.57 acres (more or less) into two (2) commercial lots. The general location of the property is 1755 Pocatello Creek Road.

A motion was made by Ms. Leeuwrik, seconded by Ms. Adamson, to approve a request by Mike and Kathy Seibert, represented by Mitch Greer of Rocky Mountain Engineering and Surveying, to approve a short plat application to subdivide 3.57 acres (more or less) into two (2) commercial 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 9, 2020 shall be met; Subdivision Covenants, Conditions and Restrictions (CCR's), if applicable, shall be submitted to the City; 4) the plat shall conform to all State and local laws and ordinances; and 5) 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 general location of the property is 1755 Pocatello Creek Road. Upon roll call, those voting in favor were Leeuwrik, Adamson, Bray, Cheatum and Stevens. Ortega voted in opposition to the motion. The motion passed.

AGENDA ITEM NO. 8: Council was asked to approve the following requests regarding the installation of concrete pads in outside dog kennels at the Pocatello Animal Shelter.

AGREEMENT a) Agreement with AG Concrete in the amount of \$8,505.00 to install concrete pads in outside dog kennels at the Animal Shelter; and

MEMORANDUM OF b) Memorandum of Understanding (MOU) with Friends of the Pocatello Animal Shelter (Friends). Friends received a \$5,000.00 grant and are purchasing \$5,000.00 in food products for the shelter animals as well as providing \$3,505.00 to pay the balance of the concrete project. The Animal Shelter will re-allocate \$5,000.00 toward the project that was budgeted for food products. This results in a zero net cost to the City.

A motion was made by Mr. Bray, seconded by Ms. Stevens, to approve requests regarding the installation of concrete pads in outside dog kennels at the Pocatello Animal Shelter as outlined in Agenda Item No. 8(a) and 8(b), subject to Legal Department review. Upon roll call, those voting in favor were Bray, Stevens, Adamson, Cheatum, Leeuwrik and Ortega.

AGENDA ITEM NO. 9: As announced earlier, Agenda Item No. 9 to consider a request

TEMPORARY STREET
CLOSURE REQUEST
-OLD TOWN
POCATELLO

from Old Town Pocatello to close the 200 block of West Fremont, a portion of the 300 and 400 blocks of Union Pacific Avenue and 400 Block of Union Pacific Avenue Parking Lot for 2020 events had been pulled from the agenda.

AGENDA ITEM NO. 10:
OPEN CONTAINER
WAIVER REQUEST
-OLD TOWN
POCATELLO

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 following areas: 200 block of West Fremont and the 400 block of North Union Pacific Avenue on Wednesdays from July 1, 2020 through September 16, 2020 for Revive @ 5 events.

If the open container ordinance is waived it will be contingent upon COVID-19 guidelines, the applicant meeting Police Department requirements and purchasing appropriate permits.

A motion was made by Mrs. Ortega, seconded by Mr. Cheatum, to approve a request from Old Town Pocatello for a waiver of the open container ordinance to allow alcohol to be consumed in the following areas: 200 block of West Fremont and the 400 block of North Union Pacific Avenue on Wednesdays from July 1, 2020 through September 16, 2020 for Revive @ 5 events, contingent upon COVID-19 guidelines, the applicant meeting Police Department requirements and purchasing appropriate permits. Upon roll call, those voting in favor were Ortega, Cheatum, Adamson, Bray, Leeuwrik and Stevens.

AGENDA ITEM NO. 11:
LEASE AGREEMENTS
-AIRPORT

Council was asked to approve and authorize the Mayor to sign the following lease agreements for property at the Pocatello Regional Airport:

MATT SAMMONS a) Lease agreement with Matt Sammons for a parcel of bare ground, approximately 2,000 square feet, for the purpose of locating a private aircraft hangar. Rental rate will be \$372.00 per year. Term will be five (5) years with a five-year renewal option.

POCATELLO TMX b) Lease agreement with Pocatello TMX for a parcel of bare ground, approximately 4.04 acres, for the purpose of operating a motocross speedway with off-road motorcycle recreational and competitive activities. Rental rate will be \$1,184.91 per year. Term will be one year with four (4) one-year renewal options.

Both rental rates will be reviewed annually by the Airport Commission and increased by at least the amount of the Consumer Price increase for the previous year.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve and authorize the Mayor to sign lease agreements for properties at the Pocatello Regional Airport as outlined in Agenda Item No. 11(a) and 11(b) and that both rental rates will be reviewed annually by the Airport Commission and increased by at least the amount of the Consumer Price increase for the previous year.

In response to a question from Council, Alan Evans, Airport Manager, present via Go To Meeting, clarified that all parties have been made aware that COVID-19 distancing requirements must be met at public events.

Jared Johnson, City Attorney, clarified that COVID-19 distancing requirements have not been included

in the TMX use agreement, as the contract is for a 4-year term, and not for a specific date and time.

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

AGENDA ITEM NO. 12: Council was asked to consider and authorize the Mayor's signature on an updated Intergovernmental Agreement for stormwater management with the City of Chubbuck, Bannock County, Idaho Transportation Department (District 5), and Idaho State University. The Intergovernmental Agreement describes each organization's respective roles and responsibilities related to the National Pollutant Discharge Elimination System (NPDES) Permit #IDS028053

A motion was made by Mr. Bray, seconded by Mrs. Ortega, to authorize the Mayor's signature on an updated Intergovernmental Agreement for stormwater management with the City of Chubbuck, Bannock County, Idaho Transportation Department (District 5) and Idaho State University describing each organization's respective roles and responsibilities related to the National Pollutant Discharge Elimination System (NPDES) Permit #IDS028053. Upon roll call, those voting in favor were Bray, Ortega, Adamson, Cheatum, Leeuwrik and Stevens.

AGENDA ITEM NO. 13: Council was asked to support a grant application from Idaho Department of Lands to the US Forest Service for a Hazard Fuels Reduction Project in the Highland Bench and Johnny Creek Areas. Request for support includes the following:

GRANT APPLICATION a) Grant application submittal, authorize the Mayor to sign documents related to the grant, and; if awarded

CITY OF POCATELLO b) The City will serve as a sub-contractor on the grant, receiving up to TO SERVE AS \$240,000.00 for the project implementation, subject to Legal SUBCONTRACTOR Department review.

Although there is not a monetary match for the City, there will be in-kind services provided via City staff time and administration.

Ms. Adamson shared her concerns regarding removal of trees. She stated she feels that is counterproductive to the Council's goal of beautification.

Ms. Stevens shared that she feels it is necessary to thin out trees in the areas specified in order to protect properties. She added that she is a member of the Johnny Creek Firewise Committee and that although she understands the desire to keep healthy trees, many trees are dying or dead and removal is necessary to reduce fire fuels in the area.

In response to questions from Council, Hannah Sanger, Science and Environment Division, via Go To Meeting, shared that the areas listed in the grant application for proposed fuels reduction are within a significant fire danger area. She added that trees could be removed or trimmed according to what is most appropriate to the area and to the property owners. Ms. Sanger stated that one condition of the grant would be to have no more than 20 trees per acre. She added that trees to be removed on City

property would be done according to the recommendations of the Fire Department.

Ms. Stevens stated that she has been involved with previous projects of this nature and property owners are allowed to customize the project through tree trimming or removal.

Mr. Bray stated that he has confidence in the professionals who have recommended tree removal for safety concerns and wildfire reduction.

Ms. Sanger clarified that education outreach would be conducted during the summer and fall months with tree removal to take place during the winter.

A motion was made by Mr. Bray, seconded by Ms. Stevens, to support a grant application from Idaho Department of Lands to the US Forest Service for a Hazard Fuels Reduction Project in the Highland Bench and Johnny Creek Areas as outlined in Agenda Item No. 13(a) and 13(b), subject to Legal Department review. Upon roll call, those voting in favor were Bray, Stevens, Cheatum, Leeuwrik and Ortega. Adamson voted in opposition to the motion. The motion passed.

AGENDA ITEM NO. 14: Council may wish to accept the recommendation of Police staff and declare outdated Taser X-26s and Taser X-26Ps including batteries and cartridges related to the Tasers as surplus and approve agreements, subject to Legal Department review, authorizing sale of the equipment to Accredited Security, LLC.
SURPLUS
DECLARATION
AND REQUEST TO
SELL OUTDATED
POLICE TASERS

The Police Department has transitioned to the Taser 7 and is no longer in need of the Taser X-26 or Taser X-26P. Funds from the sale will further the Police Department's goals, extend its budget and help fund needed equipment.

A motion was made by Mr. Cheatum, seconded by Ms. Stevens, to accept the recommendation of Police staff and declare outdated Taser X-26s and Taser X-26Ps including batteries and cartridges related to the Tasers as surplus and approve agreements, subject to Legal Department review, authorizing sale of the equipment to Accredited Security, LLC. Upon roll call, those voting in favor were Cheatum, Stevens, Adamson, Bray, Leeuwrik and Ortega.

AGENDA ITEM NO. 15: Council was asked to consider a request to waive outstanding charges related to the Water Utility Account for Bannock County Event Center in the amount of \$10,223.36.
WAIVER REQUEST
FOR WATER UTILITY
CHARGES-BANNOCK
COUNTY EVENT CENTER

This request has been made by the Bannock County Commissioners. Installation of a new sprinkler system at the Event Center will allow the County to be self-sufficient by using their own well. The Event Center is used by the public and is available to residents of Pocatello and Bannock County alike.

In response to a question from Council, Steve Brown, Bannock County Commission Chair, was present via Go To Meeting. He gave an overview of the property and stated that after the soccer fields were constructed at the Bannock County Event Center, the City provided water for irrigation of the fields. Sufficient irrigation became cost-prohibitive and the County took measures to construct a self-sufficient well to provide water to the Bannock County Event Center and Portneuf Wellness Complex. Mr. Brown stated that the County is ready to provide water to the facilities and is asking the City to forgive

previous water fees in the amount of \$10,223.36.

Mr. Bray stated that he is optimistic that a solution has been found and that additional water could now be available for other users in Pocatello.

A motion was made by Mr. Bray, seconded by Mr. Cheatum, to approve a request to waive outstanding charges related to the Water Utility Account for Bannock County Event Center in the amount of \$10,223.36.

Mr. Bray clarified that Bannock County would become self-sufficient for their water needs at the Bannock County Event Center.

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

AGENDA ITEM NO. 16: Council was asked to consider the following Ordinances:
ORDINANCES

AMENDING CHILD CARE CODE REGARDING BACKGROUND AND CRIMINAL HISTORY CHECKS a) An ordinance amending Pocatello Municipal Code Title 5, Chapter 28 "Childcare", specifically by amending Section 5.28.060 "Background and Criminal History Checks" to comply with Federal Regulations.

A motion was made by Mr. Bray, seconded by Mrs. Ortega, that the ordinance, Agenda Item No. 16(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 Bray, Ortega, Adamson, Cheatum, 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 5, Chapter 28 "Childcare", specifically by amending Section 5.28.060 "Background and Criminal History Checks" to comply with Federal Regulations. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Leeuwrik, Ortega and Stevens. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3049 and be submitted to the Idaho State Journal for publication.

REPEAL DISTRACTED DRIVING ORDINANCE b) An ordinance to repeal Ordinance 3018 which revised Pocatello Municipal Code Title 10 by adding Chapter 8, Section 270 "Distracted Driving". A statewide law has been adopted regarding the use of mobile electronic devices while driving, which law supersedes any similar local laws or ordinances.

A motion was made by Mr. Bray, seconded by Mr. Cheatum, that the ordinance, Agenda Item No. 16(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 Bray, Cheatum, Adamson, Leeuwrik, Ortega and Stevens.

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

Mayor Blad declared the final reading of the ordinance repealing Ordinance 3018 which revised Pocatello Municipal Code Title 10 by adding Chapter 8, Section 270 "Distracted Driving". A statewide law has been adopted regarding the use of mobile electronic devices while driving, which law supersedes any similar local laws or ordinances. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Leeuwrik, Ortega and Stevens. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3050 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 7:06 p.m.

APPROVED BY:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH NEWSOM, CITY CLERK, C. C.

PREPARED BY:

KONNI R. KENDELL, DEPUTY CITY CLERK