

CITY OF POCA TELLO, IDAHO  
CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
AUGUST 1, 2019

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AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:05 p.m.  
ROLL CALL AND by Mayor Brian Blad. Council members present were Heidi  
PLEDGE OF Adamson, Roger Bray, Rick Cheatum, Jim Johnston, Linda Leeuwrik  
ALLEGIANCE and Beena Mannan.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Merriann Forrest, Jeshua Ministries  
INVOCATION representative.

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 Work Session and Budget Development meetings held July  
11, 2019.

-PAYROLL AND (b) Consider the payroll and material claims for the month of July  
MATERIAL CLAIMS 2019 in the amount of \$7,856,588.80.

-PLANNING AND (c) Confirm the Mayor's appointments of Shin Kue Ryu and Kaily  
ZONING White to serve as members of the Planning and Zoning  
COMMISSION Commission, filling two long-term vacancies. Dr. Ryu's term will  
APPOINTMENTS begin August 2, 2019 and expire August 2, 2023. Ms. White's term  
will begin August 2, 2019 and expire June 22, 2021.

-EXCEPTION (d) Approve the requests related to the 6<sup>th</sup> Annual Splash Dance for  
REQUEST Dogs fundraiser for the Pocatello Animal Shelter. The event will be  
-SPLASH DANCE held in the Ross Park Aquatic Complex (RPAC) on Saturday,  
FOR DOGS AT ROSS September 7, 2019: 1) Waive the pool rental fee of \$350.00 per hour  
PARK AQUATIC and entry fee of \$1.50; 2) Exception to City Code 12.36.030 to allow  
COMPLEX dogs in the RPAC and Ross Park during the event; and 3) allow  
continued approval for annual events and associated exceptions to

City Code 12.36.030 to allow dogs in the parks complex in future years, subject to the Parks and  
Recreation Director's review, and barring any significant change or changes to events.

COUNCIL DECISION (e) Adopt the Council's decision approving the final plat for Northgate  
-NORTHGATE District Division 1, which subdivides approximately 3.53 acres of  
DISTRICT DIVISION 1 land into three (3) lots, subject to conditions. The property is  
FINAL PLAT located west of the Olympus Drive extension and south of  
APPROVAL Northgate Parkway.

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

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 of the August 8<sup>th</sup> Work  
CALENDAR ITEMS Session at 9:00 a.m.; and the following meetings to be held August  
15<sup>th</sup>: City Council Liaison/Work Session Clarification meeting at  
2:00 p.m.; Clarification Meeting at 5:30 p.m.; and Regular Council Meeting at 6:00 p.m.

Mayor Blad announced the Joint Jaunt Fun Run, sponsored by Portneuf Total Joint Center, would be held August 10<sup>th</sup>. The Community Recreation Center may be contacted for more information; the Annual ZooFari Ice Cream event is scheduled for August 17<sup>th</sup> from 12:00 p.m. to 4:00 p.m. at Zoo Idaho; the open burn ban in Wildland-Urban Interface areas continues; and the Adopt a Shelter Cat program is offering discounted adoption rates through September 30<sup>th</sup>. The Animal Shelter may be contacted for more information.

AGENDA ITEM NO. 6: This time was set aside for the Council to receive public comments  
PUBLIC HEARING on the proposed Fiscal Year 2020 City Budget.  
-PROPOSED FISCAL  
YEAR 2020 BUDGET

Mayor Blad opened the public hearing.

Ashley Linton-Welsh, Deputy Chief Financial Officer, stated that the public hearing was for the purpose of inviting public comment on the Fiscal Year 2020 proposed budget which begins October 1, 2019. She gave introductory comments outlining the budget creation process, which included multiple meetings open to the public. Ms. Linton-Welsh noted that the conservative approach to budget development was rewarded by allowing the Council to increase the Hybrid Pay Scale by 4%; the Police Pay Scale by 5%; the Fire Pay Scale by 6.04%; add two employment positions; and increase capital to the Fiscal Year 2020 budget. She added that the City is awaiting Bannock County valuation numbers which will be reviewed and discussed by the City Council at the August 8, 2019 Work Session. Ms. Linton-Welsh thanked the Mayor, Council and City staff for their assistance and hard work in preparing the proposed budget that addresses employee compensation, staffing needs and the necessary operating and capital needs for the services provided to citizens.

Mayor Blad announced no additional written correspondence had been received regarding the proposed Fiscal Year 2020 budget.

Nikki Taysom, Pocatello resident, spoke in opposition to the proposal. She stated her opposition to public service benefits; donations to non-profit organizations; Council Select Fund donations to private entities, if those are still in place; the Community Development Block Grant program; Northgate project related expenditures; sewer, water, street, transit and school crossing guard services; airport upgrades and militarization; hiring or pay raises associated with employees of the Fire Department, Police Department, and the City; and revenues from property tax, sales tax and liquor sales. Ms. Taysom expressed her concern over local suicide rates, alcohol and drug use, poverty and human trafficking.

Claudia Ortega, Pocatello resident, spoke in opposition to the proposal. She stated that the proposed \$1 million base program for paving and sealing 10% of the city's 265 miles of streets seems excessive. Ms. Ortega expressed her concern over raises for City employees, increases in water construction projects and increases to the budget. She asked how many employees the City has and what professional and purchased services are.

Mayor Blad reminded the audience that the public hearing is designed for individual citizens to express their concerns and ask questions, which may be addressed by the City's Deputy Chief Financial Officer at the end of public comment period. He added that in order to conduct the meeting in a timely manner each citizen is allotted a maximum of three minutes to address the Council. Mayor Blad stated that the City Council meeting is for conducting business, and therefore clapping and speaking out of turn would not be appropriate.

Heather Disselkoe, Pocatello resident, spoke in opposition to the proposal. She expressed concern with local taxation, increases in the budget, the Northgate addition, water conservation efforts and lack of communication from City officials.

Chris Stevens, Pocatello resident, spoke in opposition to the proposal. She noted her dissatisfaction with the basis cited in previous meetings regarding raises for elected officials.

Roy Miller, Pocatello resident, spoke in opposition to the proposal. He reminded the Mayor and Council of their awareness of the salaries attached to their positions at the time they ran for election.

Ms. Linton-Welsh addressed the following questions received through the public comment period:

City Employees—The City currently employs 774 employees, including 168 part-time and seasonal employees.

Professional and Purchased Services—Professional and purchased services are services that must be acquired by purchase or contract because they cannot be produced by City staff, such as certain legal and consultant services, rebranding, legal publications in the newspaper and various other services.

Water Infrastructure—Budgeted funds can only be used for maintenance and improvements of the existing system.

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

AGENDA ITEM NO. 7: This time was set aside for the Council to receive public comments  
PUBLIC HEARING on the proposed fee changes proposed for Fiscal Year 2020.  
-PROPOSED FISCAL  
YEAR 2020 FEE  
CHANGES

Mayor Blad opened the public hearing.

Ashley Linton-Welsh, Deputy Chief Financial Officer, gave an overview of the proposed fee changes for Fiscal Year 2020. She explained that proposed fee increases are an effort to recover the costs of providing services through fees assessed rather than tax increases. Ms. Linton-Welsh stated that tax supported services require a higher cost of recovery, and fees can periodically be adjusted for inflation to protect the general taxpayer from an unfair burden. She noted that during the budget development process this year, departments reviewed the cost of services to evaluate whether an increase in the program fees would be required to meet the cost of recovery for the service. Ms. Linton-Welsh reported that utilities, sanitation, water and water pollution control services are fully fee supported with no tax dollars involved. She stated that utility fees are reviewed by an outside consultant and designed to recover costs of providing the service to meet both operational demands and capital needs, and the

proposed fee increases related to sanitation, water and water pollution control are based on the Rate Study plan established during the Rate Study in Fiscal Year 2019.

Mayor Blad announced no additional written correspondence had been received regarding the proposed fee changes proposed for Fiscal Year 2020.

Nikki Taysom, Pocatello resident, spoke in opposition to the proposal. She expressed her concerns regarding charging citizens to use pavilions in parks, abatement fees, impact fees and the rising costs of utilities.

Heather Disselkoen, Pocatello resident, spoke in opposition to the proposal. She stated that she is opposed to the proposed fee increases and charges for use of park pavilions because she feels they are too costly for residents.

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

AGENDA ITEM NO.	8:	School District No. 25, represented by Bart Reed of School District
APPEAL OF		No. 25, and Jacob Rivard of Hummel Architects, has appealed the
HISTORIC		Historic Preservation Commission decision denying a Certificate of
PRESERVATION		Appropriateness for an addition to Pocatello High School at 325
COMMISSION		North Arthur Avenue.
DECISION		

Mayor Blad announced that no ex parte communication that would prevent the Council from being fair or impartial had been received.

Dr. Douglas Howell, School District No. 25 Superintendent, thanked the City of Pocatello staff for the cooperative way they have worked with the school district on this matter and the Historic Preservation Commission for issuing a certificate of appropriateness for phase one of the improvements. He added that he is pleased this project is planned without issuing a bond to taxpayers for the necessary funds. Dr. Howell explained that the proposed addition is designed to address the following needs: more physical space for the growing student body at Pocatello High School; the ability for students to move safely from building to building in covered, American Disabilities Act (ADA) compliant through-ways; expansion and upgrade of the science wing; a secure, ADA compliant entrance; and alleviation of lunch room congestion.

Jacob Rivard, Hummel Architects, gave an overview of phase two plans, including the following highlights: the connection of unit one to units two and three; installation of elevators; gathering space dedicated for socialization; an ADA-compliant ramp; covered access to the auditorium and unit three, addition of five classrooms, a faculty preparation area with private restrooms, chemistry lab and grass-covered courtyard; and the relocation of the Indian logo. He stated that the connectors between buildings would provide access that is controlled and limited for safety reasons. Mr. Rivard noted that demolition would be minimal. He reassured Council that the historical elements of the building would be carried on to the new additions through the use of windows, ornamentation, banding and vertical columns similar to the original design; the salvage and reuse of terra cotta stones from demolished sections; and the use of matching brick. Mr. Rivard clarified that ornamentation will be mimicked and blended with modern elements as a nod to the past with a modern flair, and showed photos of similar renovation projects that blended modern architecture with historical architecture.

In response to questions from Council, Mr. Rivard stated that a few minor changes were made to the architectural plans presented to the Historical Preservation Commission (HPC), which included additional banding, narrowing of an area and access to utilities. He added that the floor plans shown tonight were not presented to the HPC.

In response to questions from Council, Dr. Howell gave an overview of the process for creating the plans for this project. He pointed out that over the past year the public has had the opportunity to provide input at work sessions and general board meetings or through written correspondence. Dr. Howell referenced the high level of support for the project from the community. He emphasized the need for increased security, classroom equity and ADA compliant accessibility prompted the project.

Ms. Leeuwrik stated that although the public has expressed support for the project, the decision made regarding this appeal is based upon whether the proposed project meets the criteria provided by the Historical Preservation Commission, the Municipal Code and the Secretary of the Interior's Standards for Rehabilitation, which is somewhat subjective. She stated that she believes the proposed design project meets the standard of creating a design complementary to the historical elements of the existing structure while simultaneously meeting the budgetary and educational needs, function of the building and accessibility requirements.

A motion was made by Mr. Johnston, seconded by Mr. Cheatum, to grant the appeal and overturn the decision of the Historic Preservation Commission and approve a Certificate of Appropriateness to Pocatello High School at 325 North Arthur Avenue. Upon roll call, those voting in favor of the motion were Johnston, Cheatum, Adamson, Bray, Leeuwrik and Mannan.

Mr. Bray stated the security is an issue that prompted the proposed changes to Pocatello High School, and keeping children safe and secure is a top priority. He emphasized that the current proposal strikes a balance of the most pressing issues that need to be addressed while also meeting the appropriate standards.

Ms. Leeuwrik expressed her appreciation to the Historical Preservation Commission for the professional way in which they have handled this proposal and all of their duties. She stated that this was a difficult decision for the Council to make and should not be viewed in any way as undermining the Commission and the important work they do.

AGENDA ITEM NO. 9: Council was asked to consider a request from Todd Blatner representing Pest Solutions (mailing address: PO Box 2796, Pocatello, ID 83206) for an exception to City Code 9.32.020; Discharge of Firearms Prohibited within city limits to exterminate marmots on certain properties identified by Pest Solutions. Mr. Blatner has performed this service for School District No. 25 in the past and is seeking approval for continued control of these pests. Approval is subject to Police Department and Legal Department requirements and review. This agenda item was originally scheduled for the July 11, 2019 Regular City Council meeting.

Mayor Blad stated that the Agenda Item No. 9 came before the Council at a previous meeting and was voted on at that time. He clarified that because Todd Blatner, Pest Solutions, was not in attendance at that meeting to answer questions, the request is being considered again.

In response to questions from Council, Mr. Blatner confirmed that his pest control business is currently licensed, bonded and insured. He explained that the marmot population is growing rapidly and causing notable damage at various schools within city limits, which is costing the school district thousands of dollars. Mr. Blatner stated that he would like work in a two-man team using .177 cartridges in a .22 gun, which would be quieter and more efficient than a pellet gun, to reduce the marmot population to an acceptable level. He added that he would work in the early morning or late evening while school is out of session, notify the Police Department and neighbors in the surrounding area regarding the time and place the extermination efforts would take place, and post signs to ensure safety. Mr. Blatner described his use of alternative methods and their associated issues that have proven to be largely ineffective, including the use of gases, which are dangerous or fatal to other animals; live traps, which get stolen or broken and create an issue with legally relocating the animals; and snap traps, which pose a lethal threat to other animals. He noted that the landfill has an area dedicated for the safe disposal of carcasses.

Jared Johnson, City Attorney, stated that if the Council were to grant an exception to the code allowing Mr. Blatner to shoot marmots, it would not necessarily create a legal precedence; however, he would recommend specific restrictions be attached to any exception granted. He added that an attorney from the City's Legal Department is in the midst of working with other entities to address the marmot problem within the city.

Mr. Johnston made a motion to rescind the decision of the July 11, 2019 City Council meeting to deny the exception to City Code 9.32.020, Discharge of Firearms Prohibited within city limits, to exterminate marmots on certain properties identified by Pest Solutions and reconsider the request subject to the Legal Department, in conjunction with the Police Department, providing appropriate phraseology. The motion died for lack of a second.

A motion was made by Mr. Johnston, seconded by Ms. Adamson, to rescind the decision of the July 11, 2019 City Council meeting to deny the exception to City Code 9.32.020, Discharge of Firearms Prohibited within city limits, to exterminate marmots on certain properties identified by Pest Solutions. Upon roll call, those voting in favor of the motion were Johnston, Adamson, Bray and Cheatum. Leeuwrik and Mannan voted in opposition to the motion. The motion passed.

Jared Johnson, City Attorney, clarified that City Code prohibits the discharge of firearms within city limits, unless an exception is granted by the City Council. He added that no other department or individual has the authority to grant exceptions.

Mr. Johnston expressed his concern over the marmot issue and the urgent need to find an appropriate resolution.

Mr. Cheatum agreed with Mr. Johnston and proposed that the matter be addressed following the completion of the legal department's investigation into the matter.

Mr. Bray gave direction to the Police Department and Legal Department to provide the appropriate structure for an exception to City Code 9.32.020, Discharge of Firearms Prohibited within city limits.

AGENDA ITEM NO. 10: Council was asked to consider a request from Pasta Vino's  
TEMPORARY STREET Uncorked, represented by Jennifer Jackman, to temporarily close  
CLOSURE/OPEN the 100 block of North Union Pacific Avenue (behind Pasta Vino),  
CONTAINER WAIVER and also asked for a waiver of City ordinances regarding open  
REQUESTS containers to allow the sale of beer and wine on August 17, 2019  
-UNCORKED WINE for the 4<sup>th</sup> Annual Uncorked Wine Festival.  
FESTIVAL

Pasta Vino's Uncorked requested that the street be closed from 8:00 a.m. until 8:00 p.m. for the event. If the open container is waived, it should be contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased.

A motion was made by Mr. Cheatum, seconded by Ms. Mannan, to approve a request by Pasta Vino's Uncorked, to temporarily close the 100 block of North Union Pacific Avenue (behind Pasta Vino), and also waive City ordinances regarding open containers to allow the sale of beer and wine on August 17, 2019 for the 4<sup>th</sup> Annual Uncorked Wine Festival and that the street be closed from 8:00 a.m. until 8:00 p.m. for the event, contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased. Upon roll call, those voting in favor of the motion were Cheatum, Mannan, Adamson, Bray, Johnston and Leeuwrik.

AGENDA ITEM NO. 11: Council was asked to authorize the Mayor to sign a grant  
IFFT FOUNDATION application, subject to Legal Department review, to the IFFT  
GRANT Foundation in the amount of \$10,000.00 to help fund the first phase  
-FIRST PHASE OF of an origami art display inside the airport terminal.  
AIRPORT ORIGAMI  
ART DISPLAY

The grant does not require matching funds.

A motion was made by Mr. Bray, seconded by Ms. Leeuwrik, to authorize the Mayor to sign a grant application, subject to Legal Department review, to the IFFT Foundation in the amount of \$10,000.00 to help fund the first phase of an origami art display inside the airport terminal. Upon roll call, those voting in favor were Bray, Leeuwrik, Adamson, Cheatum, Johnston and Mannan.

AGENDA ITEM NO. 12: Council was asked to consider the following regarding taxiway BID  
ACCEPTANCE, rehab; terminal and FBO apron rehab; replacement of the electrical  
CONSTRUCTION ault and rotating beacon; and construction of a concrete hardstand  
AGREEMENT AND for heavy aircraft:  
NOTICE OF AWARD  
-AIRPORT

-ACCEPT BID a) Accept the low responsive bid from DePatco, Inc. in the amount of \$5,869,669.69; and, if the bid is accepted;

-AUTHORIZE b) Authorize the Mayor to sign a construction agreement and notice of  
AGREEMENT award and all other pertinent documents between the City and DePatco, Inc.

Bid amount is \$5,869,669.69. However, grant funding of only \$4,366,687.79 is currently available. All work, except the rehab of the FBO apron, will be awarded and contracted at this time. A separate contract and award will be issued at a later date if additional grant funding is awarded. The project will

be funded 93.75% by FAA grant funds and 6.25% by airport passenger facility charge (PFC) funds. The project is contingent upon award of grant funds, FAA approval and Legal Department review.

Alan Evans, Airport Manager, verified that grant approval has been attained and funds are in place for the project. He stated that some work that will not disrupt fire season response will commence this year, but most will have to wait until spring. Mr. Evans explained that because the bids were higher than expected, a portion of the proposed project will be postponed until adequate funds have been attained. He added that it is anticipated that a combination of FAA funds and passenger facility charge funds will eventually provide the funds required to complete the portion of the project currently excluded, which consists primarily of parking lot improvements.

Jared Johnson, City Attorney, clarified that agenda item No. 12 is a request to authorize the acceptance of the low responsive bid and to contract for a portion of the proposed project that utilizes the grant funds received to date. He added that the financial obligation of this portion of the project would not exceed grant funds already received by the City. Mr. Johnson stated that when and if the funds to complete the remaining portion of the project are acquired, a request for authorization to execute the remaining portions of the contract would be brought before Council.

Mr. Evans stated that part of the project is to build a stand to accommodate the DC-10 aircraft parked at the airport during fire season. He explained that one plane is currently sitting on 17 steel plates to avoid any damage to pavement at the airport. Following the completion of the project it is anticipated the airport would be able to accommodate up to three DC-10 airplanes.

A motion was made by Mr. Cheatum, seconded by Ms. Adamson, to accept the low responsive bid and authorize an agreement as outlined in Agenda Item No. 12(a) and 12(b), contingent upon the award of grant funds and FAA approval, subject to Legal Department review. Upon roll call, those voting in favor were Cheatum, Adamson, Bray, Johnston, Leeuwrik and Mannan.

AGENDA ITEM NO. 13: Steven McCurdy, Utah resident, shared his understanding of DISCUSSION ITEMS Idaho Open Meeting law and associated legal decisions.

George Deeb, Portneuf Animal Welfare volunteer, shared his support of humane care of companion animals and Trap, Neuter/Spay, and Release (TNR) programs. He referenced the success of other TNR programs and requested that this issue and the hiring of a new director of the Animal Shelter be addressed in Pocatello before November.

Nikki Taysom, Pocatello resident, expressed her concern regarding human trafficking, drugs, teenage sex, and other abuses.

Heather Disselkoen, Pocatello resident, stated that it can be difficult for citizens to stay informed, and thanked the City Council for the access provided to meeting minutes and audio and visual recordings of meetings. She expressed dissatisfaction with obtaining minutes for joint cities meetings.

Mayor Blad clarified that the city which hosted the joint cities meeting would be responsible to provide complete minutes of the meeting.

AGENDA ITEM NO. 14: There being no further business, Mayor Blad adjourned the

meeting at 8:01 p.m.

APPROVED BY:

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BRIAN C. BLAD, MAYOR

ATTEST:

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KONNI R. KENDELL, DEPUTY CLERK

PREPARED BY:

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SHAWNIE SATTERFIELD FERRIN, DEPARTMENT SPECIALIST