

CITY OF POCATELLO, IDAHO  
CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
AUGUST 19, 2021

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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 PLEDGE OF Heidi Adamson, Roger Bray, Rick Cheatum, Linda Leeuwrik, ALLEGIANCE Claudia Ortega and Chris Stevens.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Tony Seikel, representing Portneuf INVOCATION Sangha.

AGENDA ITEM NO. 3: Council was asked to consider the following business items: CONSENT AGENDA

-TREASURER'S (a) Consider the Treasurer's Reports for July 2021 showing cash and REPORT investments as of July 31, 2021 in the amount of \$93,829,932.59.

-POCATELLO ARTS (b) Confirm the Mayor's appointment of Chris Picket to serve as a COUNCIL member of the Pocatello Arts Council, replacing Joshua Pohlman APPOINTMENT Chris Pickett's term will begin August 20, 2021 and expire August 20, 2024.

-COUNCIL DECISION (c) Adopt the Council's decision to approve the final plat for City -CITY VIEW ESTATES Division 1, which subdivides 21.98 acres into thirty (30) lots and that 13.69 acres (Lot 11, Block 2) be dedicated to the DIVISION 1 City for the purpose of public open space, subject to conditions. FINAL PLAT The property is located within Residential Estate (RE), Residential Low Density (RL) and Residential Commercial Professional (RCP) zoning districts at East Lander Street, East Elm Street and the end of Ammon Street. Access to City View Estates Division 1 will be provided from the proposed extension of East Lander Street and East Elm Street.

-COUNCIL DECISION (d) Adopt the Council's decision to approve the short plat for -POCATELLO CREEK Pocatello Creek Booster Station which subdivides a small portion BOOSTER STATION of property in the 1600 block of Pocatello Creek Road into a single, SHORT PLAT APPROVAL one-half acre lot, subject to conditions. The property is zoned Commercial General (CG) and will be accessed from a temporary twenty-foot (20') wide access easement.

-COUNCIL DECISION (e) Adopt the Council's decision to approve the Conditional Use -VERIZON WIRELESS Permit for Verizon Wireless to install a fifty-foot (50') monopole CONDITIONAL USE cellular tower, subject to conditions. The subject property is not PERMIT zoned, but is surrounded on the north and east by property zoned Residential Estate (RE). The tower will be located at the end of Elm Street adjacent to the City-owned water tank west of Interstate 15 and has access from Clark Street, Elm Street and Interstate 15 allowing for emergency services to respond to the site if needed.

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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.

Mayor Blad recognized a Boy Scout from Troop 363 in the audience.

AGENDA ITEM NO. 4: Mayor Blad reminded the Council members of the Special Council  
CALENDAR REVIEW meeting to be held August 24<sup>th</sup> at 1:00 p.m.; and the following meetings on September 2<sup>nd</sup>: Clarification Meeting at 5:30 p.m.; and Regular Council meeting at 6:00 p.m.

Mayor Blad announced August 21<sup>st</sup> is Free Admission Day at Zoo Idaho sponsored by Connections Credit Union; August 22<sup>nd</sup> is the last day of the season for Ross Park Aquatic Center; August 23<sup>rd</sup> is the first date to file for Candidacy beginning at 8:00 a.m. – Mayor and City Council seats 4, 5 and 6; final day to file for candidacy is September 3 at 5:00 p.m.; August 23<sup>rd</sup> through September 6<sup>th</sup> is annual maintenance for Community Recreation Center. The front desk will remain open but all other areas will be closed for maintenance; August 24<sup>th</sup> is Welcome Back Orange and Black event for ISU students in Old Town; City offices will be closed Monday, September 6<sup>th</sup> in observance of Labor Day. However, garbage, yard waste and recycle pickups will continue on schedule; Open burn ban in Wildland-Urban Interface areas continues; and he reminded residents that citizens are required to wear face coverings when entering any City of Pocatello building or facility, while riding on public transportation buses or traveling through the Pocatello Airport. Mayor Blad reminded school will be starting soon; remember to slow down in school zones.

AGENDA ITEM NO. 5: Steven Gomez was present to appeal the decision of Pocatello  
SOLICITOR'S Police Department staff which denied Mr. Gomez a Solicitor's  
LICENSE DENIAL License.  
APPEAL  
-GOMEZ

Tori Eldridge, Licensing Officer, gave an overview of the circumstances leading to the denial of Mr. Gomez's application for a solicitor's license. She stated Mr. Gomez was charged and convicted of a felony and had a judgement of fraud in 2017. Mr. Gomez will be on probation until 2026.

Mr. Gomez gave an overview of the circumstances surrounding the charges. He explained that he was addicted to prescription medication and made some poor choices in the past, including using his grandparent's credit cards. He stated he is making every effort to right his past wrongs. Mr. Gomez noted he has been sober for the past four years. He explained that his employer, grandparents and probation officer are willing to write letters of recommendation.

In response to questions from Council, Mr. Gomez stated he participated in a 90-day rehab program and a 180-day intensive outpatient program in Ada County. He expressed that he continues to stay sober with the support of his family and friends. Mr. Gomez stated door-to-door sales requires a solicitor's license. He expressed that being able to add door-to-door sales will help with bringing in income through the winter months. Mr. Gomez noted he will have the same access to customer's financial information as he does now, which includes collecting payment information.

In response to questions from Council, Ms. Eldridge stated criteria for getting a solicitor's license after a felony is five years. She noted she isn't aware of any research on the difference between waiting four years compared to five years. Ms. Eldridge added the denial letter explains the denial appeal process, but doesn't specifically ask to bring letters of reference.

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A motion was made by Mrs. Ortega, seconded by Mr. Bray, to overturn the decision of the Pocatello Police Department staff and approve the Solicitor's License for Mr. Gomez with the condition of the receipt of three letters of recommendation within 14 days. Upon roll call, those voting in favor were Ortega, Bray and Stevens. Adamson, Cheatum and Leeuwrik voted in opposition.

Due to a tie in voting, Mayor Blad was required to cast the deciding vote. Mayor Blad voted in opposition. The motion failed.

AGENDA ITEM NO. 6: Council was asked to approve a short plat application by Homes West Inc., represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide approximately .30 acres into two (2) townhome lots. The subject parcels will be accessed from Troy Lane via Northern Lights Drive. Staff found the proposal compliant with all applicable standards with conditions.

-SHORT PLAT  
APPROVAL  
-STRATTEN ESTATES  
DIVISION 2

A motion was made by Mr. Bray, seconded by Mr. Cheatum, to approve a final plat application request submitted by Scott Briscoe, represented by HLE, Inc., to subdivide 0.30 acres (more or less) into two (2) townhome 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 August 10, 2021, shall be met; 3) The plat shall conform to all State and local laws and ordinances and is subject to review by the City Surveyor; and 4) 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 proposed subdivision will be accessed from Troy Lane via Northern Lights Drive. Upon roll call, those voting in favor were Bray, Cheatum, Adamson, Leeuwrik, Ortega and Stevens.

AGENDA ITEM NO. 7: Council was asked to accept an agreement with Stantec Consulting Services, Inc. to complete the submittal of an USEPA Brownfields Assessment Coalition Grant application in the amount of \$600,000.00; and if awarded, enter into an agreement with Stantec Consulting Services, Inc. to provide implementation assistance and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. There is no required City match for the grant and all fees from Stantec would be paid for from grant funding, if awarded. The Assessment grant would provide funding for the following: Inventory sites; characterize sites; assess sites; conduct planning for cleanup and redevelopment; and conduct community involvement.

USEPA BROWNFIELDS  
ASSESSMENT  
COALITION GRANT  
APPLICATION AND  
IMPLEMENTATION  
AGREEMENT

A motion was made by Ms. Adamson, seconded by Ms. Leeuwrik, to accept an agreement with Stantec Consulting Services, Inc. to complete the submittal of an USEPA Brownfields Assessment Coalition Grant application in the amount of \$600,000.00 and if awarded, enter into an agreement with Stantec Consulting Services, Inc. to provide implementation assistance and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Upon roll call, those voting in favor were Adamson, Leeuwrik, Bray, Cheatum, Ortega and Stevens.

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AGENDA ITEM NO. 8: Council was asked to approve and authorize the Mayor to sign all pertinent documents for a professional services agreement between the City and T-O Engineers. T-O will conduct an update to the Airport's master plan for aviation facilities and property. The fee is a lump sum, based on time and materials, not to exceed \$680,787.00 and will be funded 100% by grant funds from the FAA and American Rescue Plan Act. The agreement and project are subject to availability of grant funds.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve and authorize the Mayor to sign all pertinent documents, subject to Legal Department review, for a professional services agreement between the City and T-O Engineers and that T-O will conduct an update to the Airport's master plan for aviation facilities and property and that the fee is a lump sum, based on time and materials, not to exceed \$680,787.00 and will be funded 100% by grant funds from the FAA and American Rescue Plan Act and that the agreement and project are subject to availability of grant funds. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson, Bray, Ortega and Stevens.

AGENDA ITEM NO. 9: Council was asked to consider an ordinance amending Pocatello Municipal Code Title 8 "Health and Safety", by amending Chapters 8.14.110 "Penalties" and 8.14.130 "Abatement of Nuisances" for the purpose of streamlining enforcement and establishing a written process for abatement of properties deemed as nuisance.

Mrs. Ortega left meeting at 6:33 p.m.

A motion was made by Mr. Bray, seconded by Mr. Cheatum, that Agenda Item No. 9(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, Cheatum, Adamson, Leeuwrik and Stevens. Mrs. Ortega was absent for this vote.

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

Mrs. Ortega returned to the meeting at 6:35 p.m.

Mayor Blad declared the final reading of an Ordinance amending Pocatello Municipal Code Title 8 "Health and Safety", by amending Chapters 8.14.110 "Penalties" and 8.14.130 "Abatement of Nuisances" for the purpose of streamlining enforcement and establishing a written process for abatement of properties deemed as nuisance. 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 passed, that it be numbered 3072 and that only the ordinance summary sheet be submitted to the Idaho State Journal for publication.

-VACATING A PORTION OF ZIEBARTH ROAD (b) Council was asked to consider an ordinance vacating the public's interest in approximately 2,701 square feet of right-of-way associated with Ziebarth Road to the adjacent owner, Jared Clinger. Said vacation was approved by City Council Decision dated August 5, 2021, and all conditions contained therein have been met.

A motion was made by Mr. Bray, seconded by Mr. Cheatum, that Agenda Item No. 9(b), be read only by title and placed on final passage for publication and that only the ordinance summary sheet be

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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 an Ordinance vacating the public's interest in 2,701 square feet of right-of-way associated with Ziebarth Road to the adjacent owner, Jared Clinger as approved by City Council Decision dated August 5, 2021, and that all the conditions contained therein have been met. 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 passed, that it be numbered 3073 and that only the ordinance summary sheet be submitted to the Idaho State Journal for publication.

- REVISING TITLE 16 (c) Council was asked to consider an ordinance revising Title 16 "SUBDIVISION REGULATIONS" "Subdivision Regulations" by amending Chapters 16.20 "Preliminary Subdivision Plat Application" and 16.24 "Final Subdivision Plat Application" to improve the function of the Code and to increase transparency during the review process, while limiting the potential for the delay of subdivision applications.

A motion was made by Mr. Bray, seconded by Mr. Cheatum, that Agenda Item No. 9(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 Bray, Cheatum, Adamson, Leeuwrik, Ortega and Stevens.

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

Mayor Blad declared the final reading of an Ordinance revising Title 16 "Subdivision Regulations" by amending Chapters 16.20 "Preliminary Subdivision Plat Application" and 16.24 "Final Subdivision Plat Application" to improve the function of the Code and to increase transparency during the review process, while limiting the potential for the delay of subdivision applications. 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 passed, that it be numbered 3074 and that only the ordinance summary sheet be submitted to the Idaho State Journal for publication.

-REVISING TITLE 17 (d) Council was asked to consider an ordinance revising Title 17 "ZONING REGULATIONS" "Zoning Regulations" by amending Chapters 17.01 "General Provisions"; 17.02 "Land Use Decisions"; 17.03 "Zoning Districts"; 17.04 "Overlay Areas"; 17.05 "Development Standards"; and 17.06 "Special Use Standards" to improve the function of this Title.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, that Agenda Item No. 9(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, Cheatum, Bray, Leeuwrik, Ortega and Stevens.

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

Mayor Blad declared the final reading of an Ordinance revising Title 17 "Zoning Regulations" by amending Chapters 17.01 "General Provisions"; 17.02 "Land Use Decisions"; 17.03 "Zoning Districts"; 17.04 "Overlay Areas"; 17.05 "Development Standards"; and 17.06 "Special Use

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Standards” to improve the function of this Title. 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 passed, that it be numbered 3075 and that only the ordinance summary sheet be submitted to the Idaho State Journal for publication.

-FISCAL  
YEAR 2022  
APPROPRIATIONS

(e) Council was asked to consider an ordinance approving the Fiscal Year 2022 Appropriation Ordinance.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, that Agenda Item No. 9(e), be read only by title and placed on final passage for publication and that the whole ordinance be submitted for publication. Upon roll call, those voting in favor were Adamson Cheatum, Bray, Leeuwrik, Ortega and Stevens.

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

Mayor Blad declared the final reading of an Ordinance approving the Fiscal Year 2022 Appropriations. Mayor Blad asked “Shall the ordinance pass?” Upon roll call, those voting in favor were Adamson, Cheatum, Leeuwrik. Bray, Ortega and Stevens voted on opposition.

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

Mayor Blad declared the ordinance passed, that it be numbered 3076 and that the whole ordinance be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 10: There were no individuals signed up to speak during this agenda  
-ITEMS FROM THE item.  
AUDIENCE

AGENDA ITEM NO. 11: There being no further business, Mayor Blad adjourned the  
ADJOURN meeting at 6:55 p.m.

APPROVED BY:

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BRIAN C. BLAD, MAYOR

ATTESTED BY:

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KONNI R. KENDELL, CITY CLERK

PREPARED BY:

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WENDY A. PRATHER, DEPUTY CITY CLERK