

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
SEPTEMBER 20, 2018

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:01 p.m.
ROLL CALL AND by Mayor Brian Blad. Council members present were Heidi
PLEDGE OF Adamson, Rick Cheatum, Jim Johnston, Linda Leeuwrik
ALLEGIANCE and Beena Mannan. Council member Roger Bray was excused.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Tim Bridges, representing
INVOCATION Calvary Chapel.

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 Police Union Quarterly Update meeting of September 6, 2018.

-TREASURER'S (b) Consider the Treasurer's Report for August showing cash and
REPORT investments as of August 31, 2018 in the amount of
\$51,458,804.71.

-ANIMAL SHELTER (c) Confirm the Mayor's reappointment of Roseanne Viguera s to
ADVISORY BOARD continue her service as a member of the Animal Shelter Advisory
REAPPOINTMENT Board. Ms. Viguera s' term will begin September 22, 2018 and will
expire September 22, 2020.

-GOLF ADVISORY (d) Confirm the Mayor's reappointment of Larry Morton to continue
his COMMITTEE service as a member of the Golf Advisory Committee. Mr. Morton's
REAPPOINTMENT term will begin October 6, 2018 and will expire October 6, 2021.

-POCA TELLO ARTS (e) Confirm the Mayor's reappointment of Stan Cope to continue his
COUNCIL service as a member of the Pocatello Arts Council. Mr. Cope's term
REAPPOINTMENT will begin October 1, 2018 and will expire October 1, 2021.

-COUNCIL DECISION (f) Adopt the Council's decision granting a request by Kenneth Horsley
-9100 BLOCK OF to rezone by contract approximately 3.5 acres of undeveloped land
ANDERSON LANE located in the 9100 block of Anderson Lane, from Residential
Medium Density Single Family (RMS) to Light Industrial (I) for the
construction of self-service storage and an outdoor storage area for recreational vehicles and boats,
pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.

-COUNCIL DECISION (g) Adopt the Council's decision approving the Short Plat for Elm
-ELM STREET Street Subdivision, which subdivides approximately .30 acres of land
SUBDIVISION into two (2) residential lots, subject to conditions. The property is
SHORT PLAT located at 187 East Taft Avenue.

-COUNCIL DECISION (h) Adopt the Council's decision approving the Final Plat for Trail
-TRAIL CREEK ESTATES Creek Estates Division 2, which subdivides approximately 13.24
DIVISION 2 acres of land into thirty-four (34) residential lots, subject to
FINAL PLAT conditions. The property is located near Champlain Place and
Magellan Loop.

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

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

Mayor Blad welcomed Boy Scouts from Troop No. 316 in the audience.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the following meetings:
CALENDAR REVIEW Agenda Clarification meeting at 5:30 p.m. on October 4th; Regular
Council Meeting at 6:00 p.m. on October 4th; and the October 11th
Work session at 9:00 a.m.

Mayor Blad announced the annual OktoBEARfest at Zoo Idaho would take place September 22nd from 4:00 p.m. to 7:00 p.m.; and reminded citizens that Zoo Idaho is open weekends only until October 28th.

Mayor Blad announced that Agenda Item No. 10 had been pulled from the agenda at the request of the applicant.

AGENDA ITEM NO. 6: This time was set aside for the Council to receive public comments
PUBLIC HEARING on additional proposed Fiscal Year 2018 budget amendments as
-ADDITIONAL PROPOSED discussed at the September 13, 2018 Work Session.
FISCAL YEAR 2018
SEPTEMBER BUDGET
AMENDEMENTS

Mayor Blad opened the public hearing.

Joyce Stroschein, Chief Financial Officer, gave an overview of the proposed amendments as discussed at the September 13, 2018 Work Session.

Mayor Blad announced there were no written comments received.

There being no further public comments Mayor Blad closed the public hearing and announced that an ordinance had been prepared for Council's consideration under Agenda Item No. 12(b).

AGENDA ITEM NO. 7: This time was set aside for the Council to receive public comments
PUBLIC HEARING on a proposed ordinance to regulate "Feeding of Wildlife" as
-PROPOSED ORDINANCE discussed at the April 12, 2018 Study Session.
TO REGULATE FEEDING
OF WILDLIFE WITHIN
CITY LIMITS

Mayor Blad opened the public hearing.

Zach Lockyear, Idaho Department of Fish and Game (IDFG), gave an overview of the Urban Wildlife Task Force's efforts and outlined the proposed ordinance. He explained the purpose of the ordinance was to avoid damage to property and injury to wildlife and people. He stated the ordinance would not be a burden to law enforcement as IDFG, Pocatello Police or Animal Services could investigate and write the misdemeanor citations. Mr. Lockyear also stated IDFG would continue its education campaign regarding why feeding wildlife was not beneficial. He also acknowledged the ordinance itself would not keep all wildlife from coming into the city limits but felt it would reduce the number and frequency of animals.

In response to questions from Mr. Johnston, Mr. Lockyear stated he did not know how many deer were living within the city limits and acknowledged people should not feed bread to ducks.

In response to a question from Ms. Adamson, Mr. Lockyear stated he was not familiar with the statistics from Sioux City, Iowa.

In response to a question from Ms. Leeuwrik, Mr. Lockyear explained the exemptions to the ordinance and stated squirrels do not cause conflicts with humans.

In response to a question from Ms. Mannan, Mr. Lockyear stated his department did not keep track of calls or complaints received last year about urban wildlife but said it was numerous.

Mayor Blad stated the City received two written comments regarding the ordinance.

Clell Bennett spoke in favor of the ordinance and stated it was needed for safety reasons. He stated the ordinance was a start and that fencing and other measures should be considered.

Beverly Klein spoke in favor of the ordinance and explained her reasoning for joining the Urban Wildlife Task Force.

Mr. Lockyear noted the areas along Interstate 15 where the Idaho Department of Fish and Game partnered with the Idaho Department of Transportation to install fencing and stated that while the fencing was effective it was expensive and required maintenance. He also explained the department does not trap and relocate deer.

Ms. Adamson wondered why the penalty was a misdemeanor and not an infraction and what the burden on law enforcement would be. She felt the issue should be discussed at another Work Session.

At the request of Mr. Johnston, Mr. Cheatum stated he had been involved with the task force prior to election as a City Council Member. He felt the ordinance was a tool, but it would not eliminate the problem. He believed the City Council needed to consider the ordinance as a way to help alleviate the urban wildlife issue.

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

A motion was made by Mr. Cheatum, seconded by Ms. Mannan, to set the matter as an agenda item at a future City Council Work Session in order to consider the testimony received and decide how to proceed. Upon roll call, those voting in favor were Cheatum, Mannan, Adamson, Johnston, and Leeuwrik.

AGENDA ITEM NO. 8: Council was asked to consider a request by Swire Coca-Cola (mailing address: 1003 North Main Street, Pocatello, ID 83204) represented by Signature Signs, (mailing address: 2349 North Woodruff, Idaho Falls, ID 83401) for a Right-Of-Way Use License to allow placement of an awning with signage over the front of the business projecting over the sidewalk at 1003 North Main Street.

RIGHT OF WAY
USE LICENSE
-SWIRE COCA-COLA

Staff recommended approval with conditions.

A motion was made by Ms. Adamson, seconded by Mr. Cheatum, to approve a request by Swire Coca-Cola, represented by Signature Signs, for a Right-Of-Way Use License to allow placement of an awning with signage over the front of the business projecting over the sidewalk at 1003 North Main Street with the following conditions: 1) a sign permit shall be obtained; 2) all improvements made and maintenance required on said property shall be at Grantee's expense; 3) Swire Coca-Cola shall sign a right of way use license with the City; 4) the Grantee shall provide public liability insurance coverage and naming the City as an additional insured in the amount of Idaho Tort Liability Limits (currently \$500,000.00) to indemnify the City from any claims which might arise out of the Grantee's use of the right-of-way. Proof of such coverage must be provided annually; failure to do so will result in termination of the License. Grantee agrees to hold the City harmless from any and all claims or damages arising from the use of the right-of-way; 5) Grantee agrees and understands that the use under this License is limited to sign improvements and that no other temporary or permanent structure of any kind may be placed on the right-of-way without prior written permission by the City; 6) agreement goes with the Licensee (Grantee) not the land. License is revocable if the adjacent property is sold or is no longer under Swire Coca-Cola control; and 7) this License is revocable and shall be terminated upon sixty (60) days' written notice if it is determined by the Grantor that it is in the City's best interests that said License should be revoked. Grantee may terminate this license upon sixty (60) days' written notice to the City. Upon roll call, those voting in favor were Adamson, Cheatum, Johnston, Leeuwrik, and Mannan.

AGENDA ITEM NO. 9: Council was asked to approve a request from Steven Booth representing AvCenter, Inc. (mailing address: 1483 Flightline Box 12, Pocatello, ID 83204) for an exception to City Code 15.12.080 that restricts the capacity of above ground fuel tanks. City Code limits tank capacity to 1,000 gallons and the AvCenter would like to install two (2) additional tanks that exceed the allowed capacity.

EXCEPTION REQUEST
-AVCENTER, INC.

Airport and Fire Department staff reviewed the application and support the request.

A motion was made by Ms. Mannan, seconded by Mr. Cheatum, to approve a request from Steven Booth representing AvCenter, Inc. for an exception to City Code 15.12.080 that restricts the capacity of above ground fuel tanks and allow the AvCenter to install two (2) additional tanks and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Mannan, Cheatum, Adamson, Johnston, and Leeuwrik.

AGENDA ITEM NO. 10: As announced earlier, the request for a waiver of the open container ordinance to allow the sale of beer and wine during an event on
OPEN CONTAINER

WAIVER REQUEST September 21, 2018 had been pulled from the agenda at the request
-PARK(ING) DAY EVENT of the applicant.

AGENDA ITEM NO. 11: Council was asked to approve an agreement with Idaho Department
AGREEMENT-IDAHO of Water Resources as discussed at the September 13, 2018
DEPARTMENT OF WATER Executive Session.
RESOURCES

A motion was made by Mr. Cheatum, seconded by Ms. Adamson, to approve an agreement with Idaho Department of Water Resources as discussed at the September 13, 2018 Executive Session. Upon roll call, those voting in favor were Cheatum, Adamson, Johnston, Leeuwrik, and Mannan.

AGENDA ITEM NO. 12: Council was asked to consider the following ordinances:
ORDINANCES

-AIRPORT (a) An ordinance providing that the Airport Commission shall continue
COMMISSION as an advisory board to the Mayor and City Council and that the
ADVISORY BOARD provisions of the Commission shall be established by resolution.
CONTINUATION

A motion was made by Ms. Adamson, seconded by Mr. Johnston, that the ordinance, Agenda Item No. 12(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 Adamson, Johnston, Cheatum, Leeuwrik, and Mannan.

Kirk Bybee, Deputy Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance providing that the Airport Commission shall continue as an advisory board to the Mayor and City Council and that the provisions of the Commission shall be established by resolution. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Cheatum, Johnston, Leeuwrik, and Mannan. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3015 and be submitted to the Idaho State Journal for publication.

-FISCAL YEAR 2018 (b) An ordinance approving an amendment to the Fiscal Year 2018
APPROPRIATIONS Appropriations Ordinance increasing the total Fiscal Year
ORDINANCE expenditures by \$62,428.00 to account for additional revenues,
SEPTEMBER including grant funds received by the City and to use previously
AMENDMENT unappropriated cash balances for unanticipated expenses incurred
by the City.

A motion was made by Ms. Adamson, seconded by Ms. Leeuwrik, that the ordinance, Agenda Item No. 12(b) 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, Leeuwrik, Cheatum, Johnston, and Mannan.

Kirk Bybee, Deputy Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance approving an amendment to the Fiscal Year 2018 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$62,428.00 to account for additional revenues, including grant funds received by the City and to use previously unappropriated cash balances for unanticipated expenses incurred by the City. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Cheatum, Johnston, Leeuwrik, and Mannan. Mayor Blad declared the ordinance passed, that it be numbered 3016 and that the whole ordinance be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 13: Council was asked to adopt a resolution that states the Pocatello
RESOLUTION Regional Airport Commission will continue to function as an
-POCATELLO REGIONAL advisory board for the City.
AIRPORT COMMISSION

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to adopt a resolution (2018-08) that states the Pocatello Regional Airport Commission will continue to function as an advisory board for the City. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Adamson, Johnston, and Mannan.

AGENDA ITEM NO. 14: Andy Moldenhauer, President of Firefighters Local 187, stated the
DISCUSSION ITEMS Fire Union held its Fill the Boot fundraiser today with two City
Council Members assisting and thanked the citizens for their
generosity. He also stated October was breast cancer awareness month and the Union was selling pink t-shirts to wear on Fridays and Saturdays. Proceeds from the sale would be donated to a breast cancer charity.

AGENDA ITEM NO. 15: There being no further business, Mayor Blad adjourned the meeting
ADJOURN at 6:53 p.m.

APPROVED BY:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

ANNE NICHOLS, CAP, OM
ADMINISTRATIVE SERVICES MANAGER