

CITY OF POCATELLO CITY COUNCIL MEETING AGENDA

August 18, 2016 · 6:00 PM
Council Chambers | 911 N 7th Avenue

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. INVOCATION

The invocation will be offered by Pastor Scott Sampson, Rocky Mountain Ministries.

3. CONSENT AGENDA

The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item.

(a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the July 28, 2016 Budget Development meeting and the July 28, 2016 Executive Session.

(b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for July showing cash and investments as of July 31, 2016.

(c) HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Mohammad Safdar to serve as a member of the Human Relations Advisory Committee, replacing Debodeep Choudhury who resigned. Mr. Safdar's term will begin August 19, 2016 and will expire November 19, 2016.

(d) EXCEPTION REQUEST—"FILL THE BOOT" FUNDRAISER: Council may wish to consider a request from Pocatello Firefighters Local 187 for an exception to ordinances or laws that would prevent the group from gathering funds, for the Muscular Dystrophy Association "Fill the Boot" Fundraiser, on the public right-of-way at the intersection of Oak and Jefferson from 10:00 a.m. to 6:00 p.m. on September 9, 2016.

(e) EXCEPTION REQUEST—RUN WITH BIG DOGS FUNDRAISING EVENT: Council may wish to grant an exception to City Code 12.36.030 to allow dogs in Ross Park on Saturday, October 1, 2016 for the Animal Shelter's 19th Run With The Big Dogs Annual Fundraising Event. Dogs, under the control of their owners, will be attending the event.

(f) AMERICAN ACADEMY OF PEDIATRICS GRANT—POLICE: Council may wish to approve an application to the Idaho Chapter of the American Academy of Pediatrics in the amount of \$11,500.00 for the purpose of purchasing and distributing child passenger safety seats by Police staff and if the grant is approved, authorize the Mayor to accept and sign documents related to the grant. This is an annual grant and there is no City match of funds associated with this request.

(g) ANNUAL WORK STUDY AGREEMENT—ISU: Council may wish to approve a College Work Study Agreement with Idaho State University (ISU) providing for work study positions at the City in the amount of \$26,325.00 for the period of July 1, 2016 through June 30, 2017. The City is responsible for paying forty percent of said allocation (\$10,530.00). This is an annual agreement and funding for work study positions is included in the budgets of those departments utilizing work study positions.

(h) COUNCIL DECISION—EASTPOINTE HILLS DIVISION NO. 7 FINAL PLAT: Council may wish to adopt its decision approving the Final Plat for the Eastpointe Hills Division No. 7 Subdivision which divides 3.67 acres into a 14 residential lot subdivision, zoned

Residential Medium Density Single Family (RMS) density, subject to conditions. The proposed subdivision is located north of Daybreak Drive, east of Eastpointe Drive, on an extension of Hallmark Drive and will connect the two ends of Hallmark Drive.

Documents:

[AGENDA-ITEM3.PDF](#)

4. COMMUNICATIONS AND PROCLAMATIONS

5. CALENDAR REVIEW

Council may wish to take this opportunity to inform other Council members of upcoming meetings and events that should be called to their attention.

6. PUBLIC HEARING—WIRELESS COMMUNICATION FACILITY ORDINANCE AMENDMENT

This time has been set aside for the Council to receive comments from the public regarding the comprehensive re-write of Title 15.42, Wireless Telecommunications Towers and Facilities Ordinance. The re-write is in response to Federal legislation better known as the Spectrum Act.

Staff recommends that the City Council adopt the modified ordinance replacing Chapter 15.42 with the enactment of a new Chapter 15.42 pertaining to the siting and permitting of wireless communication facilities.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM6.PDF](#)

7. RIGHT OF WAY USE LICENSE—BBAD INVESTMENTS, LLC

Council may wish to consider a request by BBAD Investments, LLC (mailing address: 2227 East Center Street, Pocatello, ID 83201) for a right of way use license to allow retaining walls to be constructed directly behind the sidewalk on Lots 24-28 Block 1 of Hidden Valley Subdivision 3rd Addition (Via Valdarno) within the City's right of way.

Engineering/Public Works staff recommends approval of the request subject to conditions and Legal Department review.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM7.PDF](#)

8. RESOLUTION—ESTABLISHING A PROCESS FOR THE VACATION OF PUBLIC RIGHTS OF WAY

Council may wish to adopt a resolution establishing a process for the vacation of public rights-of-way consistent with Idaho Code and repealing Resolutions 1998-26 and 1999-34 as they are no longer being applied to the vacation process. The Resolution will become effective after its passage and will sunset upon the adoption of a revised Pocatello Municipal Code Title 17 "Zoning Regulation" which will incorporate the process presented in the proposed Resolution.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM8.PDF](#)

9. AMENDED REAL COVENANT AND ANNEXATION AGREEMENT—CENTURY HEIGHTS, LLC.

Council may wish to approve and authorize the Mayor to execute the Amended Real Covenant and Annexation Agreement between the City and Century Heights, LLC, owner and developer, for 372.15 +/- acres of the formerly known “Southern Hills” development.

The property is generally described as south of Garton Lane, east of South 5th Avenue and north of Hildreth Road and a total of 454 acres was annexed by the City under Ordinance No. 2790 on September 7, 2006.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM9.PDF](#)

10. “COUNCIL SELECT” FUNDING REQUEST—SOUTH EAST IDAHO HOMELESS STAND DOWN

South East Idaho Homeless Stand Down, represented by Susan Thurm (mailing address: 1044 North Harrison, Pocatello, ID 83204), is requesting that “Council Select” funds in the amount of \$250.00 be used for operational costs for their annual event at Idaho State University Reed Gym on October 29, 2016. Funds raised from the event will be used to provide items that help homeless individuals/families in the community stabilize. (As of August 12, 2016, \$2,558.00 remains in the “Council Select” line item).

(Pertinent information attached.)

Documents:

[AGENDA-ITEM10.PDF](#)

11. “COUNCIL SELECT” FUNDING REQUEST—POCATELLO FLAG DESIGN COMMITTEE

Pocatello Flag Design Ad-hoc Committee, represented by Logan McDougall (mailing address: P.O. Box 4169, Pocatello, ID 83205), is requesting that “Council Select” funds in the amount of \$250.00 be used to cover expenses such as banners, materials, and entry fees related to the Committee’s participation in the Idaho State University Homecoming Parade on September 24, 2016. The parade venue will be used to educate and inform the public of the Committee’s efforts to solicit designs for a new flag for Pocatello. (As of August 12, 2016, \$2,558.00 remains in the “Council Select” line item).

(Pertinent information attached.)

Documents:

[AGENDA-ITEM11.PDF](#)

12. EXCEPTION REQUEST FOR BEER/WINE PERMIT—SPIDELL

Council may wish to consider granting a beer/wine permit to Wendy Spidell (mailing address: 214 Franklin, Pocatello, ID 83201) for a 40-year High School Reunion at Sister City Park on August 19, 2016 from 6:00 p.m. to 10:00 p.m. Ms. Spidell has submitted an application to the City to allow the consumption of beer and wine at the event.

Approval by Council is necessary since this area is not specifically identified in City Code 12.36.060 where the consumption of such beverages is allowed.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM12.PDF](#)

13. EXCEPTION REQUEST FOR BEER/WINE PERMIT—BLUEMEL

Council may wish to consider granting a beer/wine permit to Kyle Bluemel (mailing address: 862 Marinus Lane, Pocatello, ID 83201) for a Company Picnic/Customer Appreciation event at Fort Hall Replica (Stage Area) on August 27, 2016 from 9:00 a.m. to 10:00 p.m. Mr. Bluemel has submitted an application to the City to allow the consumption of beer and wine at the event.

Approval by Council is necessary since this area is not specifically identified in City Code 12.36.060 where the consumption of such beverages is allowed.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM13.PDF](#)

14. TEMPORARY ROAD CLOSURE REQUEST—KIND COMMUNITY/ISU HOMECOMING KICK-OFF CELEBRATION

Kind Community (mailing address: 315 West Center Suite 104, Pocatello ID 83204) represented by Courtney Fisher and Idaho State University (ISU) (mailing address: 921 South 8th Avenue, Pocatello ID 83209) represented by Stuart Summers, are requesting to close Martin Luther King Jr. Avenue with closure points at 8th, 9th and 15th Avenues for a Kind Community/ISU Homecoming Event on Monday, September 19, 2016. Representatives are requesting that the street be closed 7:00 a.m. to 11:30 p.m. for the event.

City staff has recommended approval of the request with conditions.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM14.PDF](#)

15. FEE WAIVER REQUEST—HIGHWAY 30 BERM PROJECT

Valley Pride, represented by David Maguire (mailing address: 812 East Clark, Pocatello, ID 83201) is requesting that Council waive the City's \$6,200.00 water system capacity fee for the 2016 Highway 30 Berm (Garrett Way) project.

Idaho Transportation Department has been a partner with Valley Pride since the original construction of the berms and has given permission to locate the berms in the public right-of-way.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM15.PDF](#)

16. SIMPLY CATS ADOPTION CENTER MOA—ANIMAL SERVICES

Council may wish to approve a Memorandum of Agreement (MOA) with Just Strays Animal Foundation, Inc., dba Simply Cats Adoption Center, a non-profit organization located in Boise, Idaho. The MOA would create a coalition between the City of Pocatello and the Foundation with a goal to increase the live release rate for cats.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM16.PDF](#)

17. 3RD ANNUAL SPLASH DANCE FOR DOGS AT ROSS PARK AQUATIC COMPLEX REQUESTS—ANIMAL SERVICES

Council may wish to consider the following requests related to the 3rd Annual Splash Dance For Dogs fundraiser for the Pocatello Animal Shelter. The event will be held in the Ross Park Aquatic Complex (RPAC) on Saturday, September 17, 2016.

- (a) Waive the pool rental fee of \$350.00 per hour and entry fee of \$1.50; and
- (b) Exception to City Codes in order to allow dogs in the RPAC and Ross Park during the event.

18. FISCAL YEAR 2017 DEPARTMENTAL FEE RESOLUTION

Council may wish to adopt a resolution with exhibits (a) through (z) setting fees for Fiscal Year 2017 (October 1, 2016 through September 30, 2017). The exhibits are:

- (a) POCATELLO REGIONAL AIRPORT FEES
- (b) ALCOHOLIC BEVERAGE LICENSES FEES
- (c) ANIMAL SERVICES FEES
- (d) BUSINESS LICENSURE FEES
- (e) CEMETERY FEES
- (f) CHILDREN'S GROUP TREATMENT CENTER FEES
- (g) COMMERCIAL ACTIVITIES IN PARKS AND OTHER PUBLIC PLACES FEES
- (h) CONSTRUCTION TRADE FEES
- (i) CHILD CARE LICENSE FEES
- (j) DEVELOPMENT REIMBURSEMENT FEES
- (k) ENGINEERING SERVICES FEES
- (l) FIRE DEPARTMENT FEES
- (m) GEOGRAPHIC INFORMATION SERVICE FEE
- (n) PARKS AND RECREATION ACTIVITIES PROGRAM, RENTAL, AND ADMISSION FEES
- (o) PARKS AND RECREATION FACILITY USE FEES
- (p) PLANNING AND DEVELOPMENT SERVICES FEES
- (q) POLICE DEPARTMENT FEES
- (r) PUBLIC RECORD FEES
- (s) SANITATION DEPARTMENT FEES
- (t) CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL FEES
- (u) POCATELLO REGIONAL TRANSIT SYSTEM FEES
- (v) UTILITY BILLING DEPARTMENT FEES
- (w) VIDEO SERVICES FEES
- (x) WATER DEPARTMENT FEES
- (y) WATER POLLUTION CONTROL DEPARTMENT FEES
- (z) ZOO PROGRAM, RENTAL AND ADMISSION FEES

(Pertinent information attached.)

Documents:

[AGENDA-ITEM18.PDF](#)

19. RESOLUTION—INTENT TO LEVY FOREGONE PROPERTY TAX FOR FISCAL YEAR 2017 BUDGET

Council may wish to adopt a resolution establishing the City's intent to levy \$18,807.00 in Foregone Property Tax for the purpose of supplementing other revenues in Fiscal Year

2017 to complete the purchase of public safety equipment for the Fire and Police Departments. Said resolution is prepared in accordance with Idaho Code §63-802.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM19.PDF](#)

20. ORDINANCES

The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read by title on two occasions and at length on the third occasion and placed on final passage for publication.

EXAMPLE MOTIONS:

FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # , be read only by title on three separate occasions and placed on final passage and ordered for publication, and that only the ordinance summary sheet be submitted for publication."

FOR ONE READING UNDER RULES SUSPENSION: "I move the ordinance, Agenda Item # , be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1 or 2, the Council, by a vote of one-half plus one (4) of the full Council, must vote to direct how the ordinance is to be read.

Ordinances ready for reading.

20(a). The Annual Appropriations ordinance for Budget Year 2017. (Full ordinance must be published and the ordinance is prepared for reading under rules suspension.)

20(b). Repeal Title 16 "Subdivision Regulations" and adopt an entirely new Ordinance for Title 16 "Subdivision Regulations" as presented to the Council at the July 14, 2016 Study Session and August 4, 2016 Public Hearing. (The Ordinance is prepared for reading under the rules of suspension.)

20(c). Amending Title 10 "Vehicles and Traffic" to update portions of the current code and to implement a new section regarding speed limits within a construction zone as presented to the Council at the August 11, 2016 Study Session. (The Ordinance is prepared for reading under the rules of suspension.)

20(d). Changing the designated zone of 7.26 acres of property located at 1800 Garrett Way, Pocatello, Idaho from Commercial General (CG) to Residential/Commercial/Professional (RCP). The Council Decision for this designation was adopted July 16, 2015. (The Ordinance is prepared for reading under the rules of suspension.)

Documents:

[AGENDA-ITEM20.PDF](#)

21. DISCUSSION ITEMS

This time has been set aside to hear discussion items not listed on the agenda. Items which appeared somewhere else on the agenda will not be discussed at this time. The Council is not allowed to take any official action at this meeting on matters brought forward under this agenda item. Items will either be referred to the appropriate staff or scheduled on a subsequent agenda. You must sign in at the start of the meeting in order

to be recognized. (Note: Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker.)

PUBLIC HEARING PROCEDURE

1. Explanation of hearing procedures by Mayor or staff.
 - Ten (10) minute time limit on applicant presentation.
 - Three (3) minute time limit on public testimony.
 - Names and addresses are required from those presenting/testifying.
 - Questions/comments should be addressed to the Mayor and Council.
 - Council members must make their decision regarding the application on facts already in the record and information presented at the public hearing. Conflicts of interest, site visits and ex-parte contacts by Council members will be acknowledged.
 - Protocol requires that Council and audience be recognized by the Mayor prior to speaking.
2. Mayor opens hearing.
3. Presentation by applicant.

Note: Remember, applicant bears the responsibility for making his/her case. This is also the time for Council members to ask their questions of the applicant.
4. Presentation by staff.
5. Written correspondence submitted for the record.
6. Testimony by those supporting the application.
7. Testimony by those uncommitted on the application.
8. Testimony by opponents to the application.
9. Rebuttal by the applicant.
10. Mayor closes the hearing and initiates motion/deliberations.

Note: The Mayor may choose to require a motion prior to the discussion in order to focus deliberations, or, the Mayor may choose to allow deliberations prior to the motion in order to facilitate wording of the motion.
11. Develop a written and reasoned statement supporting the decision.

READING OF AN ORDINANCE PROCEDURE

1. Council determines which option below will be used to read the Ordinance by roll call vote.
2. The Ordinance is read by City Staff (usually City Attorney).
3. Mayor will declare the final reading of the ordinance and ask "Shall the Ordinance pass?"
After roll call is taken, Mayor will announce whether or not the ordinance passed.