

CITY OF POCATELLO
CITY COUNCIL MEETING AGENDA

September 15, 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 Karen Peace representing the Bahai Faith.

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 Clarification meetings and Regular Council meetings of August 18, 2016 and September 1, 2016.

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

(c) ADA GRIEVANCE COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Dr. Roger Boe to serve as a member of the ADA Grievance Committee, filling a long-term vacancy. Dr. Boe's term will begin September 16, 2016 and will expire September 16, 2018.

(d) ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Roseanne Viguera to continue her service as a member of the Animal Shelter Advisory Board. Ms. Viguera's term will begin September 22, 2016 and will expire September 22, 2018.

(e) SISTER CITIES COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Craig Cooper to serve as a member of the Japanese Sister Cities Subcommittee, filling a long-term vacancy. Mr. Cooper's term will begin September 16, 2016 and will expire September 16, 2020.

(f) RENEWAL OF PROFESSIONAL SERVICES CONTRACT—GROSSMAN GROUP, LLC: Council may wish to authorize the Mayor to execute a Professional Services Contract with Grossman Group, LLC, from Washington, DC, to provide lobbyist services for the City of Pocatello. The basic one-year contract will be effective October 1, 2016 and continue to September 30, 2017, in the monthly amount of \$5,000.00.

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 hear comments from the public regarding

the comprehensive re-write of Pocatello Municipal Code Title 15.42, Wireless Telecommunications Towers and Facilities. The re-write is in response to Federal legislation known as the Spectrum Act. The re-write has changes pertaining to the siting and permitting of wireless communication facilities.

This public hearing was originally scheduled for August 18, 2016. However, additional information was received directly before the meeting was to begin. City staff determined the hearing should be rescheduled to allow adequate time to review the new information. Staff recommends that the City Council direct the Legal Department to prepare an ordinance for adoption.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM6.PDF](#)

7. PUBLIC HEARING—FISCAL YEAR 2016 SEPTEMBER BUDGET AMENDMENTS

This time has been set aside to receive public comments on proposed "September" amendments to the current Fiscal Year 2016 Budget.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM7.PDF](#)

8. TUSCAN VIEW—SHORT PLAT

Bill Isley of Tuscan Hills 2, LLC (mailing address: 2231 East Center Street, Pocatello, ID 83201) and Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) have submitted an application for a short plat to subdivide Lot 12, Block 1, Tuscan Hills Subdivision 2nd Addition into two (2) residential lots. This short plat is to be called Tuscan View.

Staff recommends approval of the request with conditions as outlined in the staff report.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM8.PDF](#)

9. RIGHT OF WAY USE LICENSE—LEAVITT

Council may wish to consider a request by Burns Leavitt (mailing address: 1110 Yellowstone Avenue No. 111, Pocatello, ID 83201) for a right-of-way use license to allow a 7 foot security fence to be constructed directly behind the sidewalk at the intersection of South 5th Avenue and Jason Avenue (3934 Jason Avenue) within the City's right-of-way.

Staff evaluated the request and recommends Council deny the applicant's request based on the inability to maintain the stormwater system without encumbrances and more importantly maintain sight distance to ensure public safety.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM9.PDF](#)

10. AETNA MEDICAL INSURANCE CONTRACT—HUMAN RESOURCES

Council may wish to approve a contract with Aetna to provide medical insurance coverage for City employees for Fiscal Year 2017.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM10.PDF](#)

11. COLLECTIVE BARGAINING AGREEMENT—FRATERNAL ORDER OF POLICE

Council may wish to approve the adoption of the Fiscal Year 2016-2017 Collective Bargaining Agreement for the Portneuf Valley Fraternal Order of Police Local Lodge No. 13, subject to Legal Department review.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM11.PDF](#)

12. RESOLUTION SETTING DEPOSIT FEE—UTILITY BILLING

Council may wish to adopt a Resolution, with an Amended Exhibit "V", setting the deposit fee for new accounts within the Utility Billing Department at \$150.00. (Since this deposit fee is less than the "up to \$300.00" amount previously noticed for a public hearing under Resolution 2016-12, no additional public hearing process is required.) The deposit fee will be effective October 1, 2016 for the 2017 Fiscal Year.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM12.PDF](#)

13. 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.

13(a). An ordinance approving an amendment to the Fiscal Year 2016 Appropriation Ordinance. (Prepared for reading under rules of suspension and the whole ordinance needs to be published.)

13(b). An ordinance amending Pocatello Municipal Code Title 13, Chapter 30, "Utility Billing Services", which includes the retention of the deposit for any new account through the account's activity; revising the access to the premises section; and adding a new section regarding the unauthorized material and injury to equipment, as presented to the Council at the September 8, 2016 Study Session. (Prepared for reading under rules of suspension.)

Documents:

[AGENDA-ITEM13.PDF](#)

14. 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.

