

CITY OF POCA TELLO, IDAHO  
CITY COUNCIL AGENDA  
CLARIFICATION MEETING AND  
REGULAR CITY COUNCIL MEETING  
MARCH 3, 2016

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CLARIFICATION MEETING The City Council Agenda Clarification Meeting was called to order at 5:30 p.m. by Mayor Brian Blad. Council members present were Roger Bray, Steve Brown, Craig Cooper, Jim Johnston, Gary Moore and Michael L. Orr. No motions, resolutions, orders, or ordinances were proposed. No vote was taken.

REGULAR CITY COUNCIL MEETING

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:01 p.m. by Mayor Brian Blad. Council members present were Roger Bray, Steve Brown, Craig Cooper, Jim Johnston, Gary Moore and Michael L. Orr.  
ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Blad led the audience in the pledge of allegiance.

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

Mayor Blad announced Agenda Item No. 11 had been pulled from the agenda.

He announced that Agenda Item No. 9 would be heard immediately after Agenda Item No. 5.

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 Study Session and Budget Restructuring meetings of February 11, 2016; and the Clarification and Regular Council meetings of February 18, 2016.

-PAYROLL AND MATERIAL CLAIMS (b) Payroll and material claims for the month of February 2016 in the amount of \$5,816,130.43.

-BOY SCOUT SERVICE PROJECT -EXCEPTION REQUEST (c) Consider the request from Cameron Shepherd, Troop 312 Committee Chairman, to allow members of Boy Scout Troop 312 to camp overnight on the grounds outside Fort Hall Replica on March 25-26, 2016. The Scouts will conduct a service project to include construction of doors and windows for the cabin/shed located at the Replica. This will require an exception to City Ordinance 12.39.020: Restricted Hours in Parks. This is an annual event.

-RESOLUTION -NAME CHANGE TO ZOO IDAHO (d) Adopt a resolution (2016-03) granting the Parks and Recreation Department and Zoo staff permission to change the name of the Pocatello Zoo to "Zoo Idaho," as presented at the February 11, 2016 Study Session. If adopted, the "Zoo Idaho" name change will take effect during the Zoo's opening day on April 1, 2016.

-AMENDED  
COUNCIL DECISION  
-VISTA VILLAGES  
SUBDIVISION

- (e) On February 4, 2016, the Council approved the Vista Villages Subdivision Replat which consisted of four (4) residential lots on approximately 1.03 acres. However, after the Decision was adopted, City Staff received a request from the owner to replat only 2 of the approved 4 lots. Therefore, Council was asked to adopt an

Amended Council Decision to grant Steve Ernst's request for approval of the final plat for the Vista Villages Subdivision Replat, for the replat of Lot 1 Block 1 into two (2) residential lots to be zoned Residential Medium Density, Single Family with access from Vista Drive, subject to conditions.

A motion was made by Mr. Moore, seconded by Mr. Johnston, to approve the items on the consent agenda. Upon roll call, those voting in favor were Moore, Johnston, Bray, Brown, Cooper and Orr.

AGENDA ITEM NO.  
COMMUNICATIONS  
PROCLAMATIONS

- 4: Mr. Bray, on behalf of Mayor Blad, read a proclamation declaring March 9, 2016 to be Registered Dietitian Nutritionist AND Day in Pocatello and encouraged citizens to recognize the contributions made by Registered Dietitian Nutritionists.

Jenifer Reader, representing Pocatello Dietitians, thanked the Mayor and Council for the proclamation. She gave an overview of the roles and importance of Registered Dietitian Nutritionists. Ms. Reader announced a community wellness fair would be held March 12<sup>th</sup> at Albion Hall on the campus of Idaho State University.

Mayor Blad welcomed a boy scout from Troop No. 369.

AGENDA ITEM NO.  
CALENDAR ITEMS

- 5: Mayor Blad reminded the Council of the March 10<sup>th</sup> Study Session at 9:00 a.m. followed by Budget Presentations; immediately followed by an Executive Session; the March 17<sup>th</sup> Budget Presentations at 9:00 a.m.; and Regular City Council meeting at 6:00 p.m.

Mayor Blad announced Teen Tech Week at Marshall Public Library March 6<sup>th</sup> through the 12<sup>th</sup>; Pocatello Zoo Volunteer Information Meeting at 5:00 p.m. on March 8<sup>th</sup> in the Zoo Education Building; March 10<sup>th</sup> at 6:00 p.m. an Open House for Benton Street Bridget Rehabilitation Project in the Council Chambers at City Hall; March 4<sup>th</sup> at 12:00 noon would be a celebration honoring "Idaho Day" and recognizing five local individuals; and the annual spring cleanup at City cemeteries begins April 4<sup>th</sup> and is expected to continue through the end of April. Crews will remove and discard all flowers and decorations.

Agenda Item No. 9 was considered at this time.

AGENDA ITEM NO.  
APPEAL OF HISTORIC  
PRESERVATION  
COMMISSION'S DECISION  
-226 NORTH  
ARTHUR AVENUE

- 9: Stan Gates, represented by Stephanie Palagi of Old Town Pocatello (mailing address: PO Box 222, Pocatello, ID 83204), is appealing a decision by the Historic Preservation Commission denying a certificate of appropriateness for a mural that has been painted on the north side of the old Fire Station No. One building located at 226 North Arthur Avenue.

A motion was made by Mr. Moore, seconded by Mr. Cooper, to overturn the decision of the Historic Preservation Commission and approve a certificate of appropriateness for a mural that has been painted on the north side of the old Fire Station No. One building located at 226 North Arthur Avenue and that the decision be set out in appropriate council decision format.

Mr. Bray stated that it is important to remember that City staff members and volunteer members of the Historic Preservation Commission do a good job upholding their roles to preserve historic areas of the city. He reminded citizens that there is a proper process for applications and a proper process for an appeal, if appropriate.

Mayor Blad expressed his concern with the comments made on social media, in written comments and through phone calls during the appeal process. He feels the staff and volunteer members have done a good job through the application and appeal process. Mayor Blad stated he appreciates the public's input on the matter, but feels the name calling and lashing out at City staff by citizens has been absolutely inappropriate.

Mr. Moore's motion was voted upon at this time. Upon roll call, those voting in favor were Moore, Cooper, Bray, Brown, Johnston and Orr.

AGENDA ITEM NO. 6: This time was set aside for the Council to receive comments regarding the City's declared intention to convey parcels of property previously acquired for the South Valley Road Project to Barry W. Lewis. If approved, the City would convey 0.94 acres of underutilized land to Mr. Lewis in exchange for the completion of the acquisition of 1.357 acres of land owned by Mr. Lewis and required for the South Valley Connector/Cheyenne overpass Project, the possession of said property was granted by Mr. Lewis to the City of Pocatello for said Project, together and including 0.136 acres of land determined to be an uneconomical remainder of said project.

Following the public hearing, Council may wish to direct the Legal Department to prepare the appropriate documents for the land conveyance if they choose to proceed.

Mayor Blad opened the public hearing.

Mayor Blad announced that there had been no ex parte communication from the Council.

Deirdre Castillo, City Engineer, gave an overview of the proposal and stated the conveyance is the result of property required to complete South Valley Road. She noted no written correspondence had been received.

There was no public testimony.

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

A motion was made by Mr. Bray, seconded by Mr. Johnston, to convey 0.94 acres of underutilized land to Barry W. Lewis in exchange for the completion of the acquisition of 1.357 acres of land owned by Mr. Lewis and required for the South Valley Connector/Cheyenne overpass Project, the possession of said property was granted by Mr. Lewis to the City of Pocatello for said Project, together and including 0.136 acres of land determined to be an uneconomical remainder of said project and direct the Legal Department to prepare the appropriate documents for the land conveyance. Upon roll call, those voting in favor were Bray, Johnston, Brown, Cooper, Moore and Orr.

AGENDA ITEM NO. 7: This time was set aside for the Council to receive comments from the public regarding the City's declared intention to convey parcels of property previously acquired for the South Valley Road Project to James and Jessica Higgins. If approved, the City would convey 0.27 acres of underutilized land to Mr. and Mrs. Higgins in exchange for an easement, rights of ownership of trees, continued watering of trees by Mr. and Mrs. Higgins, and completion of the acquisition of 0.004 acres of land owned by Mr. and Mrs. Higgins who granted possession of said property to the City of Pocatello for the South Valley Connector/Cheyenne Overpass Project.

Following the public hearing, Council may wish to direct the Legal Department to prepare the appropriate documents for the land conveyance if they choose to proceed.

Mayor Blad opened the public hearing.

Mayor Blad announced that there had been no ex parte communication from the Council.

Deirdre Castillo, City Engineer, gave an overview of the proposal and stated the conveyance is the result of property required to complete South Valley Road. She added that half of the trees on the property belong to the City and will remain on the property for up to two years. She noted no written correspondence had been received.

There was no public testimony.

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

A motion was made by Mr. Johnston, seconded by Mr. Cooper, to convey parcels of property previously acquired for the South Valley Road Project to James and Jessica Higgins and that the City would convey 0.27 acres of underutilized land to Mr. and Mrs. Higgins in exchange for an easement, rights of ownership of trees, continued watering of trees by Mr. and Mrs. Higgins, and completion of the acquisition of 0.004 acres of land owned by Mr. and Mrs. Higgins who granted possession of said property to the City of Pocatello for the South Valley Connector/Cheyenne Overpass Project and direct the Legal Department to prepare the appropriate documents for the land conveyance. Upon roll call, those voting in favor were Johnston, Cooper, Bray, Brown, Moore and Orr.

AGENDA ITEM NO. 8: Kelly Marie Swisher and Ken Swisher (mailing address: 812 East Clark Street, Pocatello, ID 83201), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), has submitted a final plat application. The property is located southwest of Mountain Shadow Drive on an extension of Foxmore Street and consists of 4.28 acres to be subdivided into seven residential lots. The subdivision is to be known as Countryside Subdivision 7<sup>th</sup> Addition.

The Planning and Zoning Commission, at their hearing on December 9, 2015 recommended approval of the preliminary plat.

A motion was made by Mr. Moore, seconded by Mr. Brown, to approve a final plat application submitted by Kelly Marie Swisher and Ken Swisher for property located southwest of Mountain Shadow Drive on an extension of Foxmore Street and consisting of 4.28 acres to be subdivided into seven (7) residential lots and that the subdivision is to be known as Countryside Subdivision 7<sup>th</sup> Addition with the

following conditions: 1) all conditions noted by Public Works staff in the memo to Matt Lewis from Merrill Quayle dated February 17, 2016 shall be adhered to; 2) prior to recording of the plat an “R” Restriction and note shall be placed on the Final plat prohibiting grading beyond contour 4765 on Lot 2, Lot 3 and Lot 4, Block 2. Said contour shall also be staked in the field for reference; and 3) all other standards and conditions of Municipal Code not herein stated but applicable to residential development shall apply and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Moore, Brown, Bray, Cooper, Johnston and Orr.

AGENDA ITEM NO. 10: Council was asked to approve and authorize the Mayor to execute the Real Covenant and Annexation Agreement between the City and ANNEXATION Pocatello Creek Development Company, owner, and Satterfield AGREEMENT-POCATELLO CREEK DEVELOPMENT REALTY AND DEVELOPMENT, Inc., developer, which delineates the terms COMPANY AND and conditions for the annexation of approximately 14.44 acres of SATTERFIELD REALTY land extending the City limits east on an extension of Lois Lane, east AND DEVELOPMENT, INC. of Crestview Park 1<sup>st</sup> Addition.

The terms and conditions include, but are not limited to the following: 1) the Developer receiving a “wet water” credit for the number of residential lots in this subdivision pursuant to the Council’s Decision dated February 5, 2015; and 2) the Developer will be required to pay the costs of water delivery infrastructure and waste water disposal infrastructure for this development and other normal costs associated with subdivision development. If the agreement is approved, an ordinance (No. 2964) has been prepared under Agenda Item No. 19 for Council’s consideration to annex the land.

A motion was made by Mr. Brown, seconded by Mr. Orr, to approve and authorize the Mayor to execute the Real Covenant and Annexation Agreement between the City and Pocatello Creek Development Company, owner, and Satterfield Realty and Development, Inc., developer, which delineates the terms and conditions for the annexation of approximately 14.44 acres of land extending the City limits east on an extension of Lois Lane, east of Crestview Park 1<sup>st</sup> Addition with terms and conditions as outlined in Agenda Item No. 10. Upon roll call, those voting in favor were Brown, Orr, Bray, Cooper, Johnston and Moore.

In response to a question from Council, Merrill Quayle, Public Works Development Engineer, stated the “wet water” credit is the result of a lengthy process and Council decision agreement with Pocatello Creek Development Company and Satterfield Realty and Development, Inc. allowing for the development of 135 lots before charging for water rights. He added that 94 lots are still available after this credit and that the allocation is tracked by Public Works during the development agreement process.

AGENDA ITEM NO. 11: As announced earlier, the request to approve the Fiscal Year 2015- COLLECTIVE 2016 Collective Bargaining Agreement for the Pocatello Firefighters BARGAINING Local No. 187 was pulled from the agenda. AGREEMENT -FIRE UNION LOCAL

AGENDA ITEM NO. 12: Council was asked to approve a Memorandum of Understanding (MOU) between the City and Southeastern Idaho Community MEMORANDUM OF UNDERSTANDING FOR Action Agency, Inc. (SEICAA). The MOU will allow SEICAA’s RSVP PROGRAM to establish a volunteer workstation at Marshall Public Library for the purpose of volunteer -LIBRARY placement. There is no cost to the City.

A motion was made by Mr. Moore, seconded by Mr. Brown, to approve a Memorandum of

Understanding (MOU) between the City of Pocatello and Southeastern Idaho Community Action Agency, Inc., (SEICAA) to allow SEICAA's Retired Senior Volunteer Program (RSVP) to establish a volunteer workstation at Marshall Public Library for the purpose of volunteer placement and that there will be no cost to the City. Upon roll call, those voting in favor were Moore, Brown, Bray, Cooper, Johnston and Orr.

AGENDA ITEM NO. 13: Council was asked to approve the submission of a grant application to Idaho Community Foundation in the amount of \$5,000.00, and if awarded, authorize the Mayor's signature, subject to Legal Department review, on documents related to the grant. The grant will be used to develop an updated strategic Master Plan for the Zoo. Matching funds in the amount of \$2,500.00 are available in the Zoo's Fiscal Year 2016 budget.

A motion was made by Mr. Brown, seconded by Mr. Cooper, to approve the submission of a grant application to Idaho Community Foundation in the amount of \$5,000.00, and if awarded, authorize the Mayor's signature, subject to Legal Department review, on documents related to the grant.

In response to a question from Council, John Banks, Parks and Recreation Director, stated the current Master Plan for the Zoo was developed in 1998 and is in need of updating. He added that some of the improvements have been completed and the proposed grant allocation would allow the Master Plan to be updated and include significant developments.

Mr. Brown's motion was voted upon at this time. Upon roll call, those voting in favor were Brown, Cooper, Bray, Johnston, Moore and Orr.

AGENDA ITEM NO. 14: Council was asked to accept the recommendation of staff to award the bid received for a vibratory soil compactor on February 16, 2016 to Western States Equipment, and if awarded, authorize the Mayor's signature on the lease agreement, subject to Legal Department review. Western States submitted the low responsive bid for the equipment with an annual payment of \$11,947.68 for a 5-year term. The lease offers an annual interest rate of 2.5% for a total 5-year cost to the City in the amount of \$59,738.40.

Funds for this equipment are available within the Water Department's Fiscal Year 2016 budget.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to accept the recommendation of staff to award the bid received for a vibratory soil compactor on February 16, 2016 to Western States Equipment, and if awarded, authorize the Mayor's signature on the lease agreement, subject to Legal Department review and that the equipment cost will be an annual payment of \$11,947.68 for a 5-year term with an annual interest rate of 2.5% for a total 5-year cost to the City in the amount of \$59,738.40. Upon roll call, those voting in favor were Bray, Johnston, Brown, Cooper, Moore and Orr.

AGENDA ITEM NO. 15: Council was asked to approve an application/agreement with MWI Animal Health allowing the City to purchase controlled substances for veterinary purposes at the Animal Shelter and if approved, authorize Richard Stewart, Animal Services Director, to sign necessary documents, subject to Legal Department review.

Although the Animal Shelter utilizes a number of veterinary clinics in the City for prescribed medications and animal care, buying controlled substances are less expensive when purchased directly from a distributor.

Funds are available in the Animal Services' Fiscal Year 2016 budget.

A motion was made by Mr. Orr, seconded by Mr. Moore, to approve an application/agreement with MWI Animal Health allowing the City to purchase controlled substances for veterinary purposes at the Animal Shelter and authorize Richard Stewart, Animal Services Director, to sign necessary documents, subject to Legal Department review. Upon roll call, those voting in favor were Orr, Moore, Bray, Brown, Cooper and Johnston.

AGENDA ITEM NO. 16: Council was asked to approve a Home Again Shelter Agreement to provide animal microchips, and if approved, authorize the Mayor's signature, subject to Legal Department review. The agreement provides for a minimum purchase of 800 microchips per year at the cost of \$9.99 each. The Animal Shelter implanted more than 1,400 microchips in animals adopted or brought by their owners to the shelter in 2015.

Funds are available in the Animal Services' Fiscal Year 2016 budget.

A motion was made by Mr. Johnston, seconded by Mr. Orr, to approve a Home Again Shelter Agreement to provide animal microchips, and authorize the Mayor's signature, subject to Legal Department review, providing for a minimum purchase of 800 microchips per year at the cost of \$9.99 each. Upon roll call, those voting in favor were Johnston, Orr, Bray, Brown, Cooper and Moore.

AGENDA ITEM NO. 17: The Council was asked to approve a License Agreement with Shelter Management Pty Ltd. for a software system which will replace the existing software at the Animal Shelter, and if approved, authorize the Mayor's signature, subject to Legal Department review. "Shelterbuddy" software is provided free of charge when used in conjunction with the HOME AGAIN microchip program. The package includes basic software and department modules. Additional modules may be purchased if the necessity arises.

Funds to purchase additional modules (if necessary) are available in the Animal Services' Fiscal Year 2016 budget.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to approve a License Agreement with Shelter Management Pty Ltd. For a software system which will replace the existing software at the Animal Shelter and authorize the Mayor's signature, subject to Legal Department review and that "Shelterbuddy" software will be provided free of charge when used in conjunction with the HOME AGAIN microchip program, including basic software and department modules.

In response to a question from Council, Mayor Blad clarified that additional modules, if necessary, would require Council approval before being purchased.

Mr. Bray's motion was voted upon at this time. Upon roll call, those voting in favor were Bray, Johnston, Brown, Cooper, Moore and Orr.

AGENDA ITEM NO. 18: Council was asked to approve a cleaning contract with Vanguard

VANGUARD CLEANING  
SYSTEMS CONTRACT  
-ROSS PARK  
AQUATIC COMPLEX

Cleaning Systems in the amount of \$10,995.00 to clean the Ross Park Aquatic Complex (RPAC) for the 2016 Summer Season. This three-month fee covers both cleaning services and cleaning supplies. The Community Recreation Center will continue to provide all toiletries, liners and paper supplies.

Funds are available in the RPAC's Fiscal Year 2016 budget.

A motion was made by Mr. Moore, seconded by Mr. Brown, to approve a cleaning contract with Vanguard Cleaning Systems in the amount of \$10,995.00 to clean the Ross Park Aquatic Complex (RPAC) for the 2016 Summer Season and that the three-month fee will cover both cleaning services and cleaning supplies and that the Community Recreation Center will continue to provide all toiletries, liners and paper supplies. Upon roll call, those voting in favor were Moore, Brown, Bray, Cooper, Johnston and Orr.

AGENDA ITEM NO. 19:  
ORDINANCE  
-ANNEXATION OF  
ACRES EAST OF  
LOIS LANE

Council was asked to consider an ordinance which annexes a parcel of land comprised of approximately 14.44 acres owned by Pocatello Creek Development, Inc., extending the City limits east on an 14.44 extension of Lois Lane, east of Crestview Park 1<sup>st</sup> Addition. It will be zoned Residential-Low Density (RL) with a Comprehensive Plan designation of "Residential".

A motion was made by Mr. Bray, seconded by Mr. Johnston, that the ordinance, Agenda Item 19, 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, Johnston, Brown, Cooper, Moore and Orr.

Dean Tranmer, City Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance annexing a parcel of land comprised of approximately 14.44 acres owned by Pocatello Creek Development, Inc., extending the City limits east on an extension of Lois Lane, east of Crestview Park 1<sup>st</sup> Addition. It will be zoned Residential-Low Density (RL) with a Comprehensive Plan designation of "Residential". Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Bray, Brown, Cooper, Johnston, Moore and Orr. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 2964 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 20:  
DISCUSSION ITEMS

Idaho Lorax, Pocatello resident, commended the Council for supporting art in the downtown area. He shared his support for community cleanup efforts throughout the area.

Kevin Perry, 1478 Ridge Street, stated he would like some help on a situation. Mr. Perry left papers on the podium and exited the Council Chambers.

The Legal Department was advised of Mr. Perry's request.

Kelly Benningfield, 624 West Cedar, shared his concerns regarding irrigation, septic systems and power rate increases for residents.

There being no further business, Mayor Blad adjourned the meeting at 7:00 p.m.

APPROVED BY:

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BRIAN C. BLAD, MAYOR

ATTEST:

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RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

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KONNI R. KENDELL, DEPUTY CLERK