

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
APRIL 7, 2016

CLARIFICATION
MEETING

The City Council Agenda Clarification Meeting was called to order at 5:31 p.m. by Mayor Brian Blad. Council members present were Roger Bray, Steve Brown, Craig Cooper, Gary Moore and Michael L.

Orr. Jim Johnston arrived at 5:32 p.m. 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 6:04 p.m. ROLL CALL AND by Mayor Brian Blad. Council members present were Roger Bray, PLEDGE OF Steve Brown, Craig Cooper, Jim Johnston, Gary Moore and ALLEGIANCE Michael L. Orr.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Major Ben LeBarge (Ret.), INVOCATION representing the Salvation Army.

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 following meetings held March 10, 2016 – Study Session, Budget Development meeting and Executive Session; and the following meetings held on March 17, 2016 – Budget Development meeting, Executive Session, and Clarification and Regular Council meetings.

-PAYROLL AND (b) Payroll and material claims for the month of March 2016 in the MATERIAL CLAIMS amount of \$8,305,141.78.

-ANIMAL SHELTER (c) Confirm the Mayor’s reappointment of Su Puckett to continue her ADVISORY BOARD service as a member of the Animal Shelter Advisory Board. Ms. REAPPOINTMENT Puckett’s term will begin April 20, 2016 and will expire April 20, 2018.

-HUMAN RELATIONS (d) Confirm the Mayor’s reappointment of Virginia Kelly to continue ADVISORY COMMITTEE her service as a member of the Human Relations Advisory REAPPOINTMENT Committee. Ms. Kelly’s term will begin April 20, 2016 and will expire April 20, 2020.

-PLANNING AND (e) Confirm the Mayor’s reappointment of Ryan Satterfield to continue ZONING his service as a member of the Planning and Zoning Commission. COMMISSION REAPPOINTMENT Mr. Satterfield’s term will begin April 20, 2016 and will expire April 20, 2020.

-ROCKY MOUNTAIN SCHOOL OF BASEBALL –USE AGREEMENT (f) Consider a Use Agreement with Dennis Udy, dba Rocky Mountain School of Baseball (RMSB) for use of City fields for a youth baseball tournament on May 13 and 14, 2016. RMSB will be required to pay applicable rental fees and provide the required liability insurance, naming the City as an additional insured. They will also be responsible for field maintenance, cleaning the facilities, any damage resulting from their use, and any additional costs incurred by the City as a result of the tournament. This is an annual event.

-SERVICE CONNECTION REQUEST (g) Allow Michael and Kim Drake to connect a house located at 7200 West Portneuf Road to City water. The Utility Connection Annexation Covenant has been completed and if the connection is approved Mr. and Mrs. Drake will be required to pay outside City rates until the property is annexed.

COUNCIL DECISION –OVERTURNING HPC DECISION REGARDING MURAL PAINTED AT 226 NORTH ARTHUR AVENUE (h) Adopt the Council’s decision to overturn the Historic Preservation Commission’s (HPC) decision to deny the issuance of a Certificate of Appropriateness which would provide a mural to remain painted on the north wall of 210 North Arthur Avenue (Purported to be 226 North Arthur Avenue), a/k/a Fire Station One.

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

AGENDA ITEM NO. 4: Mr. Cooper, on behalf of Mayor Blad, proclaimed April 16, 2016 COMMUNICATIONS to be Portneuf Valley Community Environmental Fair Day and AND PROCLAMATIONS encouraged residents to participate in Earth Day celebrations.

Hannah Sanger, Science and Environment Division Manager, thanked the Mayor and Council for the proclamation and announced upcoming events related to the Environmental Fair on April 16th.

Mr. Orr, on behalf of Mayor Blad, proclaimed April 2016 to be Fair Housing Month in Pocatello and urged citizens and businesses to increase their awareness of the Federal Fair Housing Act.

Stephanie Heaton, Community Development Block Grant Committee Chair, accepted the proclamation from Mayor Blad and thanked the Council for their support.

Mr. Brown, on behalf of Mayor Blad, proclaimed April 2016 to be National Donate Life Month in Pocatello and encouraged all citizens of Pocatello to register on the Idaho Donor Registry.

Dixie Madsen, Yes Idaho Coalition representative, thanked the Mayor and Council for the proclamation and shared her feelings on the importance of being an organ donor. She presented a small sculpture to Mayor Blad recognizing the City of Pocatello’s participation in Donate Life Month.

Mr. Moore, on behalf of Mayor Blad, proclaimed April 2016 to be Civitan Awareness Month in Pocatello and encouraged the residents of Pocatello to support the efforts of the Civitan organization in our community.

Stephana Prokschl and other representatives of local Civitan groups, thanked the Mayor and Council for the Proclamation and announced upcoming Civitan-sponsored events.

- AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the April 14th Study Session at
CALENDAR REVIEW 9:00 a.m. immediately followed by a Budget Development meeting;
and the April 21st Regular City Council meeting at 6:00 p.m.

Mayor Blad announced the Environmental Fair would be held April 16th at Caldwell Park from 11:00 a.m. to 3:00 p.m. Citizens using any PRT fixed route or special service during Environmental Fair hours may ride for free to and from Caldwell Park; in conjunction with the Environmental Fair, a Medication Take-back Day will be held by law enforcement agencies to take back and safely dispose of unwanted medications to keep them out of our water supply; Zoo Idaho is now open on weekends only. Zoo entrance construction continues and a temporary entrance to the Zoo is through the Education Building at 3101 Avenue of the Chiefs. The Zoo will open seven days a week beginning May 1st; and the annual spring cleanup at City cemeteries continues through the end of April. Crews will be removing and discarding all flowers and decorations.

Mayor Blad announced the Ramp Riot BMX and motocross event would be held at Holt Arena on April 15th and 16th.

In response to questions from Council, John Banks, Parks and Recreation Director, stated the lower entrance pathway at Zoo Idaho is scheduled to be complete by May 1st, with landscaping to be completed during the summer.

- AGENDA ITEM NO. 6: Vernon Miller was present to appeal the decision of Police
TAXI LICENSE Department staff which denied Mr. Miller a Taxi License.
DENIAL APPEAL
-MILLER

Jené Cardenas, Licensing Officer, stated Mr. Miller's application was denied based upon a felony conviction Mr. Miller was convicted of as a juvenile. She stated he has been convicted of other charges, none of which are violations of City Code which would merit denial of a taxi cab license.

A motion was made by Mr. Moore, seconded by Mr. Bray, to overturn the decision of the Police Department and issue a Taxi License to Vernon Miller.

In response to questions from Council, Mr. Miller stated the conviction was nearly 20 years ago, when he was only 15 years old. He currently drives a taxi for Sam's Taxi in Chubbuck. Mr. Miller stated he has four children and is seeking to expand his employment so he may better provide for his children.

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

- AGENDA ITEM NO. 7: Council was asked to approve the following research analyst
VOLUNTEER INTERN volunteer agreements for the Planning and Development Services
AGREEMENTS Department. Each agreement will extend from May 1, 2016 through
-PLANNING AND December 31, 201:
DEVELOPMENT
SERVICES

- ANDREW DUNN a) Help create an article on Pocatello's significance to Idaho's early
history and assist in other projects as assigned;

CASA will provide necessary liability insurance naming the City as an additional insured, pay all applicable fees, and provide proof of Health Department approval for the event.

A motion was made by Mr. Moore, seconded by Mr. Brown, to approve an exception to City Code 5.06.020 to allow for concessions in conjunction with the Sixth Judicial District Court Appointed Special Advocates (CASA) Program's Family Luau fundraising event on Saturday, May 14, 2016 at Upper Ross Park from 12:00 noon to 10:00 p.m. and that CASA will provide necessary liability insurance naming the City as an additional insured, pay all applicable fees, and provide proof of Health Department approval for the event. Upon roll call, those voting in favor were Moore, Brown, Bray, Cooper, Johnston and Orr.

AGENDA ITEM NO. 10: Council was asked to consider granting a beer/wine permit to Jessica Harris (mailing address: 496A Clinton Street, Pocatello, ID 83204) for a graduation party at Centennial Park on May 7, 2016 from 12:00 noon to 5:00 p.m. Ms. Harris has submitted an application to the City to allow the consumption of beer and wine at the event.

EXCEPTION REQUEST FOR BEER/WINE PERMIT-HARRIS

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

In response to a question from Council, John Banks, Parks and Recreation Director, stated the current park use policy does not require additional insurance for private parties in City parks.

A motion was made by Mr. Moore, seconded by Mr. Orr, to grant an exception to City Code 12.36.060 and approve a beer/wine permit to Jessica Harris for a graduation party at Centennial Park on May 7, 2016 from 12:00 noon to 5:00 p.m. Upon roll call, those voting in favor were Moore, Orr, Bray, Brown, Cooper and Johnston.

AGENDA ITEM NO. 11: Council was asked to consider granting a beer/wine permit to Ruth Draaye (mailing address: 175 Plateau Drive, Pocatello, ID 83204) for a wedding/birthday party at Centennial Park on July 30, 2016 from 12:00 noon to 5:00 p.m. Ms. Draaye has submitted an application to the City to allow the consumption of beer and wine at the event.

EXCEPTION REQUEST FOR BEER/WINE PERMIT-DRAAYE

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

A motion was made by Mr. Moore, seconded by Mr. Brown, to grant an exception to City Code 12.36.060 and approve a beer/wine permit to Ruth Draaye for a wedding/birthday party at Centennial Park on July 30, 2016 from 12:00 noon to 5:00 p.m. Upon roll call, those voting in favor were Moore, Brown, Bray, Cooper, Johnston and Orr.

AGENDA ITEM NO. 12: Council was asked to consider a Use Agreement with Randy Johnson of Imagine Music Entertainment, granting Mr. Johnson permission to:

ROSS PARK AND ZOO IDAHO SUMMER CONCERT SERIES -USE AGREEMENT

ORGANIZE "ZOO IDAHO SUMMER CONCERT SERIES AND OPEN AIR ART FAIR

a) Organize, promote and provide the "Zoo Idaho Summer Concert Series and Open Air Art Fair" for the City of Pocatello during the summer of 2016, to include a waiver of facility use fees for the Ross Park Bandshell and adjacent Lower Ross Park area in return for provision of the events;

- ALLOW VENDORS b) Allow arts and crafts and artisan vendors to display and offer their goods for sale, as well as for local restaurants to provide food purchase opportunities, in conjunction with the Concert events;
- ALLOW BANNERS c) Recognize local businesses who provide event sponsorships via placement of banners at events, and verbal recognition and thanks prior to events;
- SELL PRODUCTS d) Sell performing musician CD's to the audience on the event dates that they perform; and
- CONTINUE CONCERT SERIES e) Continue offering the concert series, along with artisan vendors and concessions in future years, barring any significant change or changes to events.

In conjunction with the Concert Series and Open Air Art Fair, Council may also wish to consider granting staff permission to:

- “TWILIGHT” DISCOUNTED RATES 1) Institute a discounted “twilight” zoo entry rate of \$4.00 for adults and \$2.00 for children and seniors, good from 4:00 p.m. to close on the concert days;
- EXTEND ZOO HOURS 2) On an “as needed” basis, extend Zoo hours on concert days to 7:00 p.m. to accommodate additional zoo visitors; and
- CONTINUE DISCOUNTED RATES AND EXTENDED ZOO HOURS 3) Continue offering discounted “twilight” Zoo entry rates and “as needed” extended Zoo hours on concert days in future years, barring any change to rates or hours.

A motion was made by Mr. Cooper, seconded by Mr. Johnston, to approve a Use Agreement with Randy Johnson of Imagine Music Entertainment as outlined in Agenda Item No. 12(a) through 12(e) and approve staff requests as outlined in Agenda Item No. 12(1) through 12(3). Upon roll call, those voting in favor were Cooper, Johnston, Bray, Brown, Moore and Orr.

- AGENDA ITEM NO. 13: Council was asked to accept the recommendations of Parks staff and declare a 1995 Chevrolet pickup that is inoperable as surplus property and allow disposal of the vehicle through a local salvage yard. The vehicle's engine needs replaced and further repairs to the vehicle are not cost effective.

A motion was made by Mr. Orr, seconded by Mr. Cooper, to accept the recommendations of Parks staff and declare a 1995 Chevrolet pickup that is inoperable as surplus property and allow disposal of the vehicle through a local salvage yard. Upon roll call, those voting in favor were Orr, Cooper, Bray, Brown, Johnston and Moore.

- AGENDA ITEM NO. 14: Council was asked to consider the following piggy-back bids and if they are accepted, authorize the Mayor to sign the necessary documents, subject to Legal Department review. The piggy-back bids are:

- IDAHO ASPHALT SUPPLY, INC. a) Sealing oil for the 2016 paving program. 290 tons CRS-2 or CRS-2P sealing oil at \$395.00 per ton (\$405.00 FOB job site); 100 tons CSS-1H-DIL 50/50 \$310.00 per ton (\$320.00 FOB job site); and 290 tons CQS-1HP \$510.00 per ton (\$520.00 FOB job site). Total price is approximately \$293,450.00;
- IDAHO TRAFFIC SAFETY, INC. b) Road striping services for a total estimated cost of \$24,788.40; and
- VALLEY SLURRY SEAL c) In Place Slurry Surface Product for a total price of \$204,000.00.

These vendors have agreed to honor piggy-back prices as outlined in their bid documents. Funds are available in the Street Department's Fiscal Year 2016 budget.

A motion was made by Mr. Johnston, seconded by Mr. Bray, to approve the piggy-back bids for the Street Department as outlined in Agenda Item No. 14(a) through 14(c) and authorize the Mayor to sign the necessary documents, subject to Legal Department review. Upon roll call, those voting in favor were Johnston, Bray, Brown, Cooper, Moore and Orr.

- AGENDA ITEM NO. 15: Council was asked to accept the recommendations of Street Operations staff and approve the purchase of GSB-88 1:1 + Latex Emulsion from Asphalt Systems, Inc. to be a valid sole source expenditure for the City's 2016 Summer Paving Program and authorize the Mayor to sign documents related to the purchase. The product is a trademarked material that no other company makes and therefore, it is impractical/impossible to obtain three bids. The amount requested is 132 tons for a total purchase price of \$78,356.80 (F.O.B. Salt Lake City, Utah).
- SOLE SOURCE
DECLARATION OF
LATEX EMULSION
PURCHASE-STREET
OPERATIONS

A motion was made by Mr. Johnston, seconded by Mr. Brown, to accept the recommendations of Street Operations staff and approve the purchase of GSB-88 1:1 + Latex Emulsion from Asphalt Systems, Inc. to be a valid sole source expenditure for the City's 2016 Summer Paving Program and authorize the Mayor to sign documents related to the purchase of 132 tons of the trademarked material for a total purchase price of \$78,356.80 (F.O.B. Salt Lake City, Utah). Upon roll call, those voting in favor were Johnston, Brown, Bray, Cooper, Moore and Orr.

- AGENDA ITEM NO. 16: Council was asked to approve the adoption of the Fiscal Year 2015-2016 Collective Bargaining Agreement (CBA) for the Pocatello Firefighters Local No. 187, subject to Legal Department review. This CBA is the new contract following the completion of Fact Finding.
- COLLECTIVE
BARGAINING
AGREEMENT-FIRE
UNION LOCAL NO. 187

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve the adoption of the Fiscal Year 2015-2016 Collective Bargaining Agreement for the Pocatello Firefighters Local No. 187, subject to Legal Department review.

Mr. Orr expressed his concern regarding portions of the Agreement. He asked the Pocatello Firefighters Local No. 187 to remember that although some aspects of the fact finding may be allowed, it may not be in the best interest of the Fire Department.

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

AGENDA ITEM NO. 17: Council was asked to authorize the Mayor to execute an Engagement Agreement with the law firm of Anderson, Julian and Hull, LLP for their service as a professional union negotiator on behalf of the City Management Team for the negotiation of terms regarding the Fire and Police Collective Bargaining Agreements.

ENGAGEMENT AGREEMENT
-ANDERSON, JULIAN AND HULL, LLP FOR UNION NEGOTIATION SERVICES

A motion was made by Mr. Cooper, seconded by Mr. Orr, to authorize the Mayor to execute an Engagement Agreement with the law firm of Anderson, Julian and Hull, LLP for their service as a professional union negotiator on behalf of the City Management Team for the negotiation of terms regarding the Fire and Police Collective Bargaining Agreements.

Mr. Johnston asked if the relationship with union members would be harmed by hiring outside counsel.

Mayor Blad stated that the Legal Department no longer has enough staff members to adequately dedicate time to Fire and Police Collective Bargaining Agreement negotiations. He stated it was more fiscally responsible to pay an outside firm for the specialized work. Mayor Blad added that when negotiations are being held with legal representation from the Legal Department, staff members are negotiating with fellow staff members, which can result in challenging situations.

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

AGENDA ITEM NO. 18: Council was asked to accept staff's recommendation that the City of Pocatello Fire Department renew its Intergovernmental Agreement with Bannock County for the provision of EMS services within Bannock County and authorize the Mayor to sign said agreement, subject to Legal Department review. This is a "no cost" agreement that outlines the level of service and terms of the agreement.

INTERGOVERNMENTAL AGREEMENT
-BANNOCK COUNTY AMBULANCE SERVICE

Mr. Moore stated if members of the Council had questions regarding the Intergovernmental Agreement, he would be available to answer any questions, as he is very familiar with the services and agreement. A motion was made by Mr. Johnston, seconded by Mr. Moore, to accept staff's recommendation that the City of Pocatello Fire Department renew its Intergovernmental Agreement with Bannock County for the provision of EMS services within Bannock County and authorize the Mayor to sign said agreement, subject to Legal Department review. Upon roll call, those voting in favor were Johnston, Moore, Bray, Brown, Cooper and Orr.

AGENDA ITEM NO. 19: Council was asked to consider an ordinance amending portions of Chapter 15.20 "Sign Code" to amend a portion of the chapter which pertains to off-premises signs and the removal of two (2) definitions associated therewith ("government facility" and "government agency"), as presented to Council at a public Hearing held on March 17, 2016.

ORDINANCE
-AMENDING SIGN CODE

A motion was made by Mr. Cooper, seconded by Mr. Orr, that the ordinance, Agenda Item No. 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 Cooper, Orr, Bray, Brown, Johnston and Moore.

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

Mayor Blad declared the final reading of the ordinance amending portions of Chapter 15.20 "Sign Code" to amend a portion of the chapter which pertains to off-premises signs and the removal of two (2) definitions associated therewith ("government facility" and "government agency"), as presented to Council at a public hearing held on March 17, 2016. 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 2967 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 20 Idaho Lorax, Pocatello resident, shared information regarding an
DISCUSSION ITEMS upcoming program which would allow participants to obtain low-cost Geiger counters for personal use.

Niki Taysom, 4963 Yellowstone Avenue, Chubbuck, read several quotes from the Constitution and shared her support of the Constitution.

Steve Mallory, 158 South 10th Avenue, stated he appreciates the quality of life in Pocatello and complimented the City on the work that is done. He recognized the difficult challenges faced by law enforcement and other departments. Mr. Mallory stated he is happy to be a Pocatello resident.

Gerald and Kate Johnson, representing the Idaho State University (ISU) Student Activities Board, announced an event to be held at ISU on April 8th at 8:00 p.m. for students and community members. They gave an overview of the activities planned for the event and encouraged residents to attend and show their "school spirit" for the university. Mr. Johnson distributed fliers advertising the event to Council members.

Mr. Orr gave a personal donation to the Student Activities Board at this time.

Kelly Benningfield, 624 West Cedar Street, expressed his appreciation to City staff members who have helped clarify some of his questions. She shared his concern for federal taxes, tax breaks and land conveyance issues. Mr. Benningfield presented a document to Ruth Whitworth, City Clerk and Dean Tranmer, City Attorney.

There being no further business, Mayor Blad adjourned the meeting at 7:17 p.m.

APPROVED:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

KONNI R. KENDELL, DEPUTY CLERK