

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
SEPTEMBER 1, 2016

CLARIFICATION
MEETING

The City Council Agenda Clarification Meeting was called to order at 5:34 p.m. by Mayor Brian Blad. Council members present were Heidi Adamson, Roger Bray, Steve Brown, Jim Johnston and Michael L. Orr. Council member Gary Moore was excused. 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 6:02 p.m. ROLL CALL AND PLEDGE OF ALLEGIANCE by Mayor Brian Blad. Council members present were Heidi Adamson, Roger Bray, Steve Brown, Jim Johnston and Michael L. Orr. Council member Gary Moore was excused.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Pastor Jonathan Dinger, Grace INVOCATION Lutheran Church.

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 Clarification and Regular Council meetings of August 4, 2016 and September 1, 2016; the Study Session of August 11, 2016 and the Council's Active Shooter Training of August 18, 2016.

-PAYROLL AND MATERIAL CLAIMS (b) Council was asked to consider payroll and material claims for the month of August, 2016 in the amount of \$10,542,743.92.

-ADA GRIEVANCE COMMITTEE REAPPOINTMENTS (c) Council was asked to confirm the Mayor's reappointments of Dr. K.C. McGee, Jerry Myers and Dean Nielson to continue their service as members of the ADA Grievance Committee. All terms will begin September 7, 2016 and will expire September 7, 2018.

-FORT HALL REPLICA COMMISSION APPOINTMENT (d) Council was asked to confirm the Mayor's appointment of Arlen Walker to serve as a member of the Fort Hall Replica Commission, filling a vacancy. Mr. Walker's term will begin September 2, 2016 and will expire December 18, 2019.

-MILLIMAN, INC. CONTRACT-FINANCE (e) Council was asked to approve, and authorize the Mayor to sign, a contract with Milliman, Inc. for actuarial services. The contract will be in effect for the Fiscal Years ending September 30, 2016 through September 30, 2019. The initial contract amount is \$6,750.00 and funds are available in the Finance Department's Fiscal Year 2017 budget.

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, Adamson, Brown and Orr.

AGENDA ITEM NO. 4: Mayor Blad welcomed boy scouts from Troop No. 369 and Troop
COMMUNICATIONS No. 342.
AND PROCLAMATIONS

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the September 8th Study
CALENDAR REVIEW Session at 9:00 a.m.; and the September 15th Regular Council
meeting at 6:00 p.m.

Mayor Blad announced City offices will be closed September 5th for Labor Day. However, garbage and recycle pickups will continue on schedule; the Community Recreation Center is closed for annual maintenance work. It is scheduled to re-open on September 6th. The patron facilities will be closed but the business offices will remain open from 8:00 am. to 5:00 p.m.; and the Simplot Fun Run will take place September 10th, contact Community Recreation Center for more information.

Mayor Blad also reminded citizens that the Ross Park Aquatic Complex's last day of the season will be September 5th; Zoo Idaho is open on weekends only September 3rd through October 30th; school has started, and drivers must slow down in school zones. He reminded citizens that new signage for school zones is in effect and to watch for flashing signals and/or wording changes on signs.

AGENDA ITEM NO. 6: This time was set aside for the appeal by Nikki Taysom to the
NOTICE OF TRESPASS Mayor's Notice of Trespass dated August 24, 2016. The Council
AND RIGHT TO APPEAL may wish to overturn or uphold the Mayor's Notice of Trespass.
-TAYSOM

Nikki Taysom, 4963 Yellowstone Avenue, Chubbuck, stated she was served a Notice of Trespass on August 24, 2016. She asked for clarification regarding the Notice and the properties from which she has been trespassed. Ms. Taysom quoted passages from the U.S. Constitution and stated she feels the Notice is a violation of her constitutional rights. She stated she is opposed to government projects and services.

Dean Tranmer, City Attorney, clarified that Ms. Taysom has been trespassed from all City buildings and City-owned properties, including City parks. He added that the trespass does not include public streets and sidewalks, which are considered public right-of-way.

A motion was made by Mr. Brown, seconded by Mr. Johnston, to uphold the Mayor's Notice of Trespass letter dated August 24, 2016 which was served upon Nikki Taysom trespassing her from all City of Pocatello property including all open and public meetings, for one year's time until August 24, 2017.

Mr. Brown stated that his motion to uphold Ms. Taysom's trespass was not taken lightly. He explained that there is a difference between exercising an individual's right of freedom of speech and tolerating Ms. Taysom's disorderly conduct during Council meetings. Mr. Brown added that although City Council meetings are open to the public, the agenda items are not always open for discussion from the public. He stressed that it is important to follow protocol in order to complete the business of the Council. Mr. Brown stated that he feels the Council members have given Ms. Taysom numerous opportunities to follow the rules of the meeting before determining that a trespass order was necessary.

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

Pocatello Police officers escorted Ms. Taysom from the Council Chambers and served her with a letter trespassing her from City property until August 24, 2017.

AGENDA ITEM NO. 7: Council was asked to consider granting a beer/wine permit to CALDWELL PARK BEER/WINE PERMIT APPLICATION-NEIERS Melissa Neiers (mailing address: 921 South 8th Avenue, Stop 8072, Pocatello, ID 83209) for a Welcome Back Idaho State University Picnic at Caldwell Park on September 16, 2016 from 6:00 p.m. to 10:00 p.m. Ms. Neiers 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 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. Brown, seconded by Mr. Orr, to grant a beer/wine permit to Melissa Neiers for a Welcome Back Idaho State University Picnic at Caldwell Park on September 16, 2016 from 6:00 p.m. to 10:00 p.m. and allow the consumption of beer and wine at the event. Upon roll call, those voting in favor were Brown, Orr, Adamson, Bray and Johnston.

AGENDA ITEM NO. 8: Council was asked to consider the recommendations of staff for the following requests regarding the Community Recreation Center (CRC) lighting upgrade and NOP Park materials storage area projects.

ACCEPT BID a) Accept the bid received from Intermountain Electric to perform an -INTERMOUNTAIN ELECTRIC all-inclusive lighting upgrade at the CRC facility. The total cost of the lighting upgrade will be \$18,752.46 (\$28,315.10 bid less a \$9,562.64 Idaho Power rebate);

AUTHORIZE b) Authorize the Mayor's execution on documents between the City of MAYOR'S SIGNATURE Pocatello and Intermountain Electric in the amount of \$28,315.10 for the CRC project;

AUTHORIZE c) Authorize Parks staff to proceed with construction of a Field CONSTRUCTION Maintenance Material Storage Area at NOP Park Softball/Baseball Fields. Cost estimate \$4,000.00; and

AUTHORIZE d) Authorize the use of emergency account funding for the above two EMERGENCY FUNDING (2) projects.

Sufficient funds are available in the City's emergency accounts for both projects.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to approve Agenda Item Nos. 8(a) through 8(d) as outlined, subject to Legal Department review. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Brown and Orr.

AGENDA ITEM NO. 9: The Pocatello Kennel Club, represented by Jill Humphries (mailing address: 742 Poole Avenue, Pocatello, ID 83201) is asking for EXCEPTION REQUEST permission to allow a Club member to stay in an RV parked at OK -POCATELLO Ward Park parking lot for the following dates: September 29 KENNEL CLUB through October 2, 2016 to serve as security during the Club's annual 3-day agility trial to be held September 30 through October 2, 2016.

In response to questions from Council, Jill Humphries stated participants represent Idaho and several surrounding states. She added that approximately 330 dogs would be participating in the trials each day during the annual event, now in its 12th year.

A motion was made by Mr. Johnston, seconded by Mr. Brown, to grant permission to The Pocatello Kennel Club to allow a Club member to stay in an RV parked at OK Ward Park parking lot September 29, 2016 through October 2, 2016 to serve as security during the Club's annual 3-day agility trial to be held September 30 through October 2, 2016. Upon roll call, those voting in favor were Johnston, Brown, Adamson, Bray and Orr.

AGENDA ITEM NO. 10: Council was asked to approve a Memorandum of Understanding MOU-UNITED (MOU) outlining the bounds of cooperation between the United STATES MARSHAL Service and Pocatello Police Department for the SERVICE investigation and arrest of fugitives from justice in Southeast Idaho. The MOU is a joint effort to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

A motion was made by Mr. Orr, seconded by Mr. Bray, to approve a Memorandum of Understanding (MOU) outlining the bounds of cooperation between the United States Marshal Service and Pocatello Police Department for the investigation and arrest of fugitives from justice in Southeast Idaho.

Mayor Blad expressed his support for the various interagency agreements which allow law enforcement agencies to work together.

In response to questions from Council, Captain Roger Schei, Police Department, stated that agreements such as the proposed MOU with the Marshal Service, are necessary for law enforcement agencies to work together to keep our community safe. He stated that expenses pertaining to the investigation and apprehension of criminals are funded by individual agencies, federal aid and through the sale of seized assets.

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

AGENDA ITEM NO. 11: Council was asked to accept the recommendation of staff and FIREFIGHTING declare the purchase of firefighting MSA products from Weidner EQUIPMENT SOLE Fire to be a valid sole source expenditure. The purchase is for Self- SOURCE EXPENDITURE Contained Breathing Apparatus (SCBA) products in the amount of AND DECLARATION \$80,164.20 for the Fire Department. Council may also wish to -FIRE DEPARTMENT authorize the Mayor to sign any contractual documents related to the purchase, subject to Legal Department review.

This is one of two proposed purchases for SCBA products from Weidner Fire. Funding for phase one

is available in the Fire Department's Fiscal Year 2016 Budget.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to accept the recommendation of staff and declare the purchase of firefighting MSA products from Weidner Fire to be a valid sole source expenditure and authorize the purchase for Self-Contained Breathing Apparatus (SCBA) products in the amount of \$80,164.20 for the Fire Department and authorize the Mayor to sign any contractual documents related to the purchase, subject to Legal Department review. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Brown and Orr.

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

AMENDMENTS TO ALCOHOL ALLOWED IN CITY PARKS a) An Ordinance amending Section 12.36.050 and 12.36.060 to clarify the type of alcohol permitted within a municipal park as well as the events and park locations of which alcohol may be consumed, with permits for beer and wine to be authorized by the Parks and

Recreation Director in said position's discretion, as presented to the Council at the August 11, 2016 Study Session.

A motion was made by Mr. Bray, 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 Bray, Johnston, Adamson, Brown and Orr.

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

Mayor Blad declared the final reading of the ordinance amending Section 12.36.050 and 12.36.060 to clarify the type of alcohol permitted within a municipal park as well as the events and park locations of which alcohol may be consumed, with permits for beer and wine to be authorized by the Parks and Recreation Director in said position's discretion. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Brown, Johnston and Orr. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 2974 and be submitted to the Idaho State Journal for publication.

AMENDMENTS TO ANIMAL SERVICES CODE b) An Ordinance amending Pocatello Municipal Code Chapter 6.04, "Animal Services", to implement two new sections to the code; (1) a dangerous animal registry; and (2) requirement of individual cat licenses, as presented to the Council at the August 11, 2016 Study Session. The ordinance also includes other sections of the Pocatello

Municipal Code that need amended reflecting the department's name change to "Animal Services".

A motion was made by Mr. Orr, seconded by Mr. Johnston, that the ordinance, Agenda Item No. 12(b), 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 Orr, Johnston, Adamson, Bray and Brown.

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

Mayor Blad declared the final reading of the ordinance amending Pocatello Municipal Code Chapter 6.04, "Animal Services", to implement two new sections to the code; (1) a dangerous animal registry; and (2) requirement of individual cat licenses, and include other sections of the Pocatello Municipal Code that need amended reflecting the department's name change to "Animal Services." Mayor Blad

asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Brown, Johnston and Orr. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 2975 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 13: Tammy Kendell, 2287 Satterfield Drive, shared pictures of the property located at 2255 Satterfield Drive with the Council. She stated that the property has become an eyesore in the community and is asking for the Council's help to find a solution to the many code enforcement violations at the property. Mrs. Kendell feels that the negligence of the property owner at 2255 Satterfield Drive has tarnished the appearance of the entire neighborhood.

Lynn Kendell, 2287 Satterfield Drive, thanked the Council for their service to the community. He stated that the property located at 2255 Satterfield Drive has become an insurmountable eyesore and fire hazard in the neighborhood. Mr. Kendell feels the lack of action to rectify the matter may negatively impact the value of his home.

Randy Spencer, 2712 Jerome, shared his concerns regarding the code violations at the property located at 2255 Satterfield Drive. He explained that he has spoken to code enforcement officers several times regarding the home and the City abatement process. Mr. Spencer stated that the abatement process is no longer functioning properly in order to correct code violations. He feels that non-compliance fees should be attached as liens to property through property taxes to act as an incentive for code compliance.

Mayor Blad stated that the property owner has been contacted regarding the code violations. Unfortunately, the owner has not shown an interest to improve the property. He explained that Code Enforcement and Finance departments are working together to find solutions to the abatement process.

Andrew Christensen, 144 Highland Boulevard, shared his interest in local government and community awareness. He indicated he enjoys watching City Council meetings and asked the Council to provide more information during meetings concerning each of the City Council agenda items. Mr. Christensen also asked that the recycling program be extended to serve multi-unit apartment complexes.

Mayor Blad clarified that supporting documents for agenda items are available online and many items are discussed at length during Study Sessions.

Carta Sierra, aka "Idaho Lorax", Pocatello citizen, shared his support for public safety and concerns regarding elderly abuse.

There being no further business, Mayor Blad adjourned the meeting at 7:05 p.m.

APPROVED:

REGULAR CITY COUNCIL MEETING
SEPTEMBER 1, 2016

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BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

KONNI R. KENDELL, DEPUTY CLERK