

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
SEPTEMBER 15, 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 Heidi Adamson, Roger Bray, Steve Brown, 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 6:04 p.m. ROLL CALL AND PLEDGE OF ALLEGIANCE by Mayor Brian Blad. Council members present were Heidi Adamson, Roger Bray, Steve Brown, Jim Johnston, Gary Moore and Michael L. Orr.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Zach Hearn, representing INVOCATION the Baha'i Faith.

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

-TREASURER'S REPORT (b) Consider the Treasurer's Report for August showing cash and investments as of August 31, 2016 in the amount of \$42,026,652.41.

-ADA GRIEVANCE COMMITTEE APPOINTMENT (c) Council was asked 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.

-ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT (d) Council was asked to confirm the Mayor's reappointment of Roseanne Viguera s 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.

-SISTER CITIES COMMITTEE APPOINTMENT (e) Council was asked 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.

- RENEWAL OF PROFESSIONAL SERVICES CONTRACT –GROSSMAN GROUP, LLC (f) Council was asked 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.

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

- AGENDA ITEM NO. 4: Mr. Orr, on behalf of Mayor Blad, Chubbuck Mayor Kevin England and Bannock County Commissioners Craig Cooper, Steven Hadley, and Karl E. Anderson, proclaimed September 19 through September 25, 2016 to be Kind Community Week and encouraged citizens to make the choice every day to be kind and integrate kindness into their daily lives.

Courtney Fisher, Billie Johnson and Rainbow Maldonado accepted the proclamation. Ms. Fisher thanked the Mayor and Council for recognizing the timeless and essential element of kindness and the way it generates connections between people to create a tight-knit community. She also extended an invitation to all members of the community to attend various Kindness Week events and the Kindness Kickoff to be held at Idaho State University, September 19th at 5:30 p.m.

Mr. Moore, on behalf of Mayor Blad, proclaimed September 2016 to be National Recovery Month in Pocatello and urged citizens to support this year's theme, "Join the Voices for Recovery: Our Families, Our Stories, Our Recovery."

Gwen Martinez, Recoveryfest Chair, accepted the proclamation and thanked the Mayor and Council for the recognition of the event. She encouraged citizens to attend the Recoveryfest activities on September 16th at Old Town Pocatello from 5:00 to 8:00 p.m.

- AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the October 6th Regular CALENDAR REVIEW Council meeting at 6:00 p.m.; and the October 13th Study Session at 9:00 a.m.

Mayor Blad announced the third Annual Splash Dance for Dogs is scheduled for September 17th from 11:00 a.m. to 4:00 p.m. at the Ross Park Aquatic Complex; Coffee with the Mayor will be held at 9:30 a.m. September 20th at Portneuf Towers, 666 West Day Street; October 1st will be the 19th Annual Run with the Big Dogs Event. Contact Animal Services for more information; Entries for the City's new flag design are being accepted through December 2nd. Visit the website at flag.pocatello.us for more information; and Mayor Blad wished good luck to all the area high school football teams and the Idaho State University football team.

Mayor Blad announced "Brooklyn's Buddies Breakfast" will take place at OK Ward Park Saturday, September 17th from 8:30 a.m. to 11:00 a.m.

- AGENDA ITEM NO. 6: This time was set aside for the Council to receive comments from PUBLIC HEARING the public regarding the comprehensive re-write of Pocatello -WIRELESS COMMUNICATION FACILITY ORDINANCE AMENDMENT 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 recommended that the City Council direct the Legal Department to prepare an ordinance for adoption.

Mayor Blad opened the public hearing.

Matthew Lewis, Planning Manager, gave an overview of the proposed changes and explained the changes were necessary to comply with federal regulations and the 2012 Spectrum Act.

Mr. Lewis announced one written comment was received and copies were given to Council members.

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

A motion was made by Mr. Bray, seconded by Mr. Brown, to approve the comprehensive re-write of Pocatello Municipal Code Title 15.42, Wireless Telecommunications Towers and Facilities and direct the Legal Department to prepare an ordinance for adoption. Upon roll call, those voting in favor were Bray, Brown, Adamson, Johnston, Moore and Orr.

AGENDA ITEM NO. 7: This time was set aside to receive public comments on proposed
PUBLIC HEARING "September" amendments to the current Fiscal Year 2016 Budget.
-FISCAL YEAR 2016
SEPTEMBER BUDGET
AMENDMENTS

Mayor Blad opened the public hearing.

Joyce Stroschein, Chief Financial Officer/Treasurer, gave an overview of the eight proposed amendments. The total amount of all amendments is \$2,898,684.00.

Mayor Blad announced no written correspondence had been received.

There being no public comments, Mayor Blad closed the public hearing and announced an ordinance adopting the proposed amendments had been prepared for Council's consideration.

AGENDA ITEM NO. 8: Bill Isley of Tuscan Hills 2, LLC (mailing address: 2231 East Center
TUSCAN VIEW Street, Pocatello, ID 83201) and Rocky Mountain Engineering and
-SHORT PLAT 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 recommended approval of the request with the following conditions: 1) all conditions set out in the Public Works Department Memorandum from Merrill Quayle, P.E. dated August 22, 2016 shall be met; 2) the "Holmes" Deed is to be re-recorded after the final short plat for the Tuscan View Subdivision is recorded at the Bannock County Courthouse in order to correct the legal description to reflect ownership of the platted lot as "Lot 2, Block 1 Tuscan View Subdivision"; 3) subdivision Covenants, Conditions and Restrictions (CCR's) shall be submitted to the City for review and approval by the Legal Department prior to recording; 4) all corrections to the plat which were noted by City Staff shall be made prior to submittal of the final plat; and 5) all other standards and conditions of Municipal

Code not herein discussed but applicable to residential development shall apply and that the short plat is to be called Tuscan View.

A motion was made by Mr. Orr, seconded by Mr. Johnston, to approve a request by Bill Isley of Tuscany Hills 2, LLC and Rocky Mountain Engineering and Surveying and approve an application for a short plat to subdivide Lot 12, Block 1, Tuscany Hills Subdivision 2nd Addition into two (2) residential lots with conditions recommended by staff and that the decision be set out in appropriate Council Decision format. Upon roll call, those voting in favor were Orr, Johnston, Adamson, Bray, Brown and Moore.

AGENDA ITEM NO. 9: Council was asked 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 recommended 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.

Mr. Johnston, Mr. Brown and Mrs. Adamson disclosed that they had each visited the proposed location.

In response to questions from Council, Merrill Quayle, Public Works Engineer, stated the applicant's request to construct a 7-foot fence would hinder the City's ability to provide maintenance to stormwater systems which must be accessible for emergencies and general service. He added that the proposed fence would also obstruct the "sight triangle" at the intersection of South 5th Avenue and Jason Avenue, causing a public safety issue for motorists. Mr. Quayle stated the stormwater manhole is checked a minimum of once a year and must be accessible during possible flood emergencies.

A motion was made by Mr. Moore, seconded by Mr. Orr, to deny the request by Burns Leavitt for a right-of-way use license for 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. Upon roll call, those voting in favor were Moore, Orr, Adamson, Bray, Brown and Johnston.

AGENDA ITEM NO. 10: Council was asked to approve a contract with Aetna to provide medical insurance coverage for City employees for Fiscal Year 2017.

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve a contract with Aetna to provide medical insurance coverage for City employees for Fiscal Year 2017. Upon roll call, those voting in favor were Moore, Bray, Adamson, Brown, Johnston and Orr.

AGENDA ITEM NO. 11: Council was asked 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.

A motion was made by Mr. Bray, seconded by Mr. Brown, 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. Upon roll call, those voting in favor were Bray, Brown, Adamson, Johnston, Moore and Orr.

AGENDA ITEM NO. 12: Council was asked to adopt a Resolution, with an Amended Exhibit
RESOLUTION SETTING "V", setting the deposit fee for new accounts within the Utility
DEPOSIT FEE Billing Department at \$150.00. (Since this deposit fee is less than
-UTILITY BILLING 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.

A motion was made by Mr. Brown, seconded by Mr. Orr, to adopt a Resolution (2016-14) with an Amended Exhibit "V", setting the deposit fee for new accounts within the Utility Billing Department at \$150.00 to be effective October 1, 2016 for the 2017 Fiscal Year. Upon roll call, those voting in favor were Brown, Orr, Adamson, Bray, Johnston and Moore.

AGENDA ITEM NO. 13: Council was asked to consider the following ordinances:
ORDINANCES

FISCAL YEAR 2016 a) An ordinance approving an amendment to the Fiscal Year 2016
APPROPRIATION Appropriation Ordinance.
ORDINANCE
AMENDMENT

A motion was made by Mr. Bray, seconded by Mr. Moore, that the ordinance, Agenda Item No. 13(a), be read only by title and placed on final passage for publication, and that the whole ordinance be submitted for publication. Upon roll call, those voting in favor were Bray, Moore, Adamson, Brown, Johnston and Orr.

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

Mayor Blad declared the final reading of the ordinance approving an amendment to the Fiscal Year 2016 Appropriation Ordinance. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Brown, Johnston, Moore and Orr. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 2976 and that the whole ordinance be submitted to the Idaho State Journal for publication.

UTILITY BILLING b) An ordinance amending Pocatello Municipal Code Title 13, Chapter
SERVICES 30, "Utility Billing Services", which includes the retention of the
AMENDMENTS 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.

A motion was made by Mr. Orr, seconded by Mr. Brown, that the ordinance, Agenda Item No. 13(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, Brown, Adamson, Bray, Johnston and Moore.

A motion was made by Mrs. Adamson, seconded by Mr. Orr, to amend the ordinance to include wording previously stricken in Section 1(b) regarding credit reporting. Upon roll call, those voting in favor were Adamson, 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 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 amended. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Brown, Johnston, Moore and Orr. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 2977 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 14: Idaho Lorax, Pocatello resident, shared his concern for local
DISCUSSION ITEMS homeless citizens and those who have special transportation needs.
He supports the distribution of information regarding health and air
quality.

Mr. Orr offered congratulations to Mike O'Donnell, Idaho State Journal staff member in the audience, on his recent retirement.

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

APPROVED:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

KONNI R. KENDELL, DEPUTY CLERK