

CITY OF POCA TELLO, IDAHO  
CITY COUNCIL AGENDA  
CLARIFICATION MEETING AND  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 16, 2017

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CLARIFICATION  
MEETING

The City Council Agenda Clarification Meeting was called to order at 5:32 p.m. by Mayor Brian Blad. Council members present were Heidi Adamson, Roger Bray, Jim Johnston, Gary Moore and Michael L. Orr. Council member Steve Brown 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 6:07 p.m. by Mayor Brian Blad. Council members present were Heidi Adamson, Roger Bray, Jim Johnston, Gary Moore and Michael L. Orr. Council member Steve Brown was excused.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The individual scheduled to offer the invocation was not present at the meeting. A moment of silence was observed.

Mayor Blad announced Agenda Item No. 8 had been pulled from the agenda.

AGENDA ITEM NO. 3: Council was asked to consider the following business items:

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-MINUTES (a) Waive the oral reading of the minutes and approve the minutes from the Clarification meeting and Regular Council meeting of January 19, 2017 and the January 25, 2017 Executive Session.

-TREASURER'S REPORT (b) Treasurer's Report for January, showing cash and investments as of January 31, 2017 in the amount of \$48,135,534.32.

-ANIMAL SHELTER ADVISORY BOARD APPOINTMENT (c) Confirm the Mayor's appointment of Kathy Reynolds to serve as a member of the Animal Shelter Advisory Board, replacing Barbara Stone whose term expired. Ms. Reynolds' term will begin February 17, 2017 and will expire February 17, 2019.

-PARKS AND RECREATION ADVISORY BOARD APPOINTMENT (d) Confirm the Mayor's appointment of Dakota Bates to serve as a member of the Parks and Recreation Advisory Board, replacing Mike Standley whose term expired. Mr. Bates' term will begin February 21, 2017 and will expire February 21, 2019.

-POCA TELLO ARTS COUNCIL APPOINTMENT (e) Confirm the Mayor's appointment of Ann Kapp Andersen to serve as a member of the Pocatello Arts Council, replacing Lisa Delonas who resigned. Ms. Andersen's term will begin February 17, 2017 and will expire February 17, 2020.

-SISTER CITIES COMMITTEE APPOINTMENTS (f) Confirm the Mayor's appointments of Liane Campbell, Edward Hed, and Diana Loveland to serve as members of the Japanese Sister Cities Subcommittee, filling existing vacancies. Ms. Campbell's term will begin February 17, 2017 and will expire September 2, 2017. Mr. Hed and Ms. Loveland's terms will begin February 17, 2017 and will expire February 17, 2021.

-INTERNSHIP OPPORTUNITY FOR CRAFTSMAN 3B MECHANIC POSITION -STREET (g) Consider an internship agreement with Travis Read beginning March 6, 2017 through April 28, 2017. This agreement is for a Craftsman 3B Mechanic Position to be utilized in the Street Department and will be full-time (40 hours per week) at the rate of \$11.12 per hour. The Idaho State University Diesel Mechanics Program requires students to obtain "hands on" experience and this internship will assist Mr. Read to meet that requirement.

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

AGENDA ITEM NO. 4: Mayor Blad announced there were no communications COMMUNICATIONS AND PROCLAMATIONS or proclamations.

Mayor Blad recognized Boy Scouts from Troop Nos. 361, 103, 110, 131 and 116.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the March 2<sup>nd</sup> Budget CALENDAR REVIEW Development Meeting at 9:00 a.m.; the Special City Council Meeting/Police Union Quarterly Update at 5:00 p.m.; the Regular City Council meeting at 6:00 p.m.; and the March 9<sup>th</sup> Study Session at 9:00 a.m. immediately followed by a Budget Development Meeting.

Mayor Blad announced Simplot Games will be held at Holt Arena February 16<sup>th</sup> through the 18<sup>th</sup>; and City offices will be closed on February 20<sup>th</sup> for President's Day. However, garbage and recycle pick-ups will remain on schedule.

AGENDA ITEM NO. 6: This time was set aside for the Council to receive comments from PUBLIC HEARING the public concerning a reconsideration request of the Hearing -RECONSIDERATION OF HEARING EXAMINER DECISION FOR 916 EAST SUBLETTE STREET

The decision is being appealed by Alfreda Vann representing the Bonneville Neighborhood Association (mailing address: 939 North 9<sup>th</sup> Avenue, Pocatello, ID 83201). The applicant for the conditional use permit is John Leith, representing Jacqueline Thomas of Praise Temple of God (mailing address: 653 North 11<sup>th</sup> Avenue, Pocatello, ID 83201).

Mayor Blad opened the public hearing.

Mayor Blad asked Council members to disclose any ex parte communication.

Ms. Adamson stated she serves on the Board of Directors for Neighborworks. She added Neighborworks has a project in close proximity to the property in question and based upon recommendations from the Legal Department, she will recuse herself from participating in discussion and voting on Agenda Item No. 6.

Mr. Orr announced that he was the City Council liaison on the Pocatello Neighborworks Board from January 2014 to January 2016. He does not feel that position would cause a conflict in participating in Agenda Item No. 6.

Mayor Blad announced he wrote a letter in September 2016 in support of the project. He added that considering the amount of time since writing the support letter, the City's Legal Department advised that his communication must be disclosed, but should not exempt him from participating in discussion and voting upon Agenda Item No. 6, if necessary.

Mr. Bray stated prior to November 17, 2016, he had email communication with the applicant and other parties asking for organized discussion regarding the project. He added that in January 2017, while speaking with Jackie Thomas, he asked that the project not be discussed. Mr. Bray was advised by the Legal Department that discussions should be disclosed, but would not exclude him from participating in discussion and voting upon Agenda Item No. 6.

Mr. Johnston announced he had made a personal financial contribution to "Big Momma's House" and thereby must recuse himself from participating in discussion and voting on Agenda Item No. 6.

Mayor Blad stated as a result of Mr. Brown's excused absence and the requirement to have four eligible voting Council members for discussion and voting on Agenda Item No. 6, the public hearing would be continued at a later date. He announced public testimony would be received at the Regular City Council meeting on March 2, 2017.

AGENDA ITEM NO. 7 DANGEROUS ANIMAL REGISTRY FEE EXCEPTION REQUEST -DALLING	Council was asked to consider granting a request from Shari Dalling (mailing address: 1730 West Quinn No. 432, Pocatello, ID 83202) for an exception to the \$100.00 fee portion of the Dangerous Animal Registry requirement. The incident occurred in 2009 and Ms. Dalling's dog is now 11 years old and ill. Approval by Council is necessary since the registration requirement is identified in City Code 6.04.060 and fee Resolution 2016-12.
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In response to questions from Council, Ms. Dalling stated the incident which resulted in her dog's Dangerous Animal Registry requirement occurred eight years ago. She added that her dog is in poor health and has intestinal issues. Ms. Dalling stated her dog receives an annual checkup from the veterinarian but she does not have a report from her veterinarian which supports her statement of her dog's declining health status.

It was clarified that the annual fee was not a requirement until the code revision went into effect on February 1, 2017.

A motion was made by Mr. Orr, seconded by Mr. Moore, to deny a request from Shari Dalling for an exception to the \$100.00 fee portion of the Dangerous Animal Registry requirement. Upon roll call, those voting in favor were Orr, Moore, Adamson and Bray. Mr. Johnston voted in opposition to the motion. The motion passed.

AGENDA ITEM NO. 8: As announced earlier, Agenda Item No. 8 to consider a Professional Services Agreement between the City of Pocatello and Bionomics for cultural resource services related to improvements of the Alameda/Jefferson intersection project was pulled from the agenda.  
PROFESSIONAL SERVICES AGREEMENT  
-ALAMEDA/JEFFERSON PROJECT

AGENDA ITEM NO. 9: Council was asked to consider the recommendations of staff for the following requests regarding the 2017 Community Development Block Grant (CDBG) 2017 Sidewalk Project.  
CONTRACT/BID  
-CDBG 2017  
SIDEWALK PROJECT

BID-JACK B. a) Accept the low responsive bid received on January 31, 2017 from  
PARSON COMPANY Jack B. Parson Companies, in the amount of \$105,110.00 (base bid) and \$11,409.00 (alternate bid) for a total bid of \$116,519.00; and if the bid is accepted

AGREEMENT b) Authorize the Mayor's execution of an Agreement between the City  
-JACK B. PARSON of Pocatello and Jack B. Parson Companies, in the amount of  
COMPANY \$116,519.00, for the CDBG 2017 Sidewalk Project, subject to Legal Department review.

This is a CDBG funded project and includes construction of curb, gutter, sidewalk and other right-of-way improvements to begin spring 2017. This project will complete the connection of sidewalks along the south side of Fredregill Road between South 4<sup>th</sup> Avenue and South 2<sup>nd</sup> Avenue.

A motion was made by Mr. Johnston, seconded by Mr. Bray, to accept the recommendations of staff for the requests regarding the 2017 Community Development Block Grant 2017 Sidewalk Project as outlined in Agenda Item No. 9(a) and 9(b) for construction of curb, gutter, sidewalk and other right-of-way improvements to begin spring 2017. Upon roll call, those voting in favor were Johnston, Bray, Adamson, Moore and Orr.

AGENDA ITEM NO. 10: Council was asked to adopt a resolution which will discontinue the  
RESOLUTION City's participation in the Nationwide IAFF 457 Deferred  
-NATIONWIDE STATE Compensation Fund and adopting a new plan for deferred  
OF IDAHO PLAN FOR compensation under the Nationwide State of Idaho Plan as  
DEFERRED presented to City Council at the February 9, 2017 Study Session.  
COMPENSATION

A motion was made by Mr. Bray, seconded by Ms. Adamson, to adopt a resolution (2017-02) to discontinue the City's participation in the Nationwide IAFF 457 Deferred Compensation Fund and adopt a new plan for deferred compensation under the Nationwide State of Idaho Plan as presented to City Council at the February 9, 2017 Study Session. Upon roll call, those voting in favor were Bray, Adamson, Johnston, Moore and Orr.

AGENDA ITEM NO. 11: Council was asked to consider bids received on January 26, 2017 for  
2017 WATER materials used by the Water Department for capital improvement  
DEPARTMENT projects and replenishing inventory. Staff requests that Council  
MATERIALS BID award each lot to the lowest responsive bidder as follows:

- FERGUSON WATERWORKS a) Lot One (\$73,303.00), Lot Six (\$6,230.00), Lot Eight (\$5,404.20), Lot Nine (\$11,494.00) and Lot Eleven (\$13,995.00); and
- HD SUPPLY WATERWORKS b) Lot Two (\$20,643.77), Lot Three (\$42,302.560), Lot Four (\$67,512.00), Lot Five (\$7,836.50), Lot Seven (\$6,264.00), Lot Ten (\$31,007.15) and Lot Twelve (\$242,777.00).

Total cost for the materials bids is \$528,769.12. Funds are available in the Water Department's Fiscal Year 2017 budget.

A motion was made by Mr. Moore, seconded by Ms. Adamson, to accept bids received on January 26, 2017 for materials used by the Water Department for capital improvement projects and replenishing inventory and award each lot to the lowest responsive bidder as outlined in Agenda Item No. 11(a) and 11(b) and that the total cost for the materials bids is \$528,769.12. Upon roll call, those voting in favor were Moore, Adamson, Bray, Johnston and Orr.

AGENDA ITEM NO. 12: Council was asked to adopt a resolution adopting the City's Water RESOLUTION-CITY FACILITY PLAN dated December 2016, prepared by Murray, Smith and Associates, which documents key water system information and provides analysis and recommendations regarding infrastructure development and operation decisions by City Staff. The Plan was presented to City Council at the January 12, 2017 Study Session.

A motion was made by Mr. Moore, seconded by Mr. Bray, to adopt a resolution (2017-03) adopting the City's Water Facility Plan, dated December 2016, prepared by Murray, Smith and Associates, which documents key water system information and provides analysis and recommendations regarding infrastructure development and operation decisions by City Staff as presented to City Council at the January 12, 2017 Study Session. Upon roll call, those voting in favor were Moore, Bray, Adamson, Johnston and Orr.

AGENDA ITEM NO. 13: Council was asked to authorize the Mayor's signature on a Ground LEASE AGREEMENT -NORTHWEST PIPELINE, LLC. with Northwest Pipeline, LLC for the use of City property, located above the Idaho Department of Corrections Women's Prison, for the continued operation of a natural gas meter station facility. Said use has been under contract since 1956 at this location.

The lease terms will be ten years with a ten year renewal option and an annual rental rate of \$1,200.00. Lease rate will be reviewed annually and increased by at least the Consumer Price Index for the previous year.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to authorize the Mayor's signature on a Ground Lease Agreement with Northwest Pipeline, LLC for the use of City property, located above the Idaho Department of Corrections Women's Prison, for the continued operation of a natural gas meter station facility and that the lease terms will be ten years with a ten year renewal option and an annual rental rate of \$1,200.00 to be reviewed annually and increased by at least the Consumer Price Index for the previous year. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Moore and Orr.

AGENDA ITEM NO. 14: Council was asked to discuss the possibility of reconsidering its  
COUNCIL DECISION decision in the matter of holding a public hearing to discuss the  
RECONSIDERATION performance of CableONE, as outlined in Ordinance No. 2902.  
-PUBLIC HEARING The Council voted to hold the public hearing to discuss  
-CABLEONE CableONE's performance at the January 19, 2017 Regular City  
Council meeting. Only a Council member who voted in the majority  
concerning this matter may make the motion for reconsideration.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to reconsider the Council's decision in the matter of holding a public hearing to discuss the performance of CableONE, as outlined in Ordinance No. 2902 and that a new contract with CableONE be developed.

Mr. Orr asked for clarification regarding the requirement of a new contract with CableONE.

Mr. Bray stated he feels a new contract with CableONE should be developed, as CableONE works within the City of Pocatello right of way.

Rich Diehl, Deputy City Attorney, clarified that State of Idaho regulations currently cover the subject of right of ways.

Mr. Bray removed the condition from his motion. Mr. Johnston accepted the modified motion.

Mr. Bray's modified motion to reconsider the Council's decision in the matter of holding a public hearing to discuss the performance of CableONE, as outlined in Ordinance No. 2902 was voted upon at this time. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Moore and Orr.

AGENDA ITEM NO. 15: Idaho Lorax, Pocatello resident, shared his concerns regarding ethics  
DISCUSSION ITEMS and education. He stated he is concerned about removal of  
materials in various neighborhoods.

There being no further business, Mayor Blad adjourned the meeting at 6:45 p.m.

APPROVED:

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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