

AMENDED AGENDA

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

February 17, 2022 • 6:00 PM
Council Chambers | 911 North 7th Avenue

In-person attendance remains limited. Due to COVID-19 guidelines, social distancing measures are still in place.

MASKS/FACE COVERINGS ARE REQUIRED.

**The meeting will be live-streamed at:
<http://streaming.pocatello.us/> and available on Sparklight
Cable channel 56**

Any citizen who wishes to address the Council shall first be recognized by the Mayor, and shall then give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Council, he/she shall first seek permission from the Mayor. A three (3) minute time limitation is requested for Council presentations.

City Hall is accessible to persons with disabilities. Program access accommodations can be provided with three (3) days' advance notice by contacting Skyler Beebe at sbeebe@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, Idaho.

The purpose of the agenda is to assist the Council and interested citizens in the conduct of this public meeting. **Citizens should examine the agenda for the item of their interest. However, citizens are advised that only Public Hearings allow for public comment during the discussion/consideration process.**

Citizens have an opportunity to be heard by the Council if the item meets the criteria as described in the agenda item called "ITEMS"

FROM THE AUDIENCE." You must sign in at the start of the meeting to be recognized.

RECESS: In the event the meeting is still in progress at 7:30 p.m., the Mayor may call a ten-minute recess to allow Council members and participants a brief rest period.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. INVOCATION

The invocation will be offered by Pastor Scott Sampson, representing Rocky Mountain Ministries.

3. CONSENT AGENDA

The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item. **(ACTION ITEM)**

(a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the following meetings: Work Session of January 13, 2022; and Special Council meeting of February 10, 2022.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the months of December 2021 and January 2022.

(c) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for December 2021 showing cash and investments as of December 31, 2021.

(d) AMERICANS WITH DISABILITIES ACT GRIEVANCE COMMITTEE APPOINTMENTS: Council may wish to confirm the Mayor's appointments of April Mills, Mike Hirschi and Michael Lefevor to serve as members of the ADA Grievance Committee replacing Terry Fredrickson and Mandy Greaser whose terms expired and filling a long-term vacancy. All terms will begin February 18, 2022 and will expire February 18, 2024.

(e) ANIMAL SHELTER ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Kris Hackleman to serve as a member of the Animal Shelter Advisory Board, replacing Dan Lenihan whose term expired. Kris' term will begin February 18, 2022 and will expire February 18, 2024.

(f) CHILD CARE ADVISORY COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Kari Giesbrecht to continue serving on the Child Care Advisory Committee. Kari's term will begin March 2, 2022 and will expire March 2, 2026.

(g) POCATELLO ARTS COUNCIL APPOINTMENT: Council may wish

to confirm the Mayor's appointment of Aryssa Hutchins to serve as a member of the Pocatello Arts Council, replacing Jan Henriksen who resigned. Aryssa's term will begin February 18, 2022 and will expire June 19, 2024.

(h) POCATELLO ARTS COUNCIL REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Rachelle Cooper to continue serving on the Pocatello Arts Council. Rachelle's term will begin February 22, 2022 and will expire February 22, 2025.

(i) COUNCIL DECISION – CRESTVIEW ESTATES DIVISION 4 FINAL PLAT APPROVAL: Council may wish to adopt its decision approving the final plat for Crestview Estates Division 4, which subdivides approximately 20.77 acres of land into 32 lots, 31 residential lots and 1 to be utilized for storm water retention and dedicated as a public park. The property is located within a Residential-Low Density (RL) zoning district and will be accessed by an extension of Iron Bend Road, Autumn Rain Road and Green Field Drive.

(j) COUNCIL DECISION – IRON EAGLE ESTATES DIVISION 3 FINAL PLAT APPROVAL: Council may wish to adopt its decision approving the final plat for Iron Eagle Estates Division 3, which subdivides approximately 3.06 acres of land into ten (10) lots. The property is located within a Residential Medium Density Single-Family (RMS) zoning district and will be accessed from Bogey Lane to the south and a new road to be called Mulligan Road to extend to the east.

Documents:

[AGENDA-ITEM-3.PDF](#)

4. CALENDAR REVIEW

Council may wish to take this opportunity to inform other Council members of upcoming meetings and events that should be called to their attention.

5. PUBLIC HEARING – PROPOSED FISCAL YEAR 2022 BUDGET AMENDMENTS

This time has been set aside for the Council to hear comments from the public regarding proposed Fiscal Year 2022 Budget amendments. An Ordinance has been prepared for Council's consideration under Agenda Item No. 19. **(ACTION ITEM)** (Legislative Public Hearing)

Documents:

[AGENDA-ITEM-5.PDF](#)

6. PUBLIC HEARING – CITY-INITIATED COMPREHENSIVE PLAN AMENDMENT

This time has been set aside for the Council to hear comments from the public regarding the City Initiated Comprehensive Plan Map Amendment

for property located east of Interstate 15 (I-15) and west of the Portneuf Wellness Complex. The proposal would designate the subject property as Mixed-Use (MU) and Employment (E). The application meets the standards for approval under City Code. **(ACTION ITEM)** (Quasi-judicial Public Hearing)

Documents:

[AGENDA-ITEM-6.PDF](#)

7. PUBLIC HEARING – VACATION OF EASEMENT – TORI AND LORRI SHAVER

This time has been set aside for the Council to hear comments from the public regarding a request by Tori and Lorri Shaver (TL Shaver, LLC), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) for a vacation of easement as shown on the 14th Hole Subdivision Lots 1 and 2 Block 1.

Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)** (Quasi-judicial Public Hearing)

Documents:

[AGENDA-ITEM-7.PDF](#)

8. FINAL PLAT APPLICATION – SOUTH CLIFFS INDUSTRIAL PARK

Council may wish to approve a final plat application submitted by BBAD Investments, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 11.53 acres (more or less) into 13 lots. The proposed subdivision is generally located east of Interstate 15 (I-15) along the proposed extension of Cliffs Drive. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-8.PDF](#)

9. FINAL PLAT APPLICATION – PARKSIDE TOWNHOUSES DIVISION NO. 2

Council may wish to approve a final plat application submitted by Gary Ratliff, represented by Creek Hollow and Associates, Inc. (mailing

address: 611 Wilson Avenue, Suite 1A, Pocatello, ID 83201) to subdivide 8.67 acres (more or less) into 57 lots. The proposed subdivision is generally located west of South 2nd Avenue and north of Bengal View Drive. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-9.PDF](#)

10. SHORT PLAT APPLICATION – PORTNEUF GOLF ESTATES 2

Council may wish to consider a short plat application submitted by TL Shaver, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 0.66 acres (more or less) into one (1) lot. The proposed subdivision is generally located at the eastern end of Wedge Way. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-10.PDF](#)

11. SHORT PLAT APPLICATION – RIVERSIDE HEIGHTS

Council may wish to consider a short plat application by Janet Hughes, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 2.65 acres (more or less) into four (4) lots. The proposed subdivision is generally located west of Bannock Highway and south of Hawkweed Street. Staff finds the proposal compliant with all applicable standards with conditions. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-11.PDF](#)

12. GRANT APPLICATION – BLUE CROSS OF IDAHO FOUNDATION FOR HEALTH, CALL FOR COLLABORATION: THE COMMUNITY PROJECT

Council may wish to authorize submission of a grant application for the Blue Cross of Idaho Foundation of Health, Call for Collaboration: The

Community Project. The application is for \$85,000.00 for a Community Splash Pad at O.K. Ward Park. The Foundation grant would also assist with community engagement and provide a stipend for staff time dedicated to the grant award. If awarded, Council may wish to authorize acceptance of the grant and authorize the Mayor's signature on all applicable documents. Grant applications are due February 28, 2022 and awards are anticipated to be announced in spring of 2022. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-12.PDF](#)

13. WATER POLLUTION CONTROL (WPC) COLLECTION SYSTEM ON-CALL ENGINEERING SERVICES AGREEMENT

Council may wish to approve the recommendation of staff to select Murraysmith as the City's on-call engineer for wastewater collection system engineering services for a three (3) year term and authorize the Mayor's signature on all pertinent documents for the master agreement. Task Orders will be negotiated and executed as appropriate to the work to be completed under the service agreement, subject to Legal Department review. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-13.PDF](#)

14. WATER POLLUTION CONTROL (WPC) OPERATIONS BUILDING DESIGN SERVICES AGREEMENT – KELLER ASSOCIATES, INC.

Council may wish to approve Amendment #1 to the Owner-Engineer Agreement for WPC Package 1 Improvements, increasing the total compensation under the agreement with Keller Associates, Inc. by \$273,400.00 for pre-design, design and bidding services of a WPC Operations Building, subject to Legal Department review. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-14.PDF](#)

15. ACCESS EASEMENT REQUEST WITH FMC IDAHO LLC

Council may wish to authorize the execution of an Access Easement with

FMC Idaho LLC, subject to Legal Department review. The easement will enable the City to build and maintain a river access parking lot and pathway northwest of Batiste Bridge. Grant funds are being sought for project implementation. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-15.PDF](#)

16. AIRPORT LEASE AGREEMENT AND RESOLUTION

Council may wish to approve and authorize the Mayor to sign a lease agreement with Randy Kautzsch and Jon Stoner and adopt a resolution for an aircraft hangar of approximately 1,760 square feet for private aircraft storage. The lease term will be for five (5) years and the rental rate will be \$279.97 per month with an annual CPI increase and full rate review in 2026. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-16.PDF](#)

17. AIRPORT USE AGREEMENT – POCATELLO TMX

Council may wish to approve and authorize the Mayor to sign a Use Agreement with Pocatello TMX for use of additional property, outside of their currently leased area, from April 15, 2022 through April 17, 2022 for a cross country off-road motocross race. The fee for use will be \$200.00. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-17.PDF](#)

18. AIRPORT CONSTRUCTION AGREEMENT AND NOTICE OF AWARD

Council may wish to authorize the execution of a construction agreement and notice of award between the City of Pocatello and Staker Parson Co. dba Idaho Materials and Construction in the amount of \$3,558,856.50 for improvements and expansion of the Bureau of Land Management (BLM) tanker base at the airport. The project will be funded by BLM. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-18.PDF](#)

19. ORDINANCES

READING OF AN ORDINANCE PROCEDURE

1. Council determines which option below will be used to read the Ordinance by roll call vote.
2. The Ordinance is read by City Staff (usually City Attorney).
3. Mayor will declare the final reading of the ordinance and ask "Shall the Ordinance pass?" After roll call is taken, Mayor will announce whether or not the ordinance passed.

ORDINANCE: The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read on three (3) different days, two (2) readings of which may be by title only and one (1) reading of which shall be in full and placed on final passage for publication. **(ACTION ITEM)**

EXAMPLE MOTIONS:

Option 1: FOR ONE READING UNDER RULES SUSPENSION: "I move the ordinance, Agenda Item #__, be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication."

Option 2: FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item #__, be read on three separate days. First and second readings will be by title and in full on the third reading. The ordinance shall then be placed on final passage for publication, and only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1, the Council must pass said motion by a vote of one-half plus one (4) of the full Council.

Ordinances ready for reading:

19(a): An ordinance rezoning property located at 669 West Quinn Road from Industrial (I) to Commercial General (CG) with a concurrent amendment to the Comprehensive Map Plan designation of Employment (E) to Commercial (C). **(ACTION ITEM)**

19(b): An ordinance vacating the public's interest in approximately .12 acres of right-of-way located on Wedge Way. **(ACTION ITEM)**

19(c): An ordinance vacating a private easement for ingress and egress located on the easterly 12 feet of Lots 3 and 4, Block 1 and the westerly 12 feet of Lot 5, Block 1, Tuscany Commercial Plaza Subdivision. **(ACTION ITEM)**

19(d): An ordinance approving an amendment to the Fiscal Year 2022 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$6,707,441.00 to account for additional revenues, including grant funds received by the City and to use previously unappropriated cash balances for unanticipated expenses incurred by the City. **(Whole ordinance will need to be published.) (ACTION ITEM)**

Documents:

[AGENDA-ITEM-19.PDF](#)

20. CONSULTANT AGREEMENT – ASHLEY LINTON-WELSH

Council may wish to approve a Consultant Contract Agreement with Ashley Linton-Welsh for contract services pertaining to Financial Services, subject to Legal Department review. **(ACTION ITEM)**

21. ITEMS FROM THE AUDIENCE

This time has been set aside to hear items from the audience not listed on the agenda. Items which appeared somewhere else on the agenda will not be heard at this time. The Council is not allowed to take any official action at this meeting on matters brought forward under this agenda item. Items may be referred to the appropriate staff or scheduled on a subsequent agenda. You must sign in at the start of the meeting in order to be recognized. (Note: Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker.)

22. ADJOURN

PUBLIC HEARING PROCEDURE

1. Explanation of hearing procedures by Mayor or staff.
 - Ten (10) minute time limit on applicant presentation.
 - Three (3) minute time limit on public testimony.
 - Names and addresses are required from those presenting/testifying.
 - Questions/comments should be addressed to the Mayor and Council.
 - Council members must make their decision regarding the application on facts already in the record and information presented at the public hearing. Conflicts of interest, site visits and ex-parte contacts by Council members will be acknowledged.
 - Protocol requires that Council and audience be recognized by the Mayor prior to speaking.

2. Mayor opens hearing.

3. Presentation by applicant.

Note: Remember, applicant bears the responsibility for making his/her case. This is also the time for Council members to ask their questions of the applicant.

4. Presentation by staff.
5. Written correspondence submitted for the record.
6. Testimony by those supporting the application.
7. Testimony by those uncommitted on the application.
8. Testimony by opponents to the application.
9. Rebuttal by the applicant.
10. Mayor closes the hearing and initiates motion/deliberations.
Note: The Mayor may choose to require a motion prior to the discussion in order to focus deliberations, or, the Mayor may choose to allow deliberations prior to the motion in order to facilitate wording of the motion.
11. Develop a written and reasoned statement supporting the decision.