

AGENDA

CITY OF POCA TELLO REGULAR CITY COUNCIL MEETING

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

Limited in-person attendance is allowed, but due to COVID-19 guidelines, strict social distancing measures are in place.

DURING LOW/MEDIUM COMMUNITY LEVEL DESIGNATIONS, INDIVIDUALS ARE ENCOURAGED, BUT NOT REQUIRED, TO WEAR MASKS/FACE COVERINGS.

DURING HIGH COMMUNITY LEVEL DESIGNATIONS, INDIVIDUALS WILL BE REQUIRED TO WEAR MASKS/FACE COVERINGS.

**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 Jonathan Dinger, representing Grace Lutheran Church.

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 Clarification and Regular Council meetings of February 17, 2022.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the time period of March 12, 2022 through March 31, 2022.

(c) ANIMAL SHELTER ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Sharon Angle to serve as a member of the Animal Shelter Advisory Board, representing the Bannock Humane Society. Sharon's term will begin April 21, 2022 and will expire April 21, 2024.

(d) PARKS AND RECREATION ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of Dr. Grace Jory to serve as a member of the Parks and Recreation Advisory Board, filling a vacancy. Dr. Jory's term will begin April 8, 2021 and will expire July 16, 2023.

(e) CHILD PASSENGER SAFETY ANNUAL GRANT REQUEST – POLICE DEPARTMENT: Council may wish to approve a request by the Police Department to apply for an Idaho Transportation Department (ITD) FY2023 Idaho Child Passenger Safety Grant in the amount of \$15,487.00 and if awarded, allow acceptance of the grant and authorize the Mayor's signature on all pertinent documents related to the grant, subject to Legal Department review.

Documents:

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

4. PROCLAMATIONS

5. 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.

6. PUBLIC HEARING – APEX ROAD RIGHT-OF-WAY VACATION

This time has been set aside for the Council to hear comments from the public regarding a request by Thomas J. Katsilometes for the vacation of a portion of the right-of-way located within Apex Road. **(ACTION ITEM)** (Quasi-judicial Public Hearing)

Documents:

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

7. PUBLIC HEARING – PROPOSED FISCAL YEAR 2022 SANITATION FEE AMENDMENT

This time has been set aside for the Council to hear comments from the public regarding proposed mid-year fee changes amending Exhibit S, Sanitation Department Fees, of the City's Fee Schedule for sanitation services for Fiscal Year 2022. **(ACTION ITEM)** (Legislative Public Hearing)

Documents:

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

8. TREATMENT PLANT SYSTEM CAPACITY FEE WAIVER REQUEST – “PROJECT NEW DAY”

Council may wish to consider a request from Kadeen Bastian, Xcell Engineering, LLC (mailing address: 260 Laurel Lane, Chubbuck, ID 83202) to waive Treatment Plant System Capacity Fees in the amount of \$2,250.00 for “Project New Day”. Property, building supplies and labor have been donated to construct a home for Maila Galo, whose husband passed away in 2019 in a construction accident. **(ACTION ITEM)**

Documents:

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

9. IDAHO NURSERY AND LANDSCAPE ASSOCIATION (INLA) GRANT APPLICATION RATIFICATION – SCIENCE AND ENVIRONMENT

Council may wish to approve ratification of a grant application to Idaho Nursery and Landscaping Association (INLA) in the amount of \$300.00, subject to Legal Department review. If awarded, Council may wish to authorize acceptance of the grant and authorize the Mayor’s signature on all pertinent documents related to the grant, subject to Legal Department review. Grant funds will be used to plant a tree in Caldwell Park. The grant requires a 25% match (\$75.00) which will be funded through in-kind donation. **(ACTION ITEM)**

Documents:

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

10. IFFT GRANT APPLICATION RATIFICATION – CLARK STREET PONDS BEAUTIFICATION PROJECT

Council may wish to approve ratification of an Ifft Fund, Idaho Community Foundation, grant application in the amount of \$10,000.00, subject to Legal Department review. If awarded, Council may wish to authorize acceptance of the grant and authorize the Mayor’s signature on pertinent

documents related to the grant, subject to Legal Department review. Grant funds will be used to fund improvements to the Clark Street Ponds as presented by Portneuf Valley Partners at the March 10, 2022 Work Session. There is no City match requirement. **(ACTION ITEM)**

Documents:

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

11. MEMORANDUM OF UNDERSTANDING (MOU) POLICE AND FIRE UNIONS

Council may wish to consider the following: **(ACTION ITEM)**

a) Approve and authorize the Mayor to sign an MOU amending the Collective Bargaining Agreement for the term of October 1, 2021 to September 30, 2025 with the Fraternal Order of Police, Portneuf Valley Fraternal Order of Police, Local Lodge #13 modifying Article 7, Section 15; Article 10, Section 2; Article 11, Section 1; and Article 13, Section 1; and

b) Approve and authorize the Mayor to sign an MOU amending the Collective Bargaining Agreement for the term of October 1, 2021 to September 30, 2024 with the Firefighters Local Union #187, an affiliate of the International Association of Firefighters AFL CIO, modifying Article 14 and Article 16, Section A.

Documents:

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

12. BID ACCEPTANCE FOR ADA CURB RAMP INSTALLATION SERVICES – STREET OPERATIONS DEPARTMENT

Council may wish to accept the recommendations of staff and award the bid for ADA Curb Ramp Installation Services to M & S Development and Construction, LLC as part of the Street Operations Department 2022 pavement maintenance program and authorize the Mayor's signature on all pertinent documents related to the project, subject to Legal Department review. Funds for the project are available in the Street Operations Fiscal Year 2022 budget. **(ACTION ITEM)**

Documents:

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

**13. PIGGY-BACK BID ACCEPTANCE AND CONTRACT FOR
MICROSURFACING SERVICES – STREET OPERATIONS
DEPARTMENT**

Council may wish to consider piggybacking the 2019 City of Pocatello contract with Valley Slurry Seal in the approximate amount of \$670,000.00 for 2022 micro-surfacing services, and authorize the Mayor's signature on all pertinent documents related to the project, subject to Legal Department review. Funds for the project have been budgeted for in the Street Operations Fiscal Year 2022 budget. **(ACTION ITEM)**

Documents:

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

**14. BID ACCEPTANCE AND PURCHASE OF ASPHALT AND
RELATED MATERIALS – STREET OPERATIONS**

Council may wish to accept the recommendations of staff and award the bid for asphalt and related materials to Mickelsen Construction, Inc. in the amount of \$433,300.00, as part of the Street Operation Department 2022 pavement maintenance program. Funding for the materials have been budgeted in the Street Operations Fiscal Year 2022 budget. Council may also wish to authorize the Mayor's signature on all pertinent documents related to the purchase. **(ACTION ITEM)**

Documents:

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

**15. BID ACCEPTANCE AND CONTRACT FOR
CONSTRUCTION MANAGER/GENERAL CONTRACTOR
FOR FUEL SITE PROJECT – STREET OPERATIONS
DEPARTMENT**

Council may wish to accept the recommendations of staff and accept the bid for a Construction Manager/General Contractor for the Fuel Site Project to Construction Services, Inc. and authorize the Mayor's signature on all appropriate documents related to the project, subject to Legal

Department review. **(ACTION ITEM)**

Documents:

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

16. POCATELLO CREEK BOOSTER STATION CHANGE ORDER NO. 1 – WATER DEPARTMENT

Council may wish to approve the recommendations of staff and authorize the Mayor to approve Change Order No. 1 of the Pocatello Creek Booster Station Project, increasing the contract amount by \$135,233.10, subject to Legal Department review. The change order is due to material unavailability from the initial bid and the project engineer's recommendation to switch to a suitable substitute material class for the 42" casing pipe for directional drilling under the I-15 corridor. Funds are available in the Water Department's capital reserve fund. **(ACTION ITEM)**

Documents:

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

17. RESOLUTION – AMENDING EXHIBIT “S”, SANITATION DEPARTMENT FEES

Council may wish to adopt a Resolution amending Exhibit S, Sanitation Department Fees, of the City's Fee schedule for sanitation services for Fiscal Year 2022. **(ACTION ITEM)**

Documents:

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

18. ORDINANCES

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.

Ordinance ready for reading.

- a) An ordinance annexing approximately 45.91 acres of land to extend the Pocatello city limits south of Venture Way and west of the Portneuf Wellness Complex. The annexed property will be zoned Office Park (OP) and Residential Commercial Professional (RCP). **(ACTION ITEM)**

- b) An ordinance annexing approximately 18.74 acres of land to extend the Pocatello city limits north of Vista Drive. The annexed property will be zoned Residential Medium Density Single-Family (RMS) with a Comprehensive Plan Land Use designation of Residential (R). **(ACTION ITEM)**

- c) An ordinance amending the zoning designation for the property located at 600 Jefferson Avenue from Residential Medium Density Single-Family (RMS) to Residential Commercial Professional (RCP). **(ACTION ITEM)**

- d) An ordinance amending Pocatello Municipal Code Title 8 "Health and Safety" and more specifically Chapter 8.14.110 "Penalties" to specify criminal penalties for violations of this code. **(ACTION ITEM)**

Documents:

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

19. 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.)

20. 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.