

CITY OF POCA TELLO, IDAHO  
CITY COUNCIL AGENDA  
CLARIFICATION MEETING AND  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 5, 2009

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CLARIFICATION MEETING                    The City Council Agenda Clarification Meeting was called to order at 5:30 PM by Mayor Roger Chase. Council members present were Roger Bray, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood. Council member Ron Frasure 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 6:01 PM by Mayor Roger Chase. ROLL CALL AND PLEDGE OF ALLEGIANCE                    Council members present were Roger Bray, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood. Council member Ron Frasure was excused.

Mayor Chase led the audience in the pledge of allegiance.

AGENDA ITEM NO.            2:    The invocation was given by Reverend Pamela INVOCATION                    Mayes of the First Presbyterian Church.

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

-MINUTES                    (a)    Waive the oral reading of the minutes and approve the minutes from the Agenda Clarification and Regular City Council meeting of September 17, 2009; the Joint City Council/Golf Advisory Board meeting of October 7, 2009; the Study Session of October 8, 2009; and the Agenda Clarification and Regular City Council meeting of October 15, 2009.

-PAYROLL AND MATERIAL CLAIMS            (b)    Payroll and Material claims for the month of October in the amount of \$7,856,708.68.

-VOLUNTEER INTERN CONTRACT-BURRIER            (c)    Approve, subject to Legal Department approval, a Volunteer Intern Contract with Travis Burrier. Mr. Burrier is an Idaho State University student who will assist with the City's energy efficiency audit and other related matters. The Contract will extend from November 6, 2009, through December 31, 2009.

-RATIFICATION OF ACTION-REJECTION OF INSURANCE            (d)    Ratify the Council's action rejecting the right to purchase additional insurance to cover damages caused by acts of terrorism from ICRMP, the City's insurance company.

-RATIFICATION OF ACTION-HOKU CONSENT (e) Ratify the Council's decision to enter into a Landlord Consent to Occupancy Transaction Agreement with Hoku Materials, Inc., as required under the Ground Lease between Hoku and the City, in order to recognize Hoku's relationship with Tianwei New Energy Holdings Co., Ltd.

-COUNCIL DECISION (f) Adopt the Council's Decision approving the COUNTRYSIDE 6<sup>TH</sup> ADDITION FINAL PLAT Final Plat for Countryside 6<sup>th</sup> Addition which divides 11.05 acres into five residential lots, subject to conditions. The property is situated South of Country Club Drive and East of Countryside Subdivision 5<sup>th</sup> Addition on an extension of Duramax Drive and Ethans Way.

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

AGENDA ITEM NO. 4: Mayor Chase proclaimed November 2009 as COMMUNICATIONS AND PROCLAMATIONS American Indian Heritage Month in Pocatello and urged citizens to observe the month with appropriate ceremonies and activities.

Mayor Chase stated that the Native American people have had a great influence on the City of Pocatello. He noted that only one week ago a painting of Chief Pocatello was dedicated and is now on display in the Council Chambers.

A representative from the Daughters of the American Revolution stated that their group participates in many events honoring Native Americans. She added that the proclamation is one of the things that their organization does to support scholarships and aiding American Indians.

AGENDA ITEM NO. 5: Mayor Chase reminded the Council of the CALENDAR REVIEW November 12 Study Session at 9:00 AM; and the November 19<sup>th</sup> Regular City meeting at 6:00 PM.

Mayor Chase announced that City offices will be closed on November 11, 2009, to observe Veterans Day. However, garbage and recycling pickups will remain on their regularly scheduled days; that the special leaf pick-up program will continue through November 28<sup>th</sup>.

Mayor Chase wished area High School teams good luck at their upcoming football games.

AGENDA ITEM NO. 6: Jo Lynn Anderson, representative of the DISCUSSION ITEMS Voices for Animals Group, stated that their group feels that there is a problem with a portion of the ordinance

pertaining to vicious dogs. Ms. Anderson read a statement from the Group outlining their concerns and requested that an additional meeting be held to discuss their issues. She also stated that their group would like a copy of the tape from the Animal Shelter Advisory meeting of November 4, 2009, and is willing to pay for a copy.

Mayor Chase clarified that a copy of the tape can be purchased and a list of the attendees would be available upon written request.

AGENDA ITEM NO. 7: Council was asked to consider a request from  
-CUP ELIGIBILITY Lisa Wood (mailing address: 2464 South  
108 NORTH 17<sup>TH</sup> AVENUE Fairway Drive, Pocatello ID 83201), to apply  
for a conditional use permit (CUP) to use  
the residence at 108 North 17<sup>th</sup> Avenue as a business office for her  
accounting and law office. The property is located in a  
Residential Medium Density-Single Family zoning district.  
Municipal Code 17.02.230 does not allow application for a CUP for  
office uses in this zoning district.

Terri Neu, Associate Planner, stated that the proposed business is in a residential zoning district and these types of businesses are not allowed as a conditional use. Therefore, Ms. Wood must ask permission to apply for a CUP.

Ms. Wood stated that she owns a business consulting firm with one client and she is the only employee. She does not live at the proposed site and that is why it does not meet the zoning requirement. She advises her one client at their place of business so there will not be an increase in traffic.

Mayor Chase noted that if the Council approves the request it will only be for permission to apply for a CUP. However, the CUP itself could be denied.

A motion was made by Mrs. Nye, seconded by Mr. Richway, to approve a request from Lisa Wood allowing her to apply for a CUP to use the residence at 108 North 17<sup>th</sup> Avenue as a business office. Upon roll call, those voting in favor were Nye, Richway, Bray, Moore, and Underwood.

AGENDA ITEM NO. 8: Council was asked to consider two requests  
SPECIAL EVENT from Aid For Friends. The group wishes to  
WAIVER REQUEST conduct a special fundraising event at  
-AID FOR FRIENDS Caldwell Park beginning the afternoon of  
December 4, 2009, and concluding on December  
6, 2009, at 10:00 AM. Therefore, they will need permission to have  
people in the park during the evenings of December 4<sup>th</sup> and December  
5<sup>th</sup> and they are requesting that from 10:00 AM December 5<sup>th</sup> to 10:00  
AM December 6<sup>th</sup> parking on that portion of East Center adjacent to  
the park be limited to vehicles associated with the event.

A motion was made by Mr. Moore, seconded by Mrs. Nye, to approve the requests from Aid For Friends to allow individuals to stay in Caldwell Park during the evenings of December 4<sup>th</sup> and December 5<sup>th</sup> for a special fundraising event and that a portion of East Center adjacent to the park be limited to vehicle parking associated with the event.

Nancy Wall, Encampment Project 2009 Chair, thanked the Council for their support and reviewed past encampments.

Mr. Moore's motion was voted upon at this time. Upon roll call, those voting in favor were Moore, Nye, Bray, Richway, and Underwood.

AGENDA ITEM NO. 9: Council was asked to grant, subject to Legal  
-USE LICENSE Department approval, a Revocable Public  
RODGER RUDOLPH Property Use License to Rodger Rudolph. As  
a result of an Agreement with the prior  
owner of the property Mr. Rudolph owns and uses a water tank  
situated on City-owned property at the Pocatello Creek Landfill.

A motion was made by Mr. Underwood, seconded by Mr. Bray, to approve, subject to Legal Department approval, a Revocable Public Property Use License to Rodger Rudolph, for a water tank situated on City-owned property at the Pocatello Creek Landfill. Upon roll call, those voting in favor were Underwood, Bray, Moore, Nye, and Richway.

AGENDA ITEM NO. 10: Council was asked to adopt a resolution in  
-RESOLUTION SUPPORTING support of the City of Chubbuck Resolution  
CHUBBUCK'S WASTEWATER authorizing the wastewater connection fee  
CONNECTION FEE for the Chubbuck Impact Area Wastewater  
Collection Authority.

A motion was made by Mr. Richway, seconded by Mr. Bray, to approve a Resolution (#2009-37) in support of the City of Chubbuck Resolution authorizing the wastewater connection fee for the Chubbuck Impact Area Wastewater Collection Authority. Upon roll call, those voting in favor were Richway, Bray, Moore, Nye, and Underwood.

AGENDA ITEM NO. 11: Council was asked to approve a contract with  
CONTRACT-VALUATIONS Valuations Northwest, Inc., to appraise and  
NORTHWEST INC. inventory City real estate properties having  
a value of \$250,000.00 or less. The amount

of the contract is \$16,660.00 and funds are available in the Liability Fund to pay for the services.

A motion was made by Mr. Bray, seconded by Mrs. Nye, to approve a contract with Valuations Northwest, Inc.

Mr. Bray stated that Valuations Northwest, Inc. will provide a third-party evaluation of the City's properties in the event of an insurance claim so that there is a neutral party that set the value.

Mr. Bray's motion was voted upon at this time. Upon roll call, those voting in favor were Bray, Nye, Moore, Richway, and Underwood.

AGENDA ITEM NO. 12: Council was asked to renew the Agreement AGREEMENT-MERCER with Mercer Health and Benefits LLC for HEALTH & BENEFITS LLC Fiscal Year 2010. Mercer provides benefits consulting services to the City, negotiates premiums with insurance carriers, and assists in implementation of benefits programs. The cost for these services is \$20,000.00.

A motion was made by Mr. Richway, seconded by Mr. Moore, to approve the Agreement with Mercer Health and Benefits LLC for Fiscal Year 2010. Upon roll call, those voting in favor were Richway, Moore, Bray, Nye, and Underwood.

AGENDA ITEM NO. 13: Council may wish to amend the Agreement with INSURANCE-BLUE CROSS Blue Cross of Idaho for medical insurance OF IDAHO for City employees, adopting a high deductible option at a lower premium rate.

A motion was made by Mr. Bray, seconded by Mr. Underwood, to amend the Agreement with Blue Cross of Idaho adopting a high deductible option at a lower premium rate for City employee medical insurance. Upon roll call, those voting in favor were Bray, Underwood, Moore, Nye, and Richway.

AGENDA ITEM NO. 14: Council was asked to expand the Defined EXPANSION OF Wildland Urban Interface Area to include the WILDLAND URBAN Old Orchard Subdivision. The streets that INTERFACE AREA would be added to the area are Old Ranch Lane, Fruitwood Lane, and Indian Tree Lane.

A motion was made by Mrs. Nye, seconded by Mr. Bray, to expand the Defined Wildland Urban Interface Area to include the Old Orchard Subdivision. Upon roll call, those voting in favor were Bray, Moore, Nye, Richway, and Underwood.

AGENDA ITEM NO. 15: Council was asked to approve an Agreement AGREEMENT-POCATELLO allowing the Pocatello Women's Correctional

WOMEN'S CORRECTIONAL CENTER      Center to use City property for training once certain conditions are met.

A motion was made by Mr. Moore, seconded by Mr. Bray, to approve an Agreement allowing the Pocatello Women's Correctional Center to use City property for training once certain conditions are met.

Mr. Underwood recused himself from voting on the motion as he is the Pocatello Women's Correctional Center Warden.

Mr. Moore's motion was voted upon at this time. Upon roll call, those voting in favor were Moore, Bray, Nye, and Richway.

AGENDA ITEM NO.    16:    Council was asked to consider an ordinance revising portions of Chapter 12 and to provide for misdemeanor penalties for violations of the provisions of said chapter.  
ORDINANCE-REVISING  
SIDEWALKS/CURBS

A motion was made by Mr. Moore, seconded by Mr. Richway, that the ordinance, Agenda Item 16, 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 Moore, Richway, Bray, Nye, and Underwood.

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

Mayor Chase declared the final reading of the ordinance revising portions of Chapter 12 and to provide for misdemeanor penalties for violations of the provisions of said chapter. Mayor Chase asked "Shall the ordinance pass?" Upon roll call, those voting in favor were Bray, Moore, Nye, Richway, and Underwood. Mayor Chase declared the ordinance and summary sheet passed, that it be numbered 2876 and be submitted to the Idaho State Journal for publication.

There being no further business, Mayor Chase adjourned the meeting at 6:28 PM.

APPROVED BY:

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ROGER W. CHASE, MAYOR

ATTEST:

REGULAR CITY COUNCIL MEETING  
NOVEMBER 5, 2009

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RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

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RUTH E. WHITWORTH, CMC, DEPUTY CLERK