

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
CLARIFICATION MEETING AND
REGULAR CITY COUNCIL MEETING
AUGUST 20, 2009

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, Ron Frasure, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood. 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 6:00 PM by Mayor Roger Chase. Council members present were Roger Bray, Ron Frasure, Gary Moore, Eva Johnson Nye, Robert Richway, and Brian Underwood.

Mayor Chase led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Pastor Bill Levy of Calvary Alliance Church.

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

-MINUTES (a) Waive the oral reading of the minutes and approve the minutes from the Advisory Board Luncheon meeting of August 11, 2009.

-TREASURER'S REPORT (b) The Treasurer's Report for July, showing cash and investments as of August 1, 2009, in the amount of \$26,436,696.08.

-HISTORIC PRESERVATION COMMISSION APPOINTMENT (c) Confirm the Mayor's appointment of Greg Helm to serve as a member of the Historic Preservation Commission, replacing Dan Rainey whose term expired. Mr. Helm's term will begin August 21, 2009, and will expire August 21, 2012.

-HOUSING AUTHORITY BOARD APPOINTMENT (d) Confirm the Mayor's appointment of Barbara Martin to serve as a member of the Housing Authority Board of Directors, replacing Francis Stamps who resigned. Ms. Martin's term will begin August 21, 2009, and will expire June 23, 2014.

-HUMAN RELATIONS ADVISORY COMMITTEE APPOINTMENT (e) Confirm the Mayor's appointment of Becki Otero to serve as a member of the Human Relations Advisory Committee, replacing Art

Paz who resigned. Ms. Otero's term will begin August 21, 2009, and will expire March 16, 2011.

-SISTER CITIES COMMITTEE REAPPOINTMENT (f) Confirm the Mayor's appointment of Heather Sandy to continue her service as a member of the Japanese Sister Cities Subcommittee. Ms. Sandy's term will begin September 2, 2009, and will expire September 2, 2013.

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

AGENDA ITEM NO. 4: Mayor Chase proclaimed August 28 through PROCLAMATIONS August 30, 2009, to be Bluegrass Festival Days and encouraged all citizens to welcome the festival participants to our great city.

AGENDA ITEM NO. 5: Mayor Chase reminded the Council of the CALENDAR REVIEW September 3rd Regular City Council meeting at 6:00 PM; the September 10th Study Session at 9:00 AM; and the August 31st public meeting regarding the Portneuf River levees at 5:30 PM.

Mayor Chase announced that the Ross Park Aquatic Complex hours are changing for the end of the season; the Community Recreation Center will be closed for annual maintenance beginning August 31st but the business offices will remain open from 8:00 AM to 5:00 PM; motorists were reminded to slow down in school zones as school is starting; and the Bluegrass Festival will be August 28th through 30th at the Bannock County Fairgrounds.

AGENDA ITEM NO. 6: Mayor Chase announced there were no DISCUSSION ITEMS discussion items from the audience.

AGENDA ITEM NO. 7: This time was set aside for Council to PUBLIC HEARING continue to receive public comment on the proposed Fiscal Year 2010 Budget, which -CONTINUATION begins October 1, 2009. Mayor Chase -FISCAL YEAR reminded those present that the hearing was 2010 BUDGET opened at the August 6, 2009, Regular City Council meeting.

Mayor Chase opened the continued public hearing.

Chief Financial Officer David Swindell reviewed changes to the Fiscal Year (FY) 2010 Budget since August 6, 2009. Bannock County has since updated valuations indicating the City's levy rate will decrease by 1.67% rather than 1.05%. At a meeting held August 13, 2009, the Council further reduced expenditures by \$111,480.00 in

anticipation of continued declining sales tax revenue from the State of Idaho. Several of the FY 2010 reductions will become FY 2009 expenditures, and the appropriate budget amendment hearing will be held September 17, 2009.

Mayor Chase announced that there was no written correspondence received regarding the budget.

There being no further comments from the public, Mayor Chase closed the public hearing.

AGENDA ITEM NO. 8: This time was set aside for Council to
PUBLIC HEARING continue to receive public comment on the
-CONTINUATION proposed fee changes for Fiscal Year 2010,
-FISCAL YEAR which begins October 1, 2009. Mayor Chase
2010 FEE CHANGES reminded those present that the hearing was
opened at the August 6, 2009, Regular City
Council meeting.

Mayor Chase opened the continued public hearing.

Chief Financial Officer David Swindell reviewed the changes made to the Fiscal Year 2010 fees since the August 6, 2009, meeting. He clarified the age change in Zoofari event fees was to make the age ranges consistent with the Zoo's regular admission schedule. He also noted that the Pocatello Regional Transit Department will not change its Bingham County/Blackfoot demand response boundaries as proposed due to citizen concerns. However, the rates will still change as follows: \$2.00 for up to three miles from the city limits and \$8.00 for those beyond eight miles from the city limits.

Rhonda Johnson, City Clerk, announced that there was one telephone call and one e-mail received regarding the Transit fees, and they were included in the Council's agenda packets.

There being no further comments from the public, Mayor Chase closed the public hearing.

AGENDA ITEM NO. 9: This time was set aside for Council to
PUBLIC HEARING receive public comment on a request from
-CONTRACT REZONE Greyeye Enterprises, Inc. represented by
TIME EXTENSION- Craig Smith (mailing address: PO Box 383,
GREYEYE Mendon UT 84325) for a time extension to the
contract rezone of approximately 4.5 acres
of land from Residential to Commercial General. The original
contract rezone was granted on July 17, 2008. Should Council grant
the extension staff recommends continuation of all conditions.

Mayor Chase opened the public hearing.

Jack Robison, 203 South Garfield, spoke on behalf of the applicant. He stated that the extension request was for 2.4 acres rather than 4.5 acres as listed in the agenda. He also explained the one-year extension was necessary due to the downturn in the national economy. Mr. Smith needs the additional time to work with financial institutions to secure funding.

In response to a question from Council, Mr. Robison clarified that Mr. Smith is asking for a one-year extension beginning July 24, 2009.

Robert Chambers, Planning & Development Services Director, stated that staff is aware of the economic downturn and its affect on businesses. Staff recommends the time extension and continuation of all original conditions with the exception of condition #9, which be modified to read July 24, 2010. Dr. Chambers stated that notices regarding the public hearing were mailed to 44 adjacent property owners, and 22 notices were returned as undeliverable. He further stated that no written correspondence was received by the Planning & Development Department.

Mayor Chase announced that there was no written correspondence received regarding this request.

Ted Booth, 340 East Clark Street, spoke in support of the extension. He stated that all the engineering and architectural work has been finished. He asked the Council to give Mr. Smith more time to complete the project and invest in the community.

Janette Turner, 369 Vista Drive, spoke in opposition to the extension. She stated she lives directly across from Mr. Smith's lot and did not receive notification of this request. She remains opposed to the project, as a hotel is not conducive to the neighborhood. She believes the City has been fair with previous extensions, but there has been no construction progress to date.

Dr. Chambers explained that the process is to rely on the applicant to provide addresses of adjacent property owners, and the applicant is required to sign an affidavit that the information is accurate to the best of their knowledge. He stated that sometimes addresses and residents change, and unfortunately, some addresses are missed. In response to questions from Council, Dr. Chambers explained the history of the project. Greyeye Enterprises, Inc. made application in March 2008 for a 9.8 acre rezone from residential to commercial. In May 2008, the Community Development Commission denied the request, and the Council upheld the denial in June 2008. After working with staff and the neighborhood, in July 2008 Mr. Smith asked the Council to reconsider a 2.4 contract rezone to allow for the Holiday Inn Express, which was approved with conditions.

Councilman Richway further clarified that the original concept started many years prior to that with a contract rezone request by then AMI Semiconductor, and that rezone had expired by 2008.

Jeff Butler, 209 East Clark Street, spoke in support of the extension. He stated regardless of how long it takes this type of project to be completed Mr. Smith should be recognized for his tenacity. Mr. Butler asked the Council to leave options open for growth in the community. He also noted that the commercial potential has been there longer than many of the homes and asked that Mr. Smith have equal consideration.

Mr. Robison noted that the current contract rezone is only for the 2.4 acres, and the remainder of the property has been permanently dedicated to non-commercial use as a concession to the neighborhood.

In response to a question from Council, Mr. Robison clarified that there was a reconfiguration of the property since the Council's approval in July 2008. The bulk of the property was rezoned RCP earlier this year.

There being no further comments from the public, Mayor Chase closed the public hearing.

A motion was made by Mr. Bray, seconded by Mr. Underwood, to approve Mr. Smith's request for a time extension to the contract rezone of approximately 2.4 acres of land from Residential to Commercial General with continuation of all original conditions, except that condition #9 be modified to read July 24, 2010.

Mr. Frasure expressed concern that the economy may not turn around as quickly as hoped. He suggested giving Mr. Smith a two-year time extension.

Mr. Bray felt it was appropriate for the Council to hear the status of the project from year-to-year, and the timeframe could be reconsidered based on the national economy at that time.

Upon roll call, those voting in favor were Bray, Underwood, Frasure, Moore, Nye, and Richway.

AGENDA ITEM NO. 10: Council was asked to consider a request from
TEMPORARY STREET the Pocatello Sports Committee for a
CLOSURE-SOUTH 2ND temporary street closure on South 2nd Avenue
AVENUE-THE POCATELLO from the Ross Park Aquatic Center's south
SPORTS COMMITTEE entrance to Cheyenne Crossing on Saturday,
September 5, 2009, from 7:30 AM to 2:00 PM
for the purpose of holding the Pocatello Marathon. Staff
recommends approval subject to conditions.

Mike Calley, 1410 Kelsea Place, thanked the Mayor and Council for their continued support. The Pocatello Marathon has grown 25% over the last six years.

A motion was made by Mr. Moore, seconded by Mr. Richway, to approve the Pocatello Sports Committee's request for a temporary street closure on South 2nd Avenue from the Ross Park Aquatic Center's south entrance to Cheyenne Crossing on Saturday, September 5, 2009, from 7:30 AM to 2:00 PM, subject to the following conditions: 1) that one lane of traffic be left open and unobstructed for emergency vehicle access; and 2) provisions are made for all Ross Park visitors to have access to all the park's facilities. Upon roll call, those voting in favor were Moore, Richway, Bray, Frasure, Nye, and Underwood.

AGENDA ITEM NO. 11: Council was asked to approve, subject to LEASE-FREE CLINIC Legal Department approval, the renewal of a lease agreement between the City and the Pocatello Free Clinic, Inc., providing for a ten year lease of the premises located on Washington Avenue. The site will be used for the purpose of providing medical services to indigent citizens of the City.

Lela Liggins, Board Member for the Pocatello Free Clinic, thanked the Mayor and Council for their support.

A motion was made by Mr. Richway, seconded by Mrs. Nye, to approve, subject to Legal Department approval, the renewal of a lease agreement between the City and the Pocatello Free Clinic, Inc. for a ten year period for the premises located on Washington Avenue. Upon roll call, those voting in favor were Richway, Nye, Bray, Frasure, Moore, and Underwood.

AGENDA ITEM NO. 12: Council was asked to approve and accept the WATER RIGHTS assignment and assumption of an agreement PURCHASE from the Idaho Water Company, LLC, regarding the purchase of water rights from Howard and Janice Hall.

A motion was made by Mr. Bray, seconded by Mr. Underwood, to approve and accept the assignment and assumption of an agreement from the Idaho Water Company, LLC, regarding the purchase of water rights from Howard and Janice Hall. Upon roll call, those voting in favor were Bray, Underwood, Frasure, Moore, Nye, and Richway.

AGENDA ITEM NO. 13: Council was asked to adopt resolutions RATE RESOLUTIONS setting fees for Fiscal Year 2010 (October 1, 2009 to September 30, 2010).

A motion was made by Mr. Moore, seconded by Mrs. Nye, to adopt the resolutions setting fees for Fiscal Year 2010. The resolution numbers and brief descriptions are as follows:

- a) Alcohol Beverage Licenses Fees (#2009-12): Renewal of fees for alcohol beverage licenses.
- b) Animal Control Fees (#2009-13): Renewal of fees, rates and charges for animal control operations and addition of a fee.
- c) Cemetery Department Fees (#2009-14): Renewal of fees, rates and charges for cemetery operations, and adding a fee for ash niches at Restlawn.
- d) Children's Group Treatment Center Fees (#2009-15): Renewal of fees for licensing children group treatment centers.
- e) Commercial Activities in Parks and other Public Places Fees (#2009-16): Revision of fees for concessions in public parks and other public places.
- f) Construction Trades Permit Fees (#2009-17): Renewal of certain fees for building, plumbing, electrical and mechanical.
- g) Developer's Fees for Cost Reimbursement Process (#2009-18): Increasing the Development fee from \$200.00 to a \$350.00 fee for document processing and recording.
- h) Engineering Review Fees (#2009-19): Renewal of fees for reviewing subdivisions.
- i) Fire Department Fees (#2009-20): Revision of permits, licenses and inspection fees, and addition of a fee.
- j) Geographic Information Systems Fees (#2009-21): Renewal of fees, rates and charges for GIS Operations.
- k) Parks and Recreation Fees: 1) (#2009-22)- Renewal of various fees, rates and charges for the Parks and Recreation Department's programs and facilities; adding youth volleyball, adult softball league fall team fee, and adult flag football team fee; and amending age groups for Community Recreation Center daily user fees; 2) (#2009-23)- Renewal of park use fees and ball field fees, and increasing fee for reserving OK Ward Park ball fields from \$140.00 to \$200.00 for 2-day reservation; 3) (#2009-24)- Renewal of zoo admission and program fees, increasing stroller rental fees, volunteer program fees, and mileage fees for Outreach Classroom programs.

- l) Planning Fees (#2009-25): Renewal of fees, rates and charges for planning operations.
- m) Police Fees (#2009-26): Revision of certain parking and police fees, and addition of a fee.
- n) Public Record Fees (#2009-27): Renewal of administrative, labor, photocopy and other fees associated with providing public records upon request.
- o) Sanitation Fees (#2009-28): Revision of fees, rates and charges for municipal refuse collection services in accordance with rate study recommendations.
- p) Sediment and Erosion Control Fees (#2009-29): Confirmation of permit and certification fees for erosion control permits and certification costs; deletion of initial fee reductions for institution of program.
- q) Transit Fees (#2009-30): Revision of fees, rates and charges for the transit operation.
- r) Video Services Fees (#2009-31): Renewal of fees, rates and charges for the video operation.
- s) Water Fees (#2009-32): Renewal of water system fees, rates and charges.
- t) Water Pollution Control Fees (#2009-33): Revision of fees, rates and charges for water pollution control operations in accordance with rate study recommendations.

Upon roll call, those voting in favor were Moore, Nye, Bray, Frasure, Richway, and Underwood.

AGENDA ITEM NO. 14: Council was asked to consider the Annual
ORDINANCE Appropriations ordinance for Budget Year
-APPROPRIATIONS 2010.
BUDGET YEAR 2010

A motion was made by Mr. Underwood, seconded by Mr. Moore, that the ordinance, Agenda Item #14, be read only by title and placed on final passage for publication, and that the full ordinance be submitted for publication.

Councilman Frasure stated that regardless of previous comments this budget does raise property taxes for some individuals, but he did acknowledge that the City's mill levy will decrease. He appreciated that the Council did not agree to take the full 3%

increase allowed by State Code, and he appreciated the process undertaken by the Council and staff.

In response to a question from Council, Mr. Swindell clarified that an additional \$111,480.00 was cut from the Fiscal Year 2010 budget. However, that amount was cut to balance projected reductions in sales tax revenue and not to reduce property tax revenue.

Upon roll call, those voting in favor were Underwood, Moore, Bray, Nye, and Richway. Mr. Frasure voted in opposition. The motion passed.

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

Mayor Chase declared the final reading of the Annual Appropriation ordinance for Budget Year 2010. Mayor Chase asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Bray, Moore, Nye, Richway, and Underwood. Mr. Frasure voted in opposition. Mayor Chase declared the ordinance passed, that it be numbered 2872 and be submitted to the Idaho State Journal for publication.

There being no further business, Mayor Chase adjourned the meeting at 6:55 PM.

APPROVED BY:

ROGER W. CHASE, MAYOR

ATTEST:

RHONDA L. JOHNSON, MMC, CITY CLERK

PREPARED BY:

ANNE NICHOLS, CAP, ASSISTANT TO THE MAYOR