

CITY COUNCIL MEETING
CITY OF POCATELLO, IDAHO
MARCH 4, 2010 - 9:00 AM
CITY COUNCIL CHAMBERS

Notice is hereby given that the City Council will hold a meeting on Thursday, March 4, 2010, at 9:00 AM in the Council Chambers at City Hall, 911 North 7th Avenue. The purpose of the meeting is to review Service Level Reports including tours of specific facilities.

City Hall and the Council Chambers are accessible to persons with disabilities. Interpreters for persons with hearing impairments and/or taped information for persons with visual impairments can be provided upon three (3) days notice. For accessibility arrangements, please contact Dave Hunt, Interim ADA Coordinator, at Voice Phone: 208-232-5057; TTY: 208-232-5071; Fax: 208-233-5149; E-mail: dhunt@pocatello.us; Mailing Address: P.O. Box 4169, Pocatello, Idaho 83205-4169; Physical Address: 215 West Bonneville, Pocatello.

A G E N D A

CITY OF POCATELLO
REGULAR CITY COUNCIL MEETING
MARCH 4, 2010 - 6:00 PM
COUNCIL CHAMBERS
911 NORTH 7TH AVENUE

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 and the City Council Chambers are accessible to persons with disabilities. Interpreters for persons with hearing impairments and/or taped information for persons with visual impairments can be provided upon three day notice. For accessibility arrangements, please contact Dave Hunt, Interim ADA Coordinator, at Voice Phone: 208-232-5057; TTY: 208-232-5071; Fax: 208-233-5149; E-mail: dhunt@pocatello.us; Mailing Address: P.O. Box

4169, Pocatello, Idaho 83205-4169; Physical Address: 215 West Bonneville, 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. If the matter the citizen wishes to discuss is not listed on the formal agenda, an opportunity to be heard by the Council is the agenda item described as "DISCUSSION ITEMS." Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker. You must sign in at the start of the meeting.

AGENDA CLARIFICATION MEETING: A meeting will be held at 5:30 PM in the Paradise Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

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

AGENDA ITEM NO. 1: ROLL CALL AND PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 2: INVOCATION: The invocation will be offered by Pastor Bill Levy, Calvary Alliance Church.

AGENDA ITEM NO. 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.

- (a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the Agenda Clarification and Regular City Council meeting of February 4, 2010; the Study Session of February 11, 2010; the Executive Session of February 18, 2010; and the Agenda Clarification and Regular City Council meeting of February 18, 2010.
- (b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of February.
- (c) COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the appointment of Cass Fannesbeck to serve as a member of the Community Development Block Grant Advisory Committee, replacing Alyce Sato whose term expired. Ms. Fannesbeck's term will begin March 5, 2010, and will expire January 2, 2013.
- (d) PROPERTY MAINTENANCE APPEALS BOARD APPOINTMENT: Council may wish to confirm the appointments of Gene Stanislawski and Jonathan Vincent to serve as members of the Property

Maintenance Appeals Board to fill long-term vacancies. Both terms will begin March 5, 2010, and will expire March 5, 2012.

- (e) SISTER CITIES COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Kent Hobbs to continue his service as a member of the African Sister Cities Subcommittee. Mr. Hobbs' term will begin March 15, 2010, and will expire March 15, 2014.
- (f) DAY CARE RESIDENT LICENSE DENIAL-RUEDA: Council may wish to accept the recommendation of the Chief of Police and deny the Day Care Resident License of Alejandra Rueda.

- AGENDA ITEM NO. 4: COMMUNICATIONS AND PROCLAMATIONS:
- AGENDA ITEM NO. 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.
- AGENDA ITEM NO. 6: DISCUSSION ITEMS: This time has been set aside to hear discussion items not listed on the agenda. Items which appear somewhere else on the agenda will not be discussed 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 will either 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.)
- AGENDA ITEM NO. 7: BIDS: Council may wish to consider accepting staff recommendations on the following bids:
- a) Water-Staff recommends awarding the bid for the lease of a wheeled tool-carrier/loader, to Western States Equipment Company, who submitted the low bid for a five year lease with annual payments of \$16,518.69. The purchase price of the equipment is \$194,734.66.
 - b) Water-Staff recommends awarding the bid for the lease of a double-drum asphalt compactor, to Western States Equipment Company, who submitted the

low bid for a five year lease with annual payments of \$5,651.04. The purchase price of the equipment is \$53,671.19.

- c) Zoo-Staff recommends awarding the bid for constructing the Pocatello Zoo's Grizzly Exhibit buildings to Wellard Constructors, Inc., who submitted the low bid in the amount of \$294,145.00.

AGENDA ITEM NO. 8: REVISING APPENDIX OF RESOLUTION: Council may wish to authorize making the following changes to the list of approved investment firms as stated in Appendix A of Resolution #2003-12. Remove Edward D. Jones & Co., US Bancorp, and Mischler Financial Group from the list and add First Empire Securities to the list.

AGENDA ITEM NO. 9: MEMORANDUM OF UNDERSTANDING-SMITH D/B/A BANNOCK BASEBALL: Council may wish to approve, subject to Legal Department approval, a Memorandum of Understanding between the City and Travis Smith d/b/a Bannock Baseball to cooperatively run the baseball program.

AGENDA ITEM NO. 10: GRANT APPLICATIONS: Council may wish to consider submitting the following grant applications and if the grants are awarded authorize the Mayor to accept the grants and sign related documents, subject to Legal Department approval. The grants are:

- a) Zoo-A grant in the amount of \$5,000.00 from Idaho Fish and Wildlife Foundation, to assist with constructing the Grizzly Bear Exhibit. The \$5,000.00 match will be supplied by the Pocatello Zoological Society.
- b) Zoo-A grant in the amount of \$10,000.00 from the IFFT Foundation Fund, to assist with constructing the Grizzly Bear Exhibit. No matching funds are required.
- c) Zoo-A grant in the amount of \$5,000.00 from the Idaho Community Foundation, to assist with constructing the Grizzly Bear Exhibit. No matching funds are required.

AGENDA ITEM NO. 11: AUCTION AUTHORIZATION: Council may wish to authorize the Police Department to auction the old D.A.R.E. car and allow

the proceeds from the auction to go to the Bannock County D.A.R.E. program.

AGENDA ITEM NO. 12: MEMORANDUM OF UNDERSTANDING-VIOLENCE AGAINST WOMEN: Council may wish to approve, subject to Legal Department approval, a Memorandum of Understanding with various agencies in the area to assist Idaho State University (ISU) in their request for a Department of Justice Violence Against Women Grant. The Memorandum requires the City to expand Domestic Violence/Sexual Assault Training to ISU Public Safety personnel as well as provide other services.

AGENDA ITEM NO. 13: MEMORANDUM OF UNDERSTANDING-END ELDER ABUSE IN SOUTHEAST IDAHO: Council may wish to approve, subject to Legal Department approval, a Memorandum of Understanding with various agencies in the area to authorize the interested parties to assist Family Services Alliance in their request for a grant to enhance training and services to end elder abuse in southeast Idaho. The Memorandum lists various responsibilities for the Pocatello Police Department.

AGENDA ITEM NO. 14: LAND PURCHASE-WATER POLLUTION CONTROL: Council may wish to approve the purchase of 88.70 acres of farmable ground, along with associated water rights, wells, pumps, and center pivot irrigation system. The land will be used for the Water Pollution Control Department's biosolids application program. The cost of purchase is \$656,750.00 and funds are available in the Water Pollution Control budget for the purchase.

AGENDA ITEM NO. 15: ORDINANCES: The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read by title on two occasions and at length on the third occasion and placed on final passage for publication.

EXAMPLE MOTIONS:

FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # __, be read only by title on three separate occasions and placed on final passage and ordered for publication, and that only the ordinance

summary sheet be submitted for publication."

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."

Before the ordinance can be read under Option 1 or 2, the Council, by a vote of one-half plus one (4) of the full Council, must vote to direct how the ordinance is to be read.

Ordinance ready for reading.

15. An ordinance approving the exchange of 71.48 acres of bare ground owned by the City for 71.48 acres of bare ground owned by Bingham Investments. (A public hearing on this matter was held on February 4, 2010, after which the Council directed the preparation of this ordinance. The ordinance is prepared for reading under rules suspension.)

PUBLIC HEARINGS: The procedure that will be used for conducting the public hearings is at the end of the agenda.

- AGENDA ITEM NO. 16: PUBLIC HEARING-ANIMAL CONTROL ORDINANCE REVISIONS: This time has been set aside for Council to receive comments from the public on a proposed ordinance revising specific sections of Title 6, Chapter 4, Animal Control, of the Pocatello Municipal Code, which revisions are proposed on Section 6.04.010 Definitions; Section 6.04.030 Nuisances Prohibited; Section 6.04.050 Vicious Conduct by Animals Prohibited--Penalties; Section 6.04.060 Restraint and Care of Vicious or Dangerous Animals; Section 6.04.120 Proper Care of Animals; and 6.04.170 Multiple Animal Housing Licenses.

PUBLIC HEARING PROCEDURE{PRIVATE }

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.
- 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.