

CITY COUNCIL MEETING

CITY OF POCA TELLO, IDAHO

APRIL 1, 2010 - 9:00 AM

CITY COUNCIL CHAMBERS  
911 NORTH 7<sup>TH</sup> AVENUE

Notice is hereby given that the City Council will hold a meeting on Thursday, April 1, 2010, at 9:00 AM in the Council Chambers at City Hall, 911 North 7<sup>th</sup> 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](mailto:dhunt@pocatello.us); Mailing Address: P.O. Box 4169, Pocatello, Idaho 83205-4169; Physical Address: 215 West Bonneville, Pocatello.

EXECUTIVE SESSION MEETING NOTICE

CITY COUNCIL

CITY OF POCA TELLO, IDAHO

APRIL 1, 2010 - 5:00 P.M.

PARADICE CONFERENCE ROOM

The City Council will meet in an Executive Session on Thursday, April 1, 2010, at 5:00 P.M. in the Paradise Conference Room at City Hall, in accordance with Idaho Code 67-2345(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

A G E N D A

CITY OF POCA TELLO

REGULAR CITY COUNCIL MEETING

APRIL 1, 2010 - 6:00 PM

COUNCIL CHAMBERS  
911 NORTH 7<sup>TH</sup> 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.

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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](mailto:dhunt@pocatello.us); Mailing Address: P.O. Box 4169, Pocatello, Idaho 83205-4169; Physical Address: 215 West Bonneville, Pocatello, Idaho.

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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.

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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.

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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.

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

AGENDA ITEM NO.            2:    INVOCATION:    The invocation will be offered by Major Sam Southard, from the Salvation Army.

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 March 4, 2010; the Study Session of March 11, 2010; and the Council meetings for Service Level Reports of March 11, 2010 and March 18, 2010.
- (b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of March.
- (c) ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Kathy Reynolds to continue her service as a member of the Animal Shelter Advisory Board. Ms. Reynolds' term will begin April 19, 2010, and will expire April 19, 2012.
- (d) CHILD CARE ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the appointment of Julie Hoyle to serve as a member of the Child Care Advisory Committee, replacing Chris Gallegos who resigned. Ms. Hoyle's term will begin April 2, 2010, and will expire December 4, 2013.
- (e) FRIENDS OF THE CEMETERY COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Vicky Hale to continue her service as a member of the Friends of the Cemetery Committee. Ms. Hale's term will begin March 7, 2010, and will expire March 7, 2012.
- (f) DAY CARE RESIDENT LICENSE DENIAL-HARGROVE: Council may wish to accept the recommendation of the Police Chief and deny the Day Care Resident License of Jesse Ray Hargrove.

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.)

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

AGENDA ITEM NO. 7: PUBLIC HEARING- LIQUOR LICENSE EXCEPTION REQUEST-445 NORTH ARTHUR: This time has been set aside to hear comments from the public on a request from El Herradero Restaurant (mailing address: 445 North Arthur, Pocatello ID 83204) for an exception to Idaho Code §23-913 to allow a Retail Sale of Beer and Wine by the Drink License at 455 North Arthur. El Herradero requires Council's approval of an exception to serve beer and wine by the drink at the location of the establishment as Idaho Code §23-913 states "No license shall be issued for any premises in any neighborhood which is predominately residential or within 300 feet of any public school, church, or any other place of worship, measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the municipality;..." The restaurant is within 300 feet of a place of worship and a high school.

AGENDA ITEM NO. 8: COUNCIL SELECT FUNDS-VETERANS' SANCTUARY PROGRAM: Council may wish to consider a request from the Veterans' Sanctuary Program at Idaho State University, represented by Lynn Roberts, to use \$400.00 of "Council Select" funds to pay for admission to the zoo, on May 1, 2010, for veterans and their family members.

AGENDA ITEM NO. 9: SUBDIVISION AMENDMENT-FIELDSTONE HEIGHTS DIVISION #1: Council may wish to consider a request from M & S Developers (mailing address: 2749 Hawkweed Drive, Pocatello ID 83204), represented by Mike Millward, for an amendment to separate Fieldstone Heights Division No. 1 Subdivision into two phases. Planning and Development Services staff recommends approval.

- AGENDA ITEM NO. 10: AGREEMENT-GATEWAY HABITAT FOR HUMANITY: Council may wish to approve, subject to Legal Department approval, an Agreement with Gateway Habitat for Humanity to allow them to share office space within City Hall.
- AGENDA ITEM NO. 11: EASEMENT-IDAHO POWER: Council may wish to consider granting an easement to Idaho Power for the installation of an underground power line on City owned property at 1121 South 2<sup>nd</sup>. The line will service both the City of Pocatello Sanitation Department and the Harper Bakery which is located at 1105 South 2<sup>nd</sup>.
- AGENDA ITEM NO. 12: GRANT APPLICATION: Council may wish to consider submitting the following grant application and if the grant is awarded authorize the Mayor to accept the grant and sign related documents, subject to Legal Department approval. The grant is from the Idaho Community Foundation in the amount \$4,982.00 and will be used to purchase supplies for water quality monitoring education efforts. No match is required.
- AGENDA ITEM NO. 13: ORDINANCE: The Council has the following options for reading the ordinance. 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

13. An ordinance authorizing the City's acquisition of a parcel of real property commonly known as 606 South Grant as part of the Neighborhood Stabilization Program, which acquisition shall be paid through the Neighborhood Stabilization Program. The property shall be rehabilitated and sold to a qualifying household through said program, as provided for under Idaho Code Section 50-1403(3). (Prepared for reading under suspension of rules.)

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.