

**CITY COUNCIL MEETING**  
**CITY OF POCA TELLO, IDAHO**  
**MAY 6, 2010 - 9:00 AM**  
**CITY COUNCIL CHAMBERS**

Notice is hereby given that the City Council will hold a meeting for budget development on Thursday, May 6, 2010, at 9:00 AM in the Council Chambers at City Hall, 911 North 7<sup>th</sup> Avenue.

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, 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.

A G E N D A

CITY OF POCA TELLO

REGULAR CITY COUNCIL MEETING

MAY 6, 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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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 Pastor Rod Enos, River of Life 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 April 1, 2010; the Study Session of April 8, 2010; and the Executive Session of April 15, 2010.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of April.

(c) FRIENDS OF THE CEMETERY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Alan Mills

to serve as a member of the Friends of the Cemetery Committee, replacing Tim Burleson whose term expired. Mr. Mills' term will begin May 7, 2010, and will expire May 7, 2010.

- (d) RATIFICATION OF FIRE TRUCK FINANCING: Council may wish to ratify the selection of CalFirst to finance the purchase of a Pierce ladder/pumper fire truck. The interest rate is 3.9126% with six annual payments of \$121,758.34 which begin in April 2011.

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: APPOINTMENT CONFIRMATION: Council may wish to confirm the Mayor's appointment of Cindy Robbins as the Utility Billing Director. The appointment would be effective May 8, 2010.

AGENDA ITEM NO. 8: "COUNCIL SELECT" FUNDING REQUEST-IDAHO KINSHIP PROJECT/IDAHO DEPARTMENT OF HEALTH AND WELFARE: The Idaho Kinship Project/ Idaho Department of Health and Welfare, represented by Jennifer Call (mailing address: 1090 Hilina First Floor, Pocatello ID 83201), is requesting

that "Council Select" funds in the amount of \$290.00 be used to pay for rental and moving of 20 tables and sanitation cans and recycling bins for an event for Kincaid and Foster Care families on May 22<sup>nd</sup> at Raymond Park. As of April 30, 2010, \$4,500.00 remains in the "Council Select" line item.

AGENDA ITEM NO. 9: "COUNCIL SELECT" REQUEST-YELLOW RIBBON CAMPAIGN/FIELD OF HEROES: Council may wish to consider a request by the Yellow Ribbon Campaign of Idaho/Field Of Heroes for "Council Select" funds in the amount of \$275.07 to pay for portable restroom facilities for the Field of Heroes event. As of April 30, 2010, there is \$4,500.00 in the "Council Select" fund.

AGENDA ITEM NO. 10: REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT: Roger Chase requests permission to apply for a conditional use permit to use the "Ballard Building" at 1999 Alvin Ricken Drive for an events center that would occupy more than half of the building. The property is located in an Office park zoning district. Municipal Code 17.03.430 does not allow for major event entertainment as a permitted or conditionally permitted use in this zoning district.

AGENDA ITEM NO. 11: LOWES HEROES GRANT APPLICATION: Council may wish to authorize submission of a grant application to Lowes Home Improvement in the amount of \$1,200.00 for construction of a small Children's Theater at the Zoo, and if the grant is awarded, authorize the Mayor to accept the grant and sign related subcontracts or documents, subject to Legal Department approval.

AGENDA ITEM NO. 12: USE AGREEMENT-ROCKY MOUNTAIN SCHOOL OF BASEBALL: Council may wish to consider a Use Agreement with Dennis Udy, dba Rocky Mountain School of Baseball for use of City baseball fields for a youth baseball

tournament on May 7 and 8, 2010. Rocky Mountain School of Baseball will be required to pay applicable rental fees and provide the required liability insurance, naming the City as an additional insured. They will also be responsible for field maintenance, cleaning the facilities, any damage resulting from their use, and any additional costs incurred by the City as a result of the tournament.

AGENDA ITEM NO. 13: CONCESSION APPLICATION-FROZEN GATOR ICE CREAM: Council may wish to consider a concession application from Scott McKee, dba Frozen Gator Ice Cream, to allow the sale of pre-packaged ice cream products on City streets from May 10<sup>th</sup> through September 31<sup>st</sup>. Mr. McKee would be selling from a specially equipped ice cream truck and such sales were approved by the City Council last year. He has completed the necessary application, will provide the required insurance, and will provide proof of approval from the District Health Department. Since City streets are not specifically identified in City Code as an area allowed for vendor sales, approval from the City Council is required.

AGENDA ITEM NO. 14: CONCESSION LICENSE AGREEMENT-SNOWED INN: Council may wish to approve a Concession License Agreement between the City of Pocatello and Snowed Inn, LLC (mailing address: 614 North 10<sup>th</sup> Avenue, Pocatello ID 83201) to provide concessions at the NOP Baseball Complex during Bannock Baseball games and at OK Ward Park during Girl's Junior Olympic Softball games for the Summer of 2010. The agreement calls for the City to receive 15 percent of the gross sales.

AGENDA ITEM NO. 15: CONCESSION LICENSE AGREEMENT-BIG S SNACKS: Council may wish to approve a Concession License Agreement with Debodeep Sanju Choubjary dba Big S Snacks and Drinks to provide concessions at

Optimist and Tydeman fields during Adult Softball League and tournament games. The agreement calls for the City to receive 10 percent of the gross sales.

AGENDA ITEM NO. 16: CONCESSION LICENSE AGREEMENT-FORE GOLF, INC.: Council may wish to approve the renewal of a Concession License Agreement with Fore Golf Inc., to operate the concessions at Watkins Softball Complex inside NOP Park. Fore golf would provide concessions for games played during both league play and for any tournaments that may be scheduled at the softball complex. The agreement calls for the City to receive 25 percent of the net profits.

AGENDA ITEM NO. 17: DECLARATION TO EXCHANGE REAL PROPERTY: Council may wish to publicly declare its intent to exchange approximately 2.5 acres of vacant real property for approximately 2.5 acres of vacant real property with Idaho State University in the area situated north of Barton Road and east of the Mountain View Cemetery in Pocatello, Idaho. Council may also wish to instruct the City Clerk to publish a summary of this action and provide notice of a public hearing regarding said exchange to be held on June 23, 2010, at the Regular Council meeting.

AGENDA ITEM NO. 18: MEMORANDUM OF UNDERSTANDING-IDAHO STATE POLICE: Council may wish to consider a Memorandum of Understanding (MOU) with Idaho State Police, subject to Legal Department approval. The MOU calls for the assignment of two Pocatello Police Department narcotics detectives to the Idaho State Police who will supervise, train and evaluate the performance of the detectives. The City will share asset forfeitures as defined within the MOU.

AGENDA ITEM NO. 19: DONATION OF SURPLUS EQUIPMENT: Council may wish to approve donating a surplus Pitney Bowes stuffing machine model F500 to the Grand Teton Council, Boy Scouts of

America. The item was previously declared surplus but was slated to be sold at auction.

AGENDA ITEM NO. 20: DECLARING ITEMS SURPLUS: Council may wish to declare certain City of Pocatello property, which is used by the Parks and Recreation Departments, as surplus and allow the property to be auctioned on May 8, 2010.

AGENDA ITEM NO. 21: 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.

21. An ordinance amending several sections in Chapter 15.04, the Building Chapter of the Municipal Code, which are ministerial in nature and update the subsections in accordance with other recently amended sections of the Code. (This is a housekeeping ordinance and it 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. 22: PUBLIC HEARING CONTINUATION-ANIMAL CONTROL ORDINANCE REVISIONS: This time has been set aside to continue the public hearing which began on March 4, 2010, and allow the 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.