

A G E N D A

CITY OF POCA TELLO

REGULAR CITY COUNCIL MEETING

AUGUST 19, 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, 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 Pastor Mike Power, University Bible 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 May 6, 2010; the Executive Session of August 5, 2010; and the special meeting held August 9, 2010.
- (b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for July, showing cash and investments as of July 31, 2010.
- (c) POCATELLO ARTS COUNCIL APPOINTMENTS: Council may wish to confirm the Mayor's appointments of Laraine Hatch and Molly Jorgensen as members of the Pocatello Arts Council, replacing Marni Montgomery-Blake and Chuck Wegner who resigned. Ms. Hatch's term will begin August 20, 2010, and will expire October 7, 2011. Ms. Jorgensen's term will begin August 20, 2010, and will expire September 8, 2012.

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: APPOINTMENTS CONFIRMATION: Council may wish to confirm the Mayor's appointments of Deirdre Castillo as City Engineer and Justin Armstrong as Water Superintendent, effective August 23, 2010.

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

AGENDA ITEM NO. 8: PUBLIC HEARING-HOLY SPIRIT ANNEXATION: This time has been set aside for the Council to take comments from the public regarding a request by the Holy Spirit Catholic Community (mailing address: 524 7<sup>th</sup> Avenue, Pocatello ID 83201) City of Pocatello and Bannock County, represented by Rocky Mountain Engineering and Surveying (mailing address: 2043 E. Center Street, Pocatello ID 83201), to annex and zone an approximately 72.87-acre area of land extending the City limits south of Kraft Road and west of Gathe Road. The property is requested for Residential Commercial Professional zoning. The Planning and Zoning Commission held a public hearing on this item at their July 28, 2010, meeting and the Commission recommends approval.

AGENDA ITEM NO. 9: REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT-CHOPPER: Council may wish to consider a request from Sue Choppers-Wife and Chopper (mailing address: 723 Rocky Point Road, Pocatello ID 83204) for permission to apply for a conditional use permit to operate a motorcycle repair business at their home at 723 Rocky Point Road. The property is located in a Residential Medium Density-Single Family zoning district. Municipal Code 17.03.230 list does not allow for motor vehicle service/repair as a permitted or conditionally permitted use in this zoning district. Planning staff recommends denial of the request.

AGENDA ITEM NO. 10: REQUEST FOR EXEMPTION TO REQUIREMENT TO APPLY FOR CONDITIONAL USE PERMIT-DINGMAN: Mike Dingham (mailing address: PO Box 2360, Pocatello ID 83206), requests an exemption to the requirement to apply for a conditional use permit to demolish an existing home at 445 E. Halliday and replace it with a new residence. The property is located within a Commercial-General zoning district. Municipal Code 17.01.170(A)(2) does not allow reconstruction of a non-conforming use without a conditional use permit.

- AGENDA ITEM NO. 11: "COUNCIL SELECT" FUNDING REQUEST-POCATELLO SPORTS COMMITTEE: The Pocatello Sports Committee, represented by Mike Calley and Lynne Schulz (mailing address: 1410 Kelsea Place, Pocatello ID 83201), is requesting that "Council Select" funds in the amount of \$165.00 be used to pay for sanitation cans and recycling bins for the Pocatello Marathon on September 4<sup>th</sup> at Lower Ross Park. As of August 15, 2010, \$2,750.00 remains in the "Council Select" line item.
- AGENDA ITEM NO. 12: ORDINANCE WAIVER REQUEST RECONSIDERATION-WILLIS: Council may wish to reconsider their action of July 1, 2010, denying a request from Brad Willis (mailing address: 1402 South First Avenue, Pocatello ID 83201) for a waiver of a Municipal Code 6.04.190 so he may receive a permit to keep a pot-bellied pig on a piece of property that is less than three-fourths of an acre. If Council votes to reconsider, Animal Control recommends denial of the waiver.
- AGENDA ITEM NO. 13: RECONSIDERATION COUNCIL DECISION-VINEYARD COURT CAPACITY/CONNECTION FEE WAIVER: This time has been set aside for Council to reconsider its decision of July 15, 2010, to waive \$2,200.00 in unpaid water capacity/connection fees incurred by the Vineyard Court Homeowners Association for the connection of an irrigation line on a common area belonging to the Association. Council voted to reconsider this item at the August 5, 2010 Regular City Council meeting.
- AGENDA ITEM NO. 14: LEASE AGREEMENT-CIVIL AIR PATROL: Council may wish to approve a Lease Agreement with the Civil Air Patrol to lease a 1,760 square foot hangar for aircraft storage and maintenance. The term is for one year with four one-year renewals at a rate of \$196.65 per month. Lease rates will be reviewed annually and increased at least by the amount of the CPI increase for the previous year.
- AGENDA ITEM NO. 15: POLICE COLLECTIVE BARGAINING AGREEMENT ADDENDUM: Council may wish to approve an Addendum to the Fiscal Year 2010 Police Union Collective Bargaining Agreement.

The Addendum amends the definition of Work Period and Overtime to allow more flexibility to meet staffing levels in the Patrol Division.

AGENDA ITEM NO. 16: AGREEMENT-PRIME TIME AUCTION: Council may wish to declare certain City of Pocatello property as surplus and approve, subject to Legal Department approval, an agreement with Prime Time Auctions, Inc. to auction said property on September 11, 2010.

AGENDA ITEM NO. 17: PROFESSIONAL SERVICES AGREEMENT-MATERIALS TESTING FOR GOULD STREET AND CUSTER STREET BRIDGE PROJECTS: Council may wish to authorize execution of an Agreement between Materials Testing & Inspection (MTI) and the City of Pocatello. Under this Agreement, MTI will perform materials sampling and testing services for the following bridge projects:

- a) Gould Street Bridge project for an amount not to exceed \$1,510.00; and
- b) Custer Street Bridge project for an amount not to exceed \$3,600.00.

Construction costs are funded through the American Recovery and Reinvestment Act (ARRA). Engineering staff recommends approval of the agreement.

AGENDA ITEM NO. 18: APPLICATION-IFFT FOUNDATION FUND GRANT: Council may wish to authorize, subject to Legal Department approval, submittal of an application for an IFFT Foundation Fund Grant in the amount of \$10,000.00 to assist in the construction of the Grizzly Bear Exhibit. No City match is required. Additionally, Council may wish to allow acceptance of the grant if awarded.

AGENDA ITEM NO. 19: WAIVER REQUEST-ROCKWELL DEVELOPMENT: Council may wish to consider various items for a project that is being proposed by Rockwell Development. The dates for the project waivers will be from August 18<sup>th</sup> through August 26<sup>th</sup>. The requests are:

- a) waiver of Building permit fees;

- b) waiver of Sanitation fees;
- c) waiver of City Codes to allow Rockwell Development to operate 24-hours during the project;
- d) waiver of City Codes and fees to allow Rockwell Development to use a park and park facilities;
- e) waiver of City Codes to allow Rockwell Development to place storage units in City right-of-way;
- f) allow the necessary street closures for the project; and
- g) authorize, subject to Legal Department approval, completion of any necessary documents associated with the project.

AGENDA ITEM NO. 20: BID-ENGINEERING: Council may wish to accept the bid for the Hospital Way and Center Street Traffic Signal, to the lowest responsive bidder, Staker Parsons Companies, in the amount of \$236,996.05.

AGENDA ITEM NO. 21: RATE RESOLUTIONS: Council may wish to adopt the following resolutions setting fees for Fiscal Year 2011 (October 1, 2010, to September 30, 2011). Fees remain the same unless noted otherwise:

- a) Alcohol Beverage Licenses Fees: **Renewal** of fees for municipal alcohol beverage licenses with **increase** to administrative fees for site change and proprietor change.
- b) Animal Control Fees: **Renewal** of fees, rates and charges for animal control operations, **increase** to adoption and microchip fees, and **adding** a fee for second animal at large violation.
- c) Cemetery Department Fees: **Renewal** of fees, rates and charges for cemetery operations.
- d) Children's Group Treatment Center Fees: **Renewal** of annual licensing fees for children's group treatment centers.
- e) Commercial Activities in Parks and other Public Places Fees: **Renewal** of fees for

commercial activities in parks and other public places.

- f) Construction Trades Permit Fees: **Renewal** of fees for building, plumbing, electrical and mechanical, **adding** fees for roof overlays, re-roofing, and demolitions, and **delineating** grading plan review and permits fees provided for in Chapter 33 of the 1997 Uniform Building Code.
- g) Day Care Licensure: **Renewal** of fees for day care licensure previously provided for by ordinance.
- h) Developer's Fees for Cost Reimbursement Process: **Renewal** of the Development fee for document processing and recordings.
- i) Engineering Review Fees: **Renewal** of fees for reviewing subdivisions.
- j) Fire Department Fees: **Renewal** of permits, licenses and inspection fees, **increasing** the fees for burning permits, fireworks stands, installation permits and a construction permit.
- k) Geographic Information Systems Fees: **Renewal** of fees, rates and charges for GIS Operations.
- l) Parks and Recreation Fees:
  - (1) **Renewal** of various fees, rates and charges for the Parks and Recreation Department's programs and facilities; **increasing** fees for family swim passes, swimming lessons, aerobic, aquacise and swim punch cards, yurt rental and lock rental, and **revising** the resident discount schedule;
  - (2) **Renewal** of park use fees and ball field fees, and **increasing** fee for lights and use of non-shelter portions of parks, and **decreasing** fees for the use of tables; and
  - (3) **Renewal** of zoo admission and program fees **adding** a fee for adult volunteers with master naturalist training.
- m) Planning Fees: **Renewal** of fees, rates and charges for planning operations, **adding** a fee for Wind Energy Conversion System

permits.

- n) Police Fees: **Renewal** of certain parking and police fees, and false alarm fees, **increasing** fees for violation of handicapped parking regulations and VIN verifications.
- o) Public Record Fees: **Renewal** of administrative, labor, photocopy and other fees associated with providing public records upon request and **increasing** the fee for un-redacted videotape copies.
- p) Sanitation Fees: **Revision** of fees, rates and charges for municipal refuse collection services based upon a two-tiered schedule effective October 1, 2010 and April 1, 2011, in accordance with the rate study recommendations.
- q) Sediment and Erosion Control Fees: **Renewal** of permit and certification fees for erosion control permits and certification costs.
- r) Transit Fees: **Renewal** of fees, rates and charges for the transit operation, **adding** a one-day pass fare, **decreasing** Tello Bus Premium service fares, **adding** a fare for an airport round trip, and **increasing** advertising fees.
- s) Video Services Fees: **Renewal** of fees, rates and charges for video operation.
- t) Water Fees: **Renewal** of water system fees, rates and charges in accordance with rate study recommendations.
- u) Water Pollution Control Fees: **Revision** of fees, rates and charges for water pollution control operations in accordance with rate study recommendations.

AGENDA ITEM NO. 22: 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

- 22: The Annual Appropriations ordinance for Budget Year 2011. (Full ordinance must be published and ordinance is prepared for reading under rules suspension.)

## 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.