

A G E N D A

CITY OF POCA TELLO

REGULAR CITY COUNCIL MEETING

JANUARY 19, 2012 - 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 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, 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 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)   TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for December, showing cash and investments as of December 31, 2011.
- (b)   FORT HALL REPLICA COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Tabatha butler to serve as a member of the Fort Hall Replica Commission, filling a long-term vacancy. Ms. Butler's term will begin January 20, 2012, and will expire January 20, 2016.
- (c)   POCATELLO DEVELOPMENT AUTHORITY APPOINTMENT: Council may wish to confirm the Mayor's appointment of Roger Bray to serve as the City Council liaison for the Pocatello Development Authority, replacing Eva Johnson Nye. Mr. Bray's term will begin January 20, 2012, and will expire May 1, 2012.
- (d)   COUNCIL DECISION-WESTERN RECYCLING CONTRACT REZONE: Council may wish to adopt its decision approving a contract rezone for the property located at 3034 Garrett Way, changing the zoning from Light Industrial to Industrial to allow Western Recycling to operate a waste-related recycling facility on the premises, subject to conditions.
- (e)   COUNCIL DECISION-IRON EAGLE ESTATES THIRD REVISED FINAL PLAT APPROVAL: Council may wish to adopt its decision approving the Third Revised Final Plat for Iron Eagle Estates Subdivision, Division One which subdivides the western half of approximately 9.06 acres into twenty single family residential lots. This decision allows development of the subdivision in two phases. The parcel is situated east of Tech Farm Road off of Bannock Highway and south of Riverside Golf Course.

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AGENDA ITEM NO.           4:    COMMUNICATIONS AND PROCLAMATIONS:

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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.

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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.)

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AGENDA ITEM NO. 7: APPEAL OF PLANNING AND DEVELOPMENT SERVICES DIRECTOR DECISION-625 GARY STREET: Mark and Heather Disselkoen (mailing address: 835 Gary Street, Pocatello, ID 83201) requests the City Council review two decisions of the Planning and Development Director concerning issuance of a building permit for Burns Leavitt at 625 Gary Street.

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AGENDA ITEM NO. 8: 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN-ACKNOWLEDGEMENT OF COMMENTS AND SUBMISSION TO HUD: Council may wish to consider any comments received during the extended public comment period which ended on January 16, 2012, for this Action Plan and allocations as recommended by the

Community Development Block Grant (CDBG) Advisory Committee. Once approved, the Action Plan will govern spending and activities involving CDBG funds from April 1, 2012 to March 31, 2013. Based on the reductions to the anticipated allocation, cuts have been proposed in the infill housing, sidewalk repair, and administration activities; these amendments were available for public comment for 30 days.

The Council may now wish to approve the 2012-2013 Action Plan, determine the required conditions, and authorize forwarding of the plan to the United States Department of Housing and Urban Development (HUD). The Council may also wish to authorize the Mayor's signature on all requisite contract documents, subject to Legal Department review, with HUD and any subrecipients or subcontractors.

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

AGENDA ITEM NO. 9: PUBLIC HEARING-JANUARY FISCAL YEAR 2012 BUDGET AMENDMENTS: This time has been set aside for the Council to receive comments from the public regarding proposed amendments to the Fiscal Year 2012 budget. An ordinance to amend the budget has been prepared under Agenda Item No. 17 for Council's consideration.

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AGENDA ITEM NO. 10: BID-ASPHALT PAVER FOR STREET DEPARTMENT: Council may wish to accept staff recommendations to approve the bid for a 2012 Self-Propelled rubber Track Type Asphalt Paving Machine in the amount of \$381,512.00 (less trade-in of a 1998 CAT paver for \$35,000.00), from Western

States Equipment Company, who was the lowest responsive bidder.

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AGENDA ITEM NO. 11: SURPLUS 1998 ELGIN STREET SWEEPER AND ALLOW CITY OF AMERICAN FALLS TO PURCHASE: Council may wish to approve the recommendation by City staff to surplus one (1) 1998 Elgin self-propelled street sweeper and allow the City of American Falls, Idaho, to purchase the sweeper for \$6,000.00. The value of the equipment has been verified through several sources.

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AGENDA ITEM NO. 12: GRANT APPLICATIONS-RECREATIONAL TRAIL PROGRAM: Council may wish to approve submission of the following grants to the Idaho Department of Parks and Recreation for the Recreation Trail Program and, if awarded, authorize the Mayor to sign, subject to Legal Department approval, documents related to the grants:

(a) MINK CREEK NORDIC SKI AREA: An application for funds in the amount of \$18,800.00 for improvements to the Mink Creek Nordic Ski Area, including the installation of three culverts and the grading and reseeding of core trails. The City's required match would be \$2,640.00 for Street Department labor and equipment; and

(b) CITY CREEK MANAGEMENT AREA: An application for funds in the amount of \$20,475.00 for improvements to the City Creek Management Area including bridge replacements and erosion control measures in City Creek and the Bench Trails. The required match will be provided by user groups, including cash and

volunteer labor. No matching City funds are necessary.

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AGENDA ITEM NO. 13: ARCHITECTURE AND ENGINEERING CONTRACT-TRANSIT FACILITY: Council may wish to accept the recommendations by staff and approve, subject to Legal Department approval, a contract with Jensen, Hayes, and Shropshire (JHS) Architects, P.A., for architectural, engineering, and design services for the new Public Transit Maintenance, Administration, and Operations Facility to be constructed at 5775 South 5<sup>th</sup> Avenue. JHS Architects, a local firm, was chosen on a qualifications basis by competitive bid, and the negotiated contract base Fixed Fee proposed is \$245,650.00. The project is funded at a rate of eighty percent (80%) federal (FTA) grant. One-third of the twenty percent (20%) local match requirement will be met by rural revenues, so the City's match requirement for the contract is \$32,753.00.

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AGENDA ITEM NO. 14: RESOLUTION-ANNUAL AFFIRMATIVE ACTION PLAN-TRANSIT: Council may wish to adopt a resolution adopting an Affirmative Action Plan for the Pocatello Transit Department during the time period of November 1, 2011 through October 31, 2012. This is an updated version of prior plans and is an annual requirement of the Urban Mass Transportation Act of 1964.

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AGENDA ITEM NO. 15: MOU FOR SAFETY AND ACCOUNTABILITY AUDIT-POLICE: Council may wish to authorize a Memorandum of Understanding (MOU) to allow the Police Department to

participate in an audit of the department's policies, procedures and practices regarding domestic violence and violence against women. The audit will be performed by members of the Bannock County Domestic Violence and Sexual Assault Task Force at no cost to the City. The Police Department welcomes the audit as a way of strengthening staff's response to these crimes.

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AGENDA ITEM NO. 16: RESOLUTION-POLICE POLICY MANUAL: Council may wish to adopt a resolution adopting the October 1, 2011 edition of the Pocatello Police Department Policy Manual, as recommended by the Chief of Police, to provide consistent execution of the responsibilities and duties of the Pocatello Police Department staff, and to authorize semiannual revisions of said manual, as recommended by Lexipol, LLC, and approved by the Chief of Police.

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AGENDA ITEM NO. 17: ORDINANCE: 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.

An ordinance ready for reading.

17. Council may wish to adopt an ordinance amending the City's Fiscal Year 2012 Budget to increase said budget by \$1,178,709.00 to account for additional revenues, including grant funds, received by the City and to use previously unappropriated cash balances for unanticipated expenses incurred by the City. (Prepared for reading under the rules of suspension.)

#### PUBLIC HEARING PROCEDURE

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.