

AGENDA

CITY OF POCATELLO SPECIAL CITY COUNCIL MEETING

September 14, 2022 • 6:00 PM
Council Chambers | 911 North 7th Avenue

During low/medium COVID-19 community level designations, individuals are encouraged, but not required, to wear masks/face coverings.

During high COVID-19 community level designations, individuals will be required to wear masks/face coverings.

**The meeting will be live-streamed at:
<http://streaming.pocatello.us/> and available on Sparklight
Cable channel 56**

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 is accessible to persons with disabilities. Program access accommodations can be provided with three (3) days' advance notice by contacting Skyler Beebe at sbeebe@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, 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. However, citizens are advised that only Public Hearings allow for public comment during the discussion/consideration process.**

Citizens have an opportunity to be heard by the Council if the item meets the criteria as described in the agenda item called "ITEMS FROM THE AUDIENCE." You must sign in at the start of the meeting to be recognized.

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. INVOCATION

The invocation will be offered by Dale Spencer, representing Temple Emmanuel.

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. **(ACTION ITEM)**

(a) MATERIAL CLAIMS: Council may wish to consider Material Claims for the period of August 28, 2022 through September 9, 2022.

(b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for July 2022 showing cash and investments as of July 31, 2022.

(c) AMERICANS WITH DISABILITIES ACT GRIEVANCE COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Dr. Roger Boe to continue serving on the ADA Grievance Committee. Dr. Boe's term will begin September 16, 2022 and will expire September 16, 2024. .

(d) ANIMAL SHELTER ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's appointment of Beverly Dixon to continue serving on the Animal Shelter Advisory Board. Beverly's term will

begin September 22, 2022 and will expire September 22, 2024.

(e) CDBG ADVISORY COMMITTEE APPOINTMENT: Council may wish to confirm the Mayor's appointment of Kellee Kirkpatrick to serve as a member of the Community Development Block Grant (CDBG) Advisory Committee, replacing Shereen Ainsworth who resigned. Kellee's term will begin September 15, 2022 and will expire January 1, 2024.

(f) COUNCIL DECISION – ZONING AMENDMENT FOR APPROXIMATELY .41 ACRES OF LAND AT 1737 NORTH HARRISON: Council may wish to adopt its decision approving the request from Home Buyers 208, LLC to amend the zoning designation of approximately .41 acres of land located at 1737 North Harrison from Light Industrial (LI) to Residential Commercial Professional (RCP).

(g) COUNCIL DECISION – ANNEXING APPROXIMATELY 165 ACRES OF LAND LOCATED NORTH OF HIGHWAY 91, SOUTH OF SOUTH VALLEY ROAD, EAST OF BANNOCK HIGHWAY AND WEST OF I-15: Council may wish to adopt its decision annexing approximately 165 acres of land located north of Highway 91; south of South Valley Road; east of Bannock Highway and west of I-15. The subject property will be zoned Public Lands/Facilities (PLF) and Residential Medium Density Single-Family (RMS) with concurrent Comprehensive Plan Land Use Map designations of Public (P) and Residential (R).

(h) COUNCIL DECISION – AMMON PARK SUBDIVISION FINAL PLAT APPROVAL: Council may wish to adopt its decision approving the final plat for Ammon Park Subdivision, which subdivides approximately .81 acres of land into nine (9) townhome lots. The property is zoned Residential Medium Density Single-Family (RMS) and will be accessed from Ammon Street.

Documents:

[AGENDA-ITEM-3.PDF](#)

4. PROCLAMATIONS

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.

6. PUBLIC HEARING – PROPOSED FISCAL YEAR 2022 BUDGET AMENDMENTS

This time has been set aside for the Council to hear comments from the public regarding proposed Fiscal Year 2022 Budget amendments.

(ACTION ITEM) (Legislative Public Hearing)

Documents:

[AGENDA-ITEM-6.PDF](#)

7. PUBLIC HEARING/RESOLUTION – FORGONE BALANCE

This time has been set aside for the Council to receive comments from the public regarding the proposal to reserve the forgone amount for Fiscal Year 2023 in the amount of \$847,772 for potential use in subsequent years as described in Idaho Code §63-802. Following the public hearing, Council may wish to adopt a resolution to reserve the forgone amount of \$847,772 for potential use in subsequent years in accordance with Idaho Code §63-802. (Legislative Public Hearing) **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-7.PDF](#)

8. OPEN CONTAINER WAIVER REQUEST – THE YELLOWSTONE RESTAURANT

Council may wish to consider a request by The Yellowstone Restaurant, represented by Stephanie Palagi of Historic Downtown Pocatello (mailing address: 420 North Main Street, Pocatello, ID 83204) for a waiver of the open container ordinance to allow beer and wine to be consumed on the 200 block of West Bonneville and a portion of the 200 block of South Union Pacific Avenue for a block party on September 17, 2022 from 2:00 p.m. to 11:00 p.m. If the open container requirement is waived, it should be contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased. Security will be provided by The Yellowstone Restaurant. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-8.PDF](#)

9. FINAL PLAT APPLICATION – SOUTH VALLEY INDUSTRIAL PARK

Council may wish to consider a final plat application submitted by BBAD Investments, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 9.10 acres (more or less) into thirteen (13) commercial lots. The proposed subdivision is located west of South 5th Avenue and north of South Valley Road and will be known as South Valley Industrial Park. The Planning and Zoning Commission recommended approval of the preliminary plat application with conditions. **(ACTION ITEM)**

Documents:

[**AGENDA-ITEM-9.PDF**](#)

10. FINAL PLAT APPLICATION – WESTERN SKIES DIVISION 3 SUBDIVISION

Council may wish to consider a final plat application submitted by Land Quest Development, Inc. represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201) to subdivide 24.55 acres (more or less) into fifty-five (55) lots. The proposed subdivision is generally located west of I-15, south of I-86 and north of Eastpointe Drive. Staff finds the proposal compliant with all applicable standards of Pocatello Municipal Code with conditions. **(ACTION ITEM)**

Documents:

[**AGENDA-ITEM-10.PDF**](#)

11. SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT APPLICATION

Council may wish to approve a US Department of Transportation grant application for the Safe Streets and Roads for All (SS4A) FY22 Action Grant program in the amount of \$225,900.00. The grant application requires a local match of \$62,120.00, which will be provided through in-kind services. **(ACTION ITEM)**

Funds will be used to develop a community-wide Action Plan to support

planning, infrastructure, and operational initiatives to eliminate roadway fatalities and improve bicycle and pedestrian mobility.

Documents:

[AGENDA-ITEM-11.PDF](#)

12. BID ACCEPTANCE FOR TRANSMISSION LINE REPLACEMENT FOR 5 MILLION GALLON TANK (5MG) – WATER DEPARTMENT

Council may wish to consider the recommendations of staff and award the bid for the Transmission Line Replacement for 5MG Tank project to Timberlake Construction, LLC, in the amount of \$3,228,912.30 and authorize the Mayor to execute all contract documents, including Change Orders up to five percent (5%) of the project total, subject to Legal Department review. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-12.PDF](#)

13. ORDINANCE

The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read on three (3) different days, two (2) readings of which may be by title only and one (1) reading of which shall be in full and placed on final passage for publication. **(ACTION ITEM)**

EXAMPLE MOTIONS:

Option 1: 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."

Option 2: FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # , be read on three separate days. First and second readings will be by title and in full on the third reading. The ordinance shall then be placed on final passage for publication, and only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1, the Council must pass said motion by a vote of one-half plus one (4) of the full Council.

Ordinance ready for reading:

13: An ordinance approving an amendment to the Fiscal Year 2022 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$3,881,268 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. **(Whole ordinance will need to be published.) (ACTION ITEM)**

Documents:

[AGENDA-ITEM-13.PDF](#)

14. ITEMS FROM THE AUDIENCE

This time has been set aside to hear items from the audience not listed on the agenda. Items which appeared somewhere else on the agenda will not be heard 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 may 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.)

15. ADJOURN

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. Conflicts of interest, site visits and ex-parte contacts by Council members will be acknowledged.
- 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.