

## AGENDA

# CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

November 3, 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.

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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](mailto:sbeebe@pocatello.us); 208.234.6248 or 5815 South 5th Avenue, 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. 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.*

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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.

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## **1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **2. INVOCATION**

The invocation will be offered by Father Constantine, Zohos representing Assumption of the Blessed Virgin Mary Greek Orthodox Church.

## **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) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the following meetings: Clarification and Regular Council meetings of September 1, October 6, and October 20, 2022; and Special Clarification and Special Council meetings of September 14, 2022.

(b) MATERIAL CLAIMS: Council may wish to consider Material Claims for the period of October 16 through October 31, 2022.

(c) HUMAN RELATIONS ADVISORY COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Shannon Kobs Nawotniak to continue serving on the Human Relations Advisory Committee. Shannon's term will begin November 2, 2022 and will expire November 2, 2026.

Documents:

## AGENDA-ITEM-3.PDF

### 4. PROCLAMATIONS AND COMMUNICATIONS

### 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. APPOINTMENT CONFIRMATION OF CITY TREASURER – GENE HILL

Council may wish to confirm the Mayor's appointment of Gene Hill as City Treasurer, effective November 4, 2022. **(ACTION ITEM)**

### 7. PUBLIC HEARING – ZONE MAP AMENDMENT REQUEST- JG VENTURES, LLC

This time has been set aside for the Council to hear comments from the public regarding a request by John Burtenshaw of JG Ventures, LLC, represented by Michael Jaglowski of Kinport Engineering, LLC (mailing address: 2999 William Street, Pocatello, ID 83201) for a contract zoning map amendment to rezone an 8.75 acre parcel of land located in the 700 Block of Hospital Way from Residential Low (RL) to Residential-Commercial-Professional (RCP). The Planning and Zoning Commission recommended approval of the request on October 12, 2022. (Quasi-judicial public hearing) **(ACTION ITEM)**

Documents:

## AGENDA-ITEM-7.PDF

### 8. SHORT PLAT APPLICATION – PORTNEUF VIEWS SUBDIVISION

Council may wish to approve a short plat application submitted by Adam Thayer of Dioptra LLC, (mailing address: 4880 Clover Dell Road, Chubbuck, ID 83202) to subdivide 3.09 acres (more or less) into four (4) lots. The proposed subdivision is located northwest of the intersection between Highland Boulevard and Gwen Drive. Staff finds the proposal compliant with all applicable standards of Pocatello Municipal Code with compliance to conditions listed in the staff report. **(ACTION ITEM)**

Documents:

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

## **9. FINAL PLAT APPLICATION – ELEVATION 5000 DIVISION 1**

Council may wish to approve a final plat application request by B Street Investments, LLC, represented by Rocky Mountain Engineering and Surveying (mailing address: 600 Oak Street, Pocatello, ID 83201) to subdivide 6.46 acres (more or less) into 24 townhome lots and one (1) common lot for a total of 25 lots. The Planning and Zoning Commission recommended approval of the preliminary plat application with conditions. **(ACTION ITEM)**

Documents:

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

## **10. BUS CONVEYANCE ACCEPTANCE FROM IDAHO TRANSPORTATION DEPARTMENT – PUBLIC TRANSIT**

Council may wish to accept staff recommendations and approve the Mayor's signature on all pertinent documents for the conveyance of two (2) 2016 and 2017 Ford Eldorado cutaway buses from the Idaho Transportation Department, subject to Legal Department review. Staff anticipates the vehicles will be utilized for a minimum of five (5) years. If approved, the buses would be used for system-wide fixed route and door-to-door services. There are no additional requirements for acceptance of the conveyances. **(ACTION ITEM)**

Documents:

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

## **11. CENTRAL SQUARE SOLUTIONS AGREEMENT – PLANNING AND DEVELOPMENT SERVICES**

Council may wish to approve an agreement and purchase with Central Square Technologies, LLC as a valid sole source expenditure in the amount of \$207,135.00 for Community Development software and services. The software will be utilized by multiple City departments. **(ACTION ITEM)**

Documents:

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

**12. PROFESSIONAL SERVICES AGREEMENT TASK ORDER #4 – WELL #22 REPLACEMENT – WATER DEPARTMENT**

Council may wish to consider the recommendations of staff and approve Task Order #4 – Well #22 Replacement, under the existing On-Call Engineering Services Agreement between the City and Keller Associates in the amount of \$144,100.00 and authorize the Mayor’s signature on all pertinent documents, subject to Legal Department review. Funding for the project was established in the Fiscal Year 2023 budget. **(ACTION ITEM)**

Documents:

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

**13. AIRPORT LEASE AMENDMENT, LEASE AGREEMENT AND RESOLUTIONS**

Council may wish to consider the following for property at the Airport: **(ACTION ITEM)**

a) Adopt a resolution and approve a lease amendment to the lease agreement with Pocatello TMX for property upon which they operate a motocross speedway with off-road motorcycle recreational and competitive activities. The tenant would like to remove 1.79 acres of property from their leased premises. The amendment will include the new property description and revised annual rental rate to reflect the reduction. All other terms of the lease agreement will remain unchanged; and if approved

b) Adopt a resolution and approve a lease agreement with East Idaho BMX for 4.53 acres of property for the purpose of constructing and operating a BMX track and hosting BMX practice and racing events. The lease will be for a 5-year term at an annual rental rate of \$1,585.50 to be reviewed annually and increased by at least the amount of the CPI for the previous year.

Documents:

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

## 14. 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:

14: An ordinance establishing Pocatello Municipal Code Chapter 1.04.140 Authority to Enforce" and repealing Chapter 6.04.020, "Authority to Enforce", granting enforcement authority to ordinance Enforcement Officers. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-14.PDF](#)

## 15. 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.)

## 16. ADJOURN

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### 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.