

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
JULY 20, 2023

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:00 p.m.
ROLL CALL AND by Council President Cheatum. Other Council members present
PLEDGE OF were Linda Leeuwrik, Corey Mangum, Scott Marchand and
ALLEGIANCE Brent Nichols. Mayor Brian Blad and Council member Josh
Mansfield were excused.

Mr. Cheatum led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: A moment of silence was observed in place of an invocation.
INVOCATION

President Cheatum announced that Agenda Item #6 had been pulled from the agenda.

AGENDA ITEM NO. 3: Council was asked to consider the following business items:
CONSENT AGENDA

–MATERIAL CLAIMS (a) Consider the Material Claims for the period of July 1-15, 2023
in the amount of \$2,532,935.44.

–CIVIL SERVICE (b) Confirm the Mayor’s appointment of Timothy Rice to serve as a
COMMISSION member of the Civil Service Commission, replacing Michael Larson
APPOINTMENT who resigned. Timothy’s term will begin July 21, 2023 and will expire
May 7, 2027.

–HISTORIC (c) Confirm the Mayor’s reappointment of Marty Vizcarra to continue
PRESERVATION serving as a member of the Historic Preservation Commission.
COMMISSION Marty’s term will begin July 11, 2023 and expire July 11, 2026.
REAPPOINTMENT

–POCA TELLO ARTS (d) Confirm the Mayor’s appointment of William David Hance to serve
COUNCIL as a member of the Pocatello Arts Council, filling a long-term
APPOINTMENT vacancy. William’s term will begin July 21, 2023 and will expire
February 22, 2025.

–PERSONNEL (e) Approve changes to the Drug Free Workplace Policy of the
POLICY Personnel Policy Handbook. The changes are necessary for federal
HANDBOOK transit grant compliance and are minor corrections, with a major
AMENDMENTS change of scope. Changes were presented to the City Council at the
July 13, 2023 Work Session. If approved, policy changes would be
effective July 21, 2023.

A motion was made by Mr. Mangum, seconded by Ms. Leeuwrik, to approve the items on the Consent Agenda. Upon roll call, those voting on favor were Mangum, Leeuwrik, Marchand, Nichols and Cheatum.

AGENDA ITEM NO. 4: President Cheatum announced there were no proclamations.
–COMMUNICATIONS
AND PROCLAMATIONS

AGENDA ITEM NO. 5: Mr. Cheatum reminded the Council members of the following
CALENDAR REVIEW meetings to be held August 3rd: Special City Council Executive Session at 4:30 p.m.; Clarification meeting at 5:30 p.m.; and Regular Council meeting at 6:00 p.m.; and the City Council Work Session to be held on August 10th at 9:00 a.m.

President Cheatum announced that Ross Park Band Concerts will continue through July 31st on Sunday evenings from 7:00 p.m. – 8:00 p.m. at the Ross Park Bandshell. He added that the open burn ban in Wildland-Urban Interface areas continues to be effect.

AGENDA ITEM NO. 6: As announced earlier, Agenda Item No. 6, Michelle Crandall's
DAYCARE RESIDENT appeal of her juvenile son's Daycare Resident License renewal,
LICENSE DENIAL had been pulled from the agenda.
APPEAL
–MICHELLE CRANDALL

AGENDA ITEM NO. 7: This time was set aside for the Council to hear comments from the
PUBLIC HEARING public regarding a request to vacate the public's interest in right-of-
–VACATION OF way extending across 1620 Sunset Road. The application was
RIGHT-OF-WAY submitted by Evelyn Richmond, (mailing address: 1620 Sunset Road,
1620 SUNSET ROAD Pocatello, ID 83201) represented by Brent Richmond. Staff recommended approval of the application with conditions.

President Cheatum opened the public hearing

Council members announced there had been no ex parte communication.

Matthew Lewis, Senior Planner, gave an overview of the request submitted by Evelyn M. Richmond to vacate the public's interest in the right-of-way extending across 1620 Sunset Road. He explained the vacation of right-of-way would re-align the roadway to match the Record of Survey. He noted the re-alignment will match roadways between the Gregoire Subdivision (Amended) to the north and Roads End First Addition Re-plat. He added that all public notice requirements were met.

President Cheatum announced that no written correspondence had been received.

There being no public comments, President Cheatum closed the public hearing.

A motion was made by Mr. Nichols, seconded by Ms. Leeuwrik, to approve the request by Evelyn M. Richmond and approve the vacation and abandonment of the public's interest in right-of-way extending across 1620 Sunset Road with the following conditions: 1) Upon approval of a vacation ordinance, a right-of-way deed shall be recorded and shall include: a) A legal description for the 50-foot right-of-way alignment with a 10-foot easement; b) A 10-foot wide easement for existing and new utilities parallel with, adjoining to and lying 10-feet westerly of the west boundary line of the aforementioned strip of land; and c) The Record of Survey and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Nichols, Leeuwrik, Mangum, Marchand and Cheatum.

AGENDA ITEM NO. 8: Council was asked to consider a request by Kohl Bingham (mailing address: 1504 South 3rd Avenue, Pocatello, ID 83201) for an exception to City fence requirements to allow a 6-foot fence to be installed at his residence. Construction Board of Appeals and Review denied Mr. Bingham's request on July 5, 2023.

-EXCEPTION
REQUEST TO CITY
BUILDING CODE 15.28
-1504 SOUTH 3RD
AVENUE

Kohl Bingham explained the process he followed while building a fence at his residence. He stated that he met with City staff to get guidance and understanding of the City requirements prior to the installation of the fence. He noted that he was unaware of a building permit requirement prior to notification by inspectors who placed a stop order due to code violations. At this time, he stopped installing the fence. Mr. Bingham stated once he became aware of the requirement of a building permit, he applied for one, which was denied. He noted he believes the code allows for exceptions to the code.

In response to questions from Council, Mr. Bingham stated that he is aware that the fence is in the right-of-way and he doesn't plan to put in a sidewalk as long as he owns the property. He noted that he would move the fence if the property changes ownership. Mr. Bingham added that he feels there is a sufficient sight triangle when vehicles exit the alleyway.

Council discussed the reasons for fence height restrictions, the dangers that can be created when the line of sight is obstructed and the liability that could be put on the City if a fence is constructed in the right-of-way.

Tyler Diller, Building Inspector, gave a brief explanation of the denial of Mr. Bingham's fence permit. He noted that it did not meet set back requirements. Mr. Diller stated that to comply with City code, the fence needs to be moved twenty-feet (20') from the property line or the fence height needs to be lowered to four-feet (4') and moved out of the right-of-way.

In response to questions from Council, Merrill Quayle, Public Works Engineer, responded that the appeal was for the height of fence, but the fence is also in the right-of-way. He explained that the City will pursue moving the fence out of the public right-of-way regardless of the Council's decision regarding the appeal. Mr. Quayle clarified that he informed Mr. Bingham that it would be the responsibility of the property owner to install sidewalks, if required in the future.

In response to a question from Council, Mr. Diller clarified the City code that refers to fence height and setback requirements.

A motion was made by Ms. Leeuwrik, seconded by Mr. Marchand, to deny a request by Kohl Bingham for an exception to City fence requirements to allow a 6-foot fence to be installed at his residence. Upon roll call, those voting in favor were Leeuwrik, Marchand, Mangum, Nichols and Cheatum.

AGENDA ITEM NO. 9: Council was asked to approve a short plat application submitted by Portneuf Capital, LLC (mailing address: 1800 River Walk Way, Building H, Pocatello, ID 83204) to subdivide 25.75 acres (more or less) into three (3) lots. The proposed subdivision is generally located northwest of River Park Way. Staff found the proposal compliant with all applicable standards of Pocatello Municipal Code assuming compliance with the conditions listed in the staff report.

–SHORT PLAT APPLICATION
–PORTNEUF/GREAT WESTERN MALTING PARTITION

A motion was made by Mr. Mangum, seconded by Mr. Marchand, to approve a short plat application submitted by Portneuf Capital, LLC, to subdivide 25.75 acres (more or less) into three (3) lots with the following conditions: 1) All conditions on the Short Plat Subdivision Application Staff Report dated, July 20, 2023, shall be met; 2) All conditions set out in the Public Works Department Memorandum from Merrill Quayle, P.E. dated, July 12, 2023, shall be met; 3) The plat shall be prepared in accordance with all State and local laws and ordinances and is subject to review by the City Surveyor; and 4) All other standards and conditions of Municipal Code not herein stated but applicable to residential development shall apply and that the decision be set out in appropriate Council decision format. Upon roll call those voting in favor were Mangum, Marchand, Leeuwrik, Mansfield, Nichols and Cheatum.

AGENDA ITEM NO. 10: Council was asked to approve a request by Idaho Power for an easement at Ammon Park for the extension of an underground power line and authorize the Mayor's signature on all applicable documents, subject to Legal Department review.

–IDAHO POWER UTILITY EASEMENT REQUEST
–AMMON PARK

A motion was made by Ms. Leeuwrik, seconded by Mr. Mangum, to approve a request by Idaho Power for an easement at Ammon Park for the extension of an underground power line and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Upon roll call, those voting in favor were Leeuwrik, Mangum, Marchand, Nichols and Cheatum.

AGENDA ITEM NO. 11: Council was asked to accept the recommendation of staff and reject all bids received on June 15, 2023 for the South 5th Avenue/Hayden Street and South 5th Avenue/Wyeth Street ADA Improvements project, subject to Legal Department review. The bid amount is in excess of the engineer's estimate and \$17,902.00 over the approved funding amount.

–ADA CURB RAMP IMPROVEMENT PROJECT BID RESULTS

A motion was made Mr. Mangum, seconded by Ms. Leeuwrik, to accept the recommendation of staff and reject all bids received on June 15, 2023 for the South 5th Avenue/Hayden Street and South 5th Avenue/Wyeth Street ADA Improvements project, subject to Legal Department review as outlined in Agenda Item No. 11. Upon roll call, those voting in favor were Mangum, Leeuwrik, Marchand, Nichols and Cheatum.

AGENDA ITEM NO. 12: Council was asked to accept the recommendation of staff and approve the piggyback bid of Sourcewell contract #013020-SKI via Northwest Lift and Equipment LLC, for the purchase of six (6) mobile column lifts and four (4) jack stands for the Fire Department and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Purchase price for the equipment is \$97,106.00. Funding is available in the Fire Department FY2023 budget.

-PIGGYBACK BID
OF SOURCEWELL
CONTRACT FOR
PURCHASE OF MOBILE
COLUMN LIFTS AND
JACK STANDS
-FIRE DEPARTMENT

A motion was made by Mr. Nichols, seconded by Mr. Mangum, to approve the piggyback bid of Sourcewell contract #013020-SKI via Northwest Lift and Equipment LLC, for the purchase of six (6) mobile column lifts and four (4) jack stands for the Fire Department and the purchase price is \$97,106.00 and authorize the Mayor's signature on all pertinent documents, subject to Legal Department review and funds are available in the Fire Department FY2023 budget. Upon roll call, those voting in favor were Nichols, Mangum, Leeuwrik, Marchand and Cheatum.

AGENDA ITEM NO. 13: There being no further business, Council President Cheatum adjourned the meeting at 6:30 p.m.

-ADJOURN

APPROVED BY:



BRIAN C. BLAD, MAYOR

ATTESTED BY:



KONNI R. KENDELL, CITY CLERK

PREPARED BY:



WENDY A. PRATHER, DEPUTY CITY CLERK