

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
SEPTEMBER 21, 2023

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

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Captain Ernie Evans, representing
INVOCATION the Salvation Army.

Mayor Blad announced that Agenda Items No. 7 had been pulled from the agenda and would be considered at a future City Council meeting.

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

-MINUTES (a) Waive the oral reading of the minutes and approve the minutes from the Budget meetings of Work Sessions of June 8, 2023; and Budget meeting of June 15, 2023.

-MATERIAL CLAIMS (b) Consider the Material Claims for the period of September 1 through September 15, 2023, in the amount of \$3,152,482.60.

-TREASURER'S (c) Consider the Treasurer's Reports for August showing the cash and
REPORT investments as of August 31, 2023, in the amount of \$112,075,076.94.

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

AGENDA ITEM NO. 4: Mayor Blad announced there were no proclamations.
PROCLAMATIONS

AGENDA ITEM NO. 5: Mayor Blad reminded the Council members of the October 5th
CALENDAR REVIEW Clarification meeting at 5:30 p.m.; Regular Council meeting at 6:00 p.m.; and the City Council Work Session to be held October 12th at 9:00 a.m.

Mayor Blad announced that the Idaho State University Homecoming parade will be at 10:00 a.m. on September 23rd and the game against Northern Colorado begins at 4:00 p.m.; Buckle Up Child Passenger Safety Program will be in the City Hall Parking Lot beginning at 10:00 a.m. on September 23rd. Call the Pocatello Police Department to reserve a time; September 26th will be the Ribbon Cutting for the new Pocatello entrance sign at 12:15 p.m. at the Visitor's Center on South 5th Avenue; United Against Hate hosted by the United States Attorney's Office District of Idaho will be at ISU Pond Student Union at 5:30 p.m. on September 26th; September 27th Pocatello Outdoor Recreation's Fall City Creek Hiking Series will begin at 8:00 a.m. at the trail head; on September 30th Fort Hall Replica and Pocatello Junction will close at 4:00 p.m. for the season; October 2nd the League of Women Voters

will hold a Pocatello City Council Candidate Debate at 7:00 p.m. at City Hall; October 14th will be Zoo Idaho's OctoBEARfest at 4:00 p.m. at the Zoo. Zoo Idaho will be open on weekends only through October 29th. He added that the open burn ban in Wildland-Urban Interface areas continues to be in effect.

AGENDA ITEM NO. 6: Kayla Fisher was present to appeal the decision of Police
-CHILDCARE Department staff which revoked Ms. Fisher's Childcare
LICENSE Employee License.
REVOCATION APPEAL
-KAYLA FISHER

Ms. Fisher gave a brief overview of what she believed led to her license being revoked. Ms. Fisher noted that she was the Assistant Director at Stepping Stones Daycare. She expressed she didn't feel anything she did fell under reasons for revocation listed in the Ordinance. Ms. Fisher noted that she did not witness any abuse while employed at Stepping Stones Daycare. She added that she is not currently working as a daycare worker.

Mallarie Bascom, Licensing Officer, gave an overview of the events which prompted the revocation of Ms. Fisher's Childcare Employee License. She stated Ms. Fisher's Childcare Employee License was revoked for failing to report abuse, abandonment, or neglect of a child under 18 years of age by herself and other employees pursuant to Pocatello Municipal Code 5.28.190. Ms. Bascom noted an investigation showed that Ms. Fisher was not only verbally and physically abusive with some of the children at the facility, but was also present when other employees did the same, and Ms. Fisher never reported those incidents to law enforcement or the Department of Health and Welfare. She showed excerpt of videos showing Ms. Fisher's actions while working at Stepping Stones Daycare.

In response to questions from Council, Ms. Fisher gave an overview of her role at the daycare and proper disciplinary procedures. She stated that employees were required to document naps, meals, diaper changes etc. on an app downloaded to their phones multiple times during a shift. Ms. Fisher added that she did not believe the person on the video was her. She stated she was not able to speak on charges due to pending legal citations.

In response to questions from Council, Ms. Bascom stated that she has watched numerous days and hours of video and became familiar with the employees as to what they wore, physical appearance and movements etc. She added that watching videos in their entirety, she was able to follow employees movements from one camera footage to another and moving from room to room. Ms. Bascom noted she is confident that it was Ms. Fisher on the video shown.

Council discussed the importance of protecting children and following City Ordinances.

A motion was made by Ms. Leeuwrik, seconded by Mr. Marchand, to uphold the decision of the Pocatello Police Department staff revoking Kayla Fisher's Childcare Employee License. Upon roll call, those voting in favor were Leeuwrik, Marchand, Cheatum, Mangum, Mansfield and Nichols.

AGENDA ITEM NO. 7: As announced earlier, this Agenda Item No. 7, Madison Saxton-
CHILDCARE Childcare License Denial Appeal, was pulled from the agenda.
LICENSE DENIAL
APPEAL
-MADISON SAXTON

AGENDA ITEM NO. 8: Rita Swank was present to appeal the decision of Police
-CHILDCARE Department staff which revoked Ms. Swank's Childcare Employee
LICENSE License.
REVOCATION APPEAL
-RITA SWANK

Ms. Swank stated she has been a childcare provider since 1978. She expressed her feelings on having to come in front of the Council prior to her criminal charges court trial and having the opportunity to prove her innocence. Ms. Swank stated she didn't witness any child abuse, neglect or abandonment during her employment at Stepping Stones Daycare.

Mallarie Bascom, Licensing Officer, gave an overview of the events which prompted the revocation of Ms. Swank's Childcare Employee License. She stated Ms. Swank's Childcare Employee License was revoked for failing to report abuse, abandonment, or neglect of a child under 18 years of age by herself and other employees pursuant to Pocatello Municipal Code 5.28.190. Ms. Bascom noted an investigation showed that Ms. Swank was not only verbally and physically abusive with some of the children at the facility, but was also present when other employees did the same, and Ms. Swank never reported those incidents to law enforcement or the Department of Health and Welfare. She added that had those incidents been reported through the proper channels, she would have been made aware of the abuse earlier. Ms. Bascom showed excerpt of videos showing Ms. Swank's actions while working at Stepping Stones Daycare.

Mayor Blad stated that Council did not receive correspondence prior to the Council meeting.

In response to questions from Council, Jared Johnson, City Attorney, explained the difference between the criminal charges and the licensing revocation. He noted that the criminal charges are irrelevant to the license revocation and Council should only consider what is considered according to City Code.

In response to questions from Council, Ms. Bascom stated not all video had been reviewed, but there is video of Ms. Swank witnessing abuse and it was not reported to the proper authorities. She noted that there is not a lot of video showing Ms. Swank abusing children, but being witness to others abusing children. Ms. Bascom added that Ms. Swank allowed her spouse to be on the daycare premises without being supervised or licensed.

In response to questions from Council, Ms. Swank noted that everyone's opinion of aggressive behavior is different and she hasn't seen all the video that Ms. Bascom referenced and is unable able to comment on specific events without knowing the context. She stated that the video shown was of a child that routinely runs and harms others children and she was trying to prevent that child from hurting or injuring themselves or another child. Ms. Swank noted that she was not allowed to physically discipline a child, but rather redirect the misbehaviors. She stated she has taken many trainings on how to handle difficult circumstance and children. Ms. Swank stated she had reported children harming other children to the Stepping Stones Daycare owner.

A motion was made by Mr. Marchand, seconded by Mr. Cheatum, to uphold the decision of the Pocatello Police Department staff revoking Rita Swank's Childcare Employee License. Upon roll call, those voting in favor were Marchand, Cheatum, Leeuwrik, Mangum, Mansfield and Nichols.

AGENDA ITEM NO. 9: Melanie Anderson was present to appeal the decision of Police
-CHILDCARE Department staff which revoked Ms. Anderson's Childcare
LICENSE Business and Childcare Employee License.
REVOCATION APPEAL
-MELANIE
ANDERSON

Ms. Anderson gave an overview of her plan of action to correct the problems within her facility upon reopening. She stated that the hiring process will be more thorough and she would not be working in classrooms making herself available to staff members to answer questions or assist them. Ms. Anderson noted that the staff handbook would be updated and clearly state and outline the daycare policy and procedures and disciplinary actions in the event they are not followed. She acknowledged that she did fail to supervise employees due to being short staffed and covering in classrooms.

In response to questions from Council, Ms. Anderson stated that she did review videos but not as often or consistently as she should have. She added that she would review recordings if an issue was brought to her attention and she felt staff handled the situations appropriately. Ms. Anderson explained that an Assistant Director was able to correct a staff member action in the moment, but did not have the ability to terminate any staff members. She noted that she had not seen all the complaints that were given to Council. Ms. Anderson believes that some complaints are from disgruntled employees. She noted that her license allowed 140 to 145 children to be in the facility and at the time of closure she had approximately 130 children and 19 staff members. Ms. Anderson stated that ideally she would have 25-30 staff members employed to cover the number of children allowed.

Mallarie Bascom, Licensing Officer, gave an overview of the events which prompted the revocation of Ms. Anderson's Childcare Employee License. She stated that Ms. Anderson's Childcare Employee License and the business license for Stepping Stones Preschool and Childcare was revoked for violations of Idaho Code 5.28.110 – Facility Requirements, 5.28.120 – Staffing, and 5.28.190 – Reporting of Abuse, Abandonment, or Neglect.

In response to questions from Council, Ms. Bascom noted that Idaho Child Care Program (ICCP) funding has been denied for 5 years due to the current investigation. She added that Ms. Anderson can appeal this decision, but she does not know if Ms. Anderson has appealed at this time.

A motion was made by Mr. Mangum, seconded by Ms. Leeuwrik, to uphold the decision of the Pocatello Police Department staff revoking Melonie Anderson's a Childcare Business and Childcare Employee License. Upon roll call, those voting in favor were Mangum, Leeuwrik, Cheatum, Mansfield, Marchand and Nichols.

Mayor Blad called a recess at 8:40 p.m.

Mayor Blad reconvened the meeting at 8:50 p.m.

AGENDA ITEM NO. 10: This time was set aside for the Council to receive comments from
PUBLIC HEARING the public regarding proposed Fiscal Year 2023 Budget
-PROPOSED FISCAL amendments.
YEAR 2023 BUDGET
AMENDMENTS

Mayor Blad opened the public hearing.

Lydia Noble, Pocatello resident, spoke in opposition to the proposal. She expressed her feelings about transferring funds from one account to another. Ms. Nobles feels that the City did not sufficiently budget for unexpected costs like unexpected employee retirements. She would like to see the City be more transparent and make it less difficult for the public to see a line-itemized budget.

Heather Disselkoen, Pocatello resident, spoke uncommitted to the proposal. She expressed her feelings on revenue sharing. Ms. Disselkoen added she would like to see the City plan for unexpected costs. She asked the Council to educate themselves to better understand what the budget amendments are.

In response to questions from Council, Ms. Schroeder noted that a deposit to the retirement funds is made every month. She added that an employee's vacation and sick time is fluctuates and unknown exactly until the time of retirement. Ms. Schroeder noted that it is not always known when someone is going to retire and the actual date of retirement can change.

Mayor Blad announced that no written correspondence had been received.

There being no further public comments, Mayor Blad closed the public hearing.

Mayor Blad announced that an Ordinance would be considered at a future City Council meeting.

AGENDA ITEM NO. 11: Council was asked to approve a final plat application submitted by Morris Construction, represented by Harper Leavitt Engineering, (mailing address: 800 West Judicial Street, Blackfoot, ID 83221) to subdivide 4.69 acres (more or less) into forty-six (46) lots. The proposed subdivision is located southeast of the intersection between Brock Drive and Philbin Road. Staff found the proposal compliant with all applicable standards of Pocatello Municipal Code assuming compliance with the conditions listed in the staff report.

In response from questions from Council, Chris Street, Harper Leavitt Engineering, stated that they will begin construction as soon as possible and plan to have occupancy permits for most units by late spring 2024.

In response to questions from Council, Merrill Quayle, Senior Engineer, stated that the current infrastructure is adequate to accommodate this development. He added that the City will be able to expand the street to three lanes to meet the needs of future development growth. Mr. Quayle noted that the City will have a ten foot easement.

In response to a question from Council, Carl Anderson, Senior Planner, stated that the application meets all requirement standards.

A motion was made by Mr. Mansfield, seconded by Mr. Mangum, to approve a final plat application submitted by Morris Construction, represented by Harper Leavitt Engineering, to subdivide 4.69 acres (more or less) into forty-six (46) lots with the following conditions: 1) All conditions on the Final Plat Subdivision Application Staff Report shall be met; 2) All conditions set out in the Public Works Department Memorandum from Merrill Quayle, P.E. dated, August 25, 2023, shall be met; 3) The plat shall be prepared in accordance with applicable State and City subdivision plat standards and subject to review by the City Surveyor; 4) All requirements of the Planned Unit Development (PUD) application, permit number 23-120, shall apply; and 5) All other standards and conditions of Municipal Code not herein stated but applicable to the subdivision shall apply and that the decision be set out in

appropriate Council decision format and that the proposed subdivision is located southeast of the intersection between Brock Drive and Philbin Road. Upon roll call, those voting in favor were Mansfield, Mangum, Cheatum, Leeuwrik, Marchand and Nichols.

AGENDA ITEM NO. 12: Council was asked to adopt a resolution amending the City's
-RESOLUTION Drug/Alcohol Testing Policy for employees whose positions
-AMENDING DRUG/ require a Commercial Driver's License (not Transit Authority-
ALCOHOL TESTING related). This amendment updates the job titles listed in Appendix
POLICY "A", which are subject to drug/alcohol testing and appoints a
member of the Legal Department as the City's Designated
Employee Representative.

A motion was made by Mr. Mangum, seconded by Mr. Nichols, to adopt a resolution (2023-23) amending the City's Drug/Alcohol Testing Policy for employees whose positions require a Commercial Driver's License (not Transit Authority-related) as outlined in Agenda Item No. 12. Upon roll call, those voting in favor were Mangum, Nichols, Cheatum, Leeuwrik, Mansfield and Marchand.

AGENDA ITEM NO. 13: Council was asked to adopt a resolution amending the
-RESOLUTION Drug/Alcohol Testing Policy for Transit Department "safety-
-AMENDING PUBLIC sensitive" employees, which replaces the policy previously adopted
TRANSIT in October 17, 2019. The amendment appoints a member of the
DEPARTMENT DRUG/ Legal Department as the City's Designated Employee
ALCOHOL TESTING Representative (DER).
POLICY

A motion was made by Mr. Cheatum, seconded by Mr. Mangum, to adopt a resolution (2023-24) amending the Drug/Alcohol Testing Policy for Transit Department "safety-sensitive" employees, which replaces the policy previously adopted in October 17, 2019 as outlined in Agenda Item No. 13. Upon roll call, those voting in favor were Cheatum, Mangum, Leeuwrik, Mansfield, Marchand and Nichols.

AGENDA ITEM NO. 14: Council was asked to approve the submission of a grant application
US DEPARTMENT OF to the US Department of Transportation's Reconnecting
TRANSPORTATION Communities and Neighborhoods (RCN) grant program. The
RECONNECTING grant would provide necessary funding to install bicycle and
COMMUNITIES AND pedestrian infrastructure along Terry Street, 1st Avenue, and the
NEIGHBORHOODS Benton Street overpass in order to improve connectivity between
(RCN) GRANT the University, Warehouse, and Downtown districts. The total
APPLICATION project cost is \$8.5 million and does not require a match. City
-TERRY FIRST Council may wish to approve the grant application and, if awarded,
CONNECTION authorize the Mayor's signature on all pertinent documents, subject
to Legal Department review.

In response to questions from Council, Christine Howe, Grants Manager, gave an overview of the grant application. She noted that if awarded, it would allow the City to create a protected bicycle path and pedestrian improvements allowing foot traffic to travel from the University area through the Warehouse District over the Benton Street overpass into Historic Downtown. She explained how a federal data tool is used to determine if an area meets certain burden thresholds to be eligible for the grant.

A motion was made by Ms. Leeuwrik, seconded by Mr. Mangum, to approve the submission of a grant application to the US Department of Transportation's Reconnecting Communities and Neighborhoods (RCN) grant program to install bicycle and pedestrian infrastructure along Terry Street, 1st Avenue, and the Benton Street overpass as outlined in Agenda Item No. 14 and the total project cost is \$8.5 million and does not require a match and if awarded, authorize the Mayor's signature on all pertinent documents, subject to Legal Department review. Upon roll call, those voting in favor were Leeuwrik, Mangum, Cheatum, Mansfield, Marchand and Nichols.

AGENDA ITEM NO. 15: Council was asked to consider an ordinance approving an amendment to the Fiscal Year 2023 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$3,326,375 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.

ORDINANCE
-AMENDMENT TO
FISCAL YEAR 2023
APPROPRIATIONS

A motion was made by Mr. Mansfield, seconded by Mr. Mangum, that the ordinance, Agenda Item No. 15, be read only by title and placed on final passage for publication, and that the whole ordinance be submitted for publication. Upon roll call, those voting in favor were Mansfield, Mangum, Cheatum, Leeuwrik, Marchand and Nichols.

Jared Johnson, City Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance approving an amendment to the Fiscal Year 2023 Appropriations Ordinance increasing the total Fiscal Year expenditures by \$3,326,375 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. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Cheatum, Leeuwrik, Magnum, Mansfield, Marchand and Nichols. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3129 and that the whole ordinance be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 16: There being no further business, Mayor Blad adjourned the meeting at 9:25 p.m.

ADJOURN

APPROVED BY:



BRIAN C. BLAD, MAYOR

ATTESTED BY:



KONNI R. KENDELL, CITY CLERK

PREPARED BY:



WENDY A. PRATHER, DEPUTY CITY CLERK