

CITY OF POCA TELLO, IDAHO  
CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
OCTOBER 5, 2023

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

Mayor Blad led the audience in the pledge of allegiance.

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

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 September 16, 2023 through September 30, 2023 in the amount of \$2,502,235.41.

–HISTORIC PRESERVATION COMMISSION REAPPOINTMENT (b) Confirm the Mayor’s reappointment of Ruta Casabianca to continue serving as a member of the Historic Preservation Commission. Ruta’s term will begin October 16, 2023 and will expire October 16, 2026.

–POCA TELLO REGIONAL AIRPORT COMMISSION APPOINTMENT (c) Confirm the Mayor’s appointment of Patricia Francisco to serve as a member of the Pocatello Regional Airport Commission, replacing Mike Ennis who resigned. Patricia Francisco’s term will begin on October 6, 2023 and will expire on December 8, 2025.

–COUNCIL DECISION FINAL PLAT APPROVAL –BROCK PLACE SUBDIVISION (d) Adopt the Council’s decision approving the subdivision of approximately 4.69 acres of land into forty-six (46) lots, generally located southeast of the intersection of Brock Drive and Philbin Road, subject to conditions.

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

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

AGENDA ITEM NO. 5: Mayor Blad reminded the Council members of the October 12<sup>th</sup> CALENDAR REVIEW Work Session at 9:00 a.m. and the City Council Town Hall meeting on October 16<sup>th</sup> at 6:30 p.m. and the following meetings to be held on October 19<sup>th</sup>: City Council Clarification meeting at 5:30 p.m. and City Council meeting at 6:00 p.m.

Mayor Blad announced Columbus Day/Indigenous People Day, October 9<sup>th</sup>, City offices will be open during this holiday; Sanitation Department collection trucks will remain on their regular schedule; October 14<sup>th</sup> Zoo Idaho’s OctoBEARfest will be at 4:00 p.m. at the Zoo; Zoo Idaho will be open on

weekends only through October 29<sup>th</sup>; early voting begins October 16<sup>th</sup> at the Bannock County Elections Office located at 141 North 6th Avenue. Voting hours are Monday through Friday 9:00 a.m. to 4:30 p.m. The last day to vote early is November 3<sup>rd</sup>. He reminded citizens on October 28<sup>th</sup> the annual National Make a Dog's Day event will take place at Phil Meador Subaru dealership, located at 1437 Yellowstone Avenue, from 10:00 a.m. to 2:00 p.m. Pocatello Animal Services will have adoptable animals onsite and offer discounted adoption fees, thanks to Subaru.

AGENDA ITEM NO. 6: Madison Saxton was present to appeal the decision of Pocatello  
CHILDCARE Police Department which revoked Ms. Saxton's a Childcare  
EMPLOYEE LICENSE Employee License.  
DENIAL APPEAL  
--MADISON SAXTON

Ben Neilson, Ms. Saxton's legal counsel, gave a brief overview of the incident that led to Ms. Saxton's Childcare Employee License being revoked and her background. He described the incident, noting it was a single incident of two children engaging in inappropriate behavior in the presence of Ms. Saxton. Mr. Neilson added that the video footage shows Ms. Saxton on her phone logging information into the daycare app. He noted that logging this information was a required job duty. Mr. Neilson stated that Ms. Saxton has been a productive member of the community. He noted that Ms. Saxton had taken early childhood classes to prepare for a profession in childcare. Mr. Neilson added that Ms. Saxton's employment history shows that she is dedicated to working with children and families.

In response to questions from Council, Ms. Saxton confirmed her length of employment with Stepping Stones Daycare was for two months. She stated that she put in her notice to leave due to child adult ratio being over the limit and not having the ability to take reasonable breaks during her shifts. Ms. Saxton noted that she did not make any reports of feeling overworked or having too many children to her supervisor. She stated that she had reported the incident of the two children to the daycare owner the day after it occurred.

Mallarie Bascom, Licensing Officer, gave an overview of the events which prompted the revocation of Ms. Saxton's Childcare Employee License. She stated Ms. Saxton's Childcare Employee License was revoked for failing to report abuse, abandonment, or neglect of a child under 18 years of age pursuant to Pocatello Municipal Code 5.28.190. Ms. Bascom noted an investigation showed that Ms. Saxton was witness to a possible incident of sexual abuse between two children while employed at Stepping Stones Daycare facility and never reported those incidents to law enforcement or to the Department of Health and Welfare.

In response to a question from Council, Ms. Bascom stated Ms. Saxton's license was revoked for non-reporting of an incident. She noted that the incident was reported to law enforcement by a parent on May 4, 2023. Ms. Bascom added that childcare personnel are required to report any abuse, abandonment, or neglect of a child under 18 years of age within 24 hours to the proper law enforcement agency or to the Idaho Department of Health and Welfare. She clarified that Ms. Saxton is not shown mistreating any children in any of the reviewed video footage nor was Ms. Saxton mentioned by name or witnessed mistreating children while employed at Stepping Stones Daycare. Ms. Bascom added that in the video footage she had reviewed it appears that Ms. Saxton's classroom was well organized and that she was very engaged with the children.

In response to a question from Council, Jared Johnson, City Attorney, noted that if Council reinstated Ms. Saxton's Childcare Employee license and she was found guilty of any pending criminal charges her Childcare Employee license would be revoked at that time based on City Code.

Council discussed what should and should not be considered when making their decision and the difference between the letter of the law and spirit of the law.

A motion was made by Mr. Mangum, seconded by Mr. Cheatum, to overturn the decision of the Pocatello Police Department and grant a Childcare Employee License to Madison Saxton. Upon roll call, those voting in favor were Mangum, Cheatum, Mansfield and Nichols. Marchand voted in opposition. The motion passed.

AGENDA ITEM NO. 7: This time was set aside for the Council to hear comments from the public regarding the proposal to reserve the forgone amount for Fiscal Year 2024 in the amount of \$589,827.00 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 \$589,827.00 for potential use in subsequent years in accordance with Idaho Code §63-802.  
PUBLIC HEARING/  
RESOLUTION  
-FORGONE BALANCE

Mayor Blad opened the public hearing.

Gene Hill, Chief Financial Officer, gave an overview of Idaho Code pertaining to property tax caps and forgone amounts. He noted that the City is asking to reserve the forgone amount for Fiscal Year 2024 in the amount of \$589,827.00.

Mayor Blad announced no written comments had been received.

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

A motion was made by Mr. Mansfield, seconded by Mr. Mangum, to adopt a Resolution (2023-25) and approve the proposal to reserve the forgone amount for Fiscal Year 2024 in the amount of \$589,827.00 for potential use in subsequent years as described in Idaho Code §63-802. Upon roll call, those voting in favor were Mansfield, Mangum, Cheatum, Marchand and Nichols.

AGENDA ITEM NO. 8: Council was asked to approve a final plat application submitted by Sweat Equity Investments, LLC (mailing address: 13104 West Tyhee Road, Pocatello, ID 83202) to subdivide 6.56 acres (more or less) into thirteen (13) lots. The proposed subdivision is located east of the intersection between Jazmine Street and Dolostone Drive. Staff found the proposal compliant with all applicable standards of Pocatello Municipal Code assuming compliance with the conditions listed in the staff report.  
-FINAL PLAT  
APPLICATION  
-JAZMINE ESTATES  
1<sup>ST</sup> ADDITION  
SUBDIVISION

A motion was made by Mr. Mangum, seconded by Mr. Mansfield, to approve a final plat application submitted by Sweat Equity Investments, LLC to subdivide 6.56 acres (more or less) into thirteen (13) lots with the following conditions: 1) All conditions on the Final Plat Subdivision Application Staff Report shall be met 2) The conditions set out in the Public Works Department Memorandum from Merril Quayle, P.E. dated, September 22, 2023, shall be met; 3) A building permit may not be issued unless all applicable standards of City Code Section 16.24.100 are adhered to, or a subdivision surety bond and warranty bond is obtained as outlined in City Code 16.24.110, prior to recording; 4) The plat shall be prepared in accordance with applicable State and City subdivision plat standards and subject to review by the City Surveyor; 5) Lot 1 Block 4 shall include an "R" restriction indicating that the proposed storm water retention area lot is non-buildable; and 6) 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 and that the proposed subdivision is located east of the intersection between Jazmine Street and Dolostone Drive. Upon roll call, those voting in favor were Mangum, Mansfield, Cheatum, Marchand and Nichols.

AGENDA ITEM NO. 9: Council was asked wish to adopt a Resolution and approve a grant application for the Bureau of Reclamation's WaterSMART Planning and Project Design Grant for Fiscal Year 2023/2024 for the Portneuf River Oxbow Restoration Project and, if awarded, authorize acceptance of the grant and approve the Mayor's signature on all pertinent documents, subject to Legal Department review. The total project cost is \$522,500 and requires a 25% match equal to \$130,625.

-BUREAU OF RECLAMATION WATERSMART PLANNING AND PROJECT DESIGN GRANT APPLICATION AND RESOLUTION

A motion was made by Mr. Nichols, seconded by Mr. Mangum, to adopt a Resolution (2023-26) and approve a grant application for the Bureau of Reclamation's WaterSMART Planning and Project Design Grant for Fiscal Year 2023/2024 for the Portneuf River Oxbow Restoration Project and if awarded, authorize acceptance of the grant and approve the Mayor's signature on all pertinent documents, subject to Legal Department review and the total project cost is \$522,500 and requires a 25% match equal to \$130,625. Upon roll call, those voting in favor were Nichols, Mangum, Cheatum, Mansfield and Marchand.

AGENDA ITEM NO. 10: Council was asked to adopt a Resolution and approve an Addendum to Cooperative Agreement with Idaho Transportation Department and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. This addendum will modify the cooperative Agreement approved by Council on May 20, 2021 for ADA ramps on South 5th Avenue.

-ADDENDUM TO ITD COOPERATIVE AGREEMENT AND RESOLUTION  
-SOUTH 5<sup>TH</sup> ADA IMPROVEMENTS PROJECT

A motion was made by Mr. Cheatum, seconded by Mr. Mangum, to adopt a Resolution (2023-27) and approve an Addendum to Cooperative Agreement with Idaho Transportation Department and authorize the Mayor's signature on all applicable documents, subject to Legal Department review, to modify the cooperative Agreement approved by Council on May 20, 2021 for ADA ramps on South 5th Avenue. Upon roll call, those voting in favor were Cheatum, Mangum, Mansfield, Marchand and Nichols.

AGENDA ITEM NO. 11: Council was asked to accept the recommendations of staff and approve an agreement with CentralSquare Technologies, LLC, for transition to and ongoing cloud-based management of TimeClock Plus timekeeping software, subject to Legal Department review. Cost for the transition to cloud-based services in the amount of \$20,850.00 and ongoing maintenance fees in the amount of \$34,200.00, will be funded through the Information Technologies (IT) Department.

-TRANSITION OF TIMECLOCK PLUS (TCP) FOR CLOUD-BASED SOFTWARE MANAGEMENT  
-IT DEPARTMENT

A motion was made by Mr. Mangum, seconded by Mr. Mansfield, to accept the recommendations of staff and approve an agreement with CentralSquare Technologies, LLC, for transition to and ongoing cloud-based management of TimeClock Plus timekeeping software, subject to Legal Department

review and cost will be in the amount of \$20,850.00 and ongoing maintenance fees in the amount of \$34,200.00 and will be funded through the Information Technologies (IT) Department. Upon roll call, those voting in favor were Mangum, Mansfield, Cheatum, Marchand and Nichols.

AGENDA ITEM NO. 12: Council was asked to approve a Professional Service Agreement with Raftelis Financial Consultants, Inc., for the preparation of a current rate study for an amount not to exceed \$124,970.00 and authorize the Mayor's signature on all applicable documents, including change orders, subject to Legal Department review. The services provided will be a five-year rate study to revise and update the previous study and will include rates for Water, Water Pollution Control and Sanitation services. Funds for the study have been budgeted in the Department Funds.

A motion was made by Mr. Cheatum, seconded by Mr. Mansfield, to approve a Professional Service Agreement with Raftelis Financial Consultants, Inc., for the preparation of a current rate study for an amount not to exceed \$124,970.00 and authorize the Mayor's signature on all applicable documents, including change orders, subject to Legal Department review and the services provided will be a five-year rate study to revise and update the previous study and will include rates for Water, Water Pollution Control and Sanitation services and funds for the study have been budgeted in the Department Funds. Upon roll call, those voting in favor were Cheatum, Mansfield, Mangum, Marchand and Nichols.

AGENDA ITEM NO. 13: Council was asked to accept the recommendations of staff for the following requests regarding the Pickleball Courts Project:

- AWARD BID (a) Accept the low responsive bids and award the bids to the following: 1) Bigfoot Idaho for Surfacing and Netting, in the amount of \$70,500.00; 2) Monroe Fence, Inc. for Fencing in the amount of \$33,895.00 and 3) Bear River Electric, LLC for Lighting in the amount of \$106,667.00; and
- BIGFOOT IDAHO, INC.,  
BEAR RIVER ELECTRICAL
- AUTHORIZE CONTRACTS (b) Authorize the Mayor's signature on all applicable documents, subject to Legal Department review.
- BIGFOOT IDAHO, INC.,  
BEAR RIVER ELECTRICAL

A motion was made by Mr. Mangum, seconded by Mr. Nichols, to accept the low responsive bids and award the bids to the following: a) Bigfoot Idaho for Surfacing and Netting, in the amount of \$70,500.00; b) Monroe Fence, Inc. for Fencing in the amount of \$33,895.00 and c) Bear River Electric, LLC for lighting in the amount of \$106,667.00; and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Upon roll call, those voting in favor were Mangum, Nichols, Cheatum, Mansfield and Marchand.

AGENDA ITEM NO. 14: Council was asked to accept the recommendation of staff and adopt a Resolution rejecting all bids received in response to the Ross Park Water Slide solicitation and declaring that the project can be performed more economically by purchasing goods and services on the open market pursuant to Idaho Code 67-2805, et al.

A motion was made by Mr. Mansfield, seconded by Mr. Mangum, to adopt a Resolution (2023-28) rejecting all bids received in response to the Ross Park Water Slide solicitation and declaring that the

project can be performed more economically by purchasing goods and services on the open market pursuant to Idaho Code 67-2805, et al. Upon roll call, those voting in favor were Mansfield, Mangum, Cheatum, Marchand and Nichols.

AGENDA ITEM NO. 15: Council was asked to accept the recommendation of staff and  
–RESOLUTION TO adopt a Resolution rejecting all bids received in response to the  
OK Ward REJECT ALL Park Splash Pad solicitation and declaring that the project can  
BIDS be performed more economically by purchasing goods and–OK  
WARD PARK services on the open market pursuant to Idaho Code 67-2806,  
SPLASH PAD PROJECT et al.

A motion was made by Mr. Mansfield, seconded by Mr. Mangum, to adopt a Resolution (2023-29) rejecting all bids received in response to the OK Ward Park Splash Pad solicitation and declaring that the project can be performed more economically by purchasing goods and services on the open market pursuant to Idaho Code 67-2806, et al. Upon roll call, those voting in favor were Mansfield, Mangum, Cheatum, Marchand and Nichols.

AGENDA ITEM NO. 16: Council was asked to consider an ordinance amending Pocatello  
ORDINANCE Municipal Code Title 13 Chapters 13.28.020 “Garbage Collection  
–AMENDMENT TO Service”; 13.28.030 “Municipal Garbage and Refuse Collection  
MUNICIPAL CODE and Disposal Service Compulsory”; 13.28.060 “Location of  
TITLE 13 Collection Point”; 13.28.080 “Regulations for Garbage/Refuse  
Hauling, Hauling of Other Items, and Recycling Operations”;  
13.28.090 “Containers, Storage Sites, Location of Collection Point”; 13.28.130 “Removal of  
Unapproved Containers”; 13.28.140 “Review of Customer Service”; 13.28.170 “Construction Debris  
and Household Hazardous Waste”; 13.28.180 “Unauthorized Material”; 13.28.210 “Suppression of  
Nuisances”; 13.28.220 “Interfering with Sanitation Superintendent”; and 13.28.230 “Fees, Rates, and  
Charges” to provide clarity to current policies and regulations associated with the City of Pocatello  
Sanitation Department

A motion was made by Mansfield, seconded by Mr. Cheatum, that the ordinance, Agenda Item No. 16, be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication. Upon roll call, those voting in favor were Mansfield, Cheatum, Mangum, Marchand and Nichols.

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

Mayor Blad declared the final reading of the ordinance amending Pocatello Municipal Code Title 13 Chapters 13.28.020 “Garbage Collection Service”; 13.28.030 “Municipal Garbage and Refuse Collection and Disposal Service Compulsory”; 13.28.060 “Location of Collection Point”; 13.28.080 “Regulations for Garbage/Refuse Hauling, Hauling of Other Items, and Recycling Operations”; 13.28.090 “Containers, Storage Sites, Location of Collection Point”; 13.28.130 “Removal of Unapproved Containers”; 13.28.140 “Review of Customer Service”; 13.28.170 “Construction Debris and Household Hazardous Waste”; 13.28.180 “Unauthorized Material”; 13.28.210 “Suppression of Nuisances”; 13.28.220 “Interfering with Sanitation Superintendent”; and 13.28.230 “Fees, Rates, and Charges” to provide clarity to current policies and regulations associated with the City of Pocatello Sanitation Department. Mayor Blad asked, “Shall the ordinance pass?” Upon roll call, those voting in favor were Cheatum, Mangum, Mansfield, Marchand and Nichols. Mayor Blad declared the ordinance passed, that it be numbered 3130 and that the ordinance summary sheet be submitted to the Idaho State Journal for publication.

REGULAR CITY COUNCIL MEETING  
OCTOBER 5, 2022

7

AGENDA ITEM NO. 18: There being no further business, Mayor Blad adjourned the  
ADJOURN meeting at 7:06 p.m.

APPROVED BY:

  
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BRIAN C. BLAD, MAYOR

ATTESTED BY:

  
\_\_\_\_\_  
KONNI R. KENDELL, CITY CLERK

PREPARED BY:

  
\_\_\_\_\_  
WENDY A. PRATHER, DEPUTY CITY CLERK