

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
OCTOBER 6, 2022

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:03 p.m. ROLL CALL AND PLEDGE OF ALLEGIANCE by Mayor Brian Blad. Council members present were Rick Cheatum, Linda Leeuwrik, Josh Mansfield and Scott Marchand.

Mayor Blad led the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Mike Popovich, representing INVOCATION First Baptist Church.

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 10, 2022 through September 30, 2022 in the amount of \$2,440,002.02.

–GOLF ADVISORY COMMITTEE REAPPOINTMENT (b) Confirm the Mayor’s reappointment of Billy Satterfield to continue serving on the Golf Advisory Committee. Billy’s term will begin October 22, 2022 and will expire October 22, 2025.

–PARKS AND RECREATION ADVISORY BOARD APPOINTMENT (c) Confirm the Mayor’s appointment of Kathryn Hickok to serve on the Parks and Recreation Advisory Board. Kathryn’s term will begin October 7, 2022 and expire October 7, 2024.

–POCA TELLO REGIONAL AIRPORT COMMISSION APPOINTMENT (d) Confirm the Mayor’s appointment of Norris Ganstrom to serve as a member of the Pocatello Regional Airport Commission. Norris’ term will begin October 7, 2022 and expire October 7, 2024.

–COUNCIL DECISION (e) Adopt the Council’s decision approving the final plat for –WESTERN SKIES DIVISION 3 FINAL PLAT APPROVAL subject to conditions. The subdivision will be accessed from extensions of Eastpointe Drive and Marinus Lane to the north with Eastpointe Drive connecting to Basalt Drive to the west. A new road to be named Grassland Road will be stubbed to Lot 20, Block 5.

–POLICE PERSONNEL (f) Approve proposed changes to the Pocatello Police Department ADMINISTRATION RULES Personnel Administration Rules (PAR).

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

AGENDA ITEM NO. 4: Council was asked to confirm the Mayor's appointments of the following:
-CONFIRMATION
OF COUNCIL MEMBER
APPOINTMENTS
-NICHOLS AND
MANGUM

- SEAT NO. 2
BRENT NICHOLS
- a) Appoint Brent Nichols to serve as a City Council member fulfilling the unexpired term of Claudia Ortega, City Council member Seat No. 2, with the appointment to be effective October 6, 2022.
- SEAT NO. 3
COREY MANGUM
- b) Appoint Corey Mangum to serve as a City Council member fulfilling the unexpired term of Roger Bray, City Council member Seat No. 3, with the appointment to be effective October 6, 2022.

A motion was made by Mr. Cheatum, seconded by Mr. Marchand, to confirm the Mayor's appointment of Brent Nichols and Corey Mangum to serve as City Council members fulfilling unexpired term seats No. 2 and No. 3. Upon roll call, those voting in favor were Cheatum, Marchand, Leeuwrik and Mansfield.

Konni Kendell, City Clerk, administered the oath of office to the newly appointed City Council members. Council members Brent Nichols and Corey Mangum were sworn in. Each person assumed the dais as they completed their oath.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council members of the following CALENDAR REVIEW meetings on October 20th: Clarification Meeting at 5:30 p.m.; and Regular Council meeting at 6:00 p.m. Mayor Blad announced that the October 13th City Council Work Session Clarification meeting and the October 20th City Council Liaison/Work Session Clarification meeting had been canceled.

Mayor Blad announced Columbus Day/Indigenous People Day, October 10th, City offices will be open during this holiday; Sanitation Department collection trucks will remain on their regular schedule; early voting is currently underway 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 4th; Zoo Idaho will be open on weekends only through October 30th. Mayor Blad reminded citizens that the open burn ban in Wildland-Urban Interface areas continues.

AGENDA ITEM NO. 6: Maddison Young was present to appeal the decision of Pocatello DAYCARE Police Department staff which denied Ms. Young a Daycare LICENSE DENIAL License. APPEAL -YOUNG

Tori Eldridge, License Enforcement Officer, gave an overview of the reasons Ms. Young's license was denied. She stated that Ms. Young had an assault conviction in 2017, a misuse and fraudulent use of credit cards in 2021 and a damage of property conviction September 2022. Ms. Eldridge added that Ms. Young currently has pending charges from April 2022.

Ms. Young explained her criminal background. She stated that some of her past choices were reckless and inappropriate. Ms. Young noted that most of her convictions were before she was diagnosed with bipolar disorder. She noted that in April 2022 she missed an injection of her mood stabilizer leading to a confrontation with family members and having charges against her. Ms. Young disclosed that she had accepted the criminal mischief charge and that the pending alleged child endangerment charge from April 2022 was dismissed on September 21, 2022. She added that she currently attends therapy, is paying restitution, is enrolled in an anger management program and has completed an outpatient substance abuse program. Ms. Young emphasized her passion and desire to work with children. She noted that working to make a difference in future generations gives her a sense of purpose. Ms. Young brought letters of recommendations, medical record of diagnoses and court documentation from Cache County, Utah, stating charges were dismissed.

In response to questions from Council, Ms. Young confirmed that she regularly attends therapy sessions. She noted that she was working at Pocatello Valley Montessori School until she was notified that her Daycare License had been denied. Ms. Young stated that if the appeal is granted, she could return to work at the Pocatello Valley Montessori School. She added that she can get a letter of recommendation from Pocatello Valley Montessori School, if needed.

In response to a question from Council, Ms. Eldridge stated that the reported last date of conviction was September 21, 2021.

In response to a question from Council, Jared Johnson, City Attorney, explained what constitutes criminal mischief charges.

Council discussed timeframe of convictions as stated within Daycare License Ordinance at this time.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to uphold the decision of the Pocatello Police Department and deny the Daycare License for Maddison Young. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mangum, Mansfield, Marchand and Nichols.

AGENDA ITEM NO. 7: PUBLIC HEARING –NORTH 6 TH AVENUE RIGHT- OF-WAY VACATION REQUEST	This time was set aside for the Council to hear comments from the public regarding a request by Bannock County, (mailing address: 624 East Center Street, Pocatello, ID 83201), represented by Hal W. Jensen, for the vacation of the right-of-way of North 6 th Avenue between East Clark Street and East Center Street.
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Mayor Blad opened the public hearing.

Council President Cheatum stated that he had a conversation with Commissioner Huff regarding Bannock County's future plans of the property. He stated that this conversation would not affect his ability to remain impartial when making a decision.

Council announced there had been no other ex parte communication.

Hal W. Jensen, Bannock County, gave an overview of the request. He stated that the Bannock County Courthouse and adjacent facilities function like a campus. Mr. Jensen noted that by vacating 6th Avenue it will provide greater public safety for pedestrian traffic between facilities and provide an opportunity for additional parking, accessible parking and restrict speed of traffic through the parking areas. He stated that property rights will not be impaired and all utilities will remain in the easement and be accessible for repairs and maintenance.

In response to questions from Council, Mr. Jensen responded that the County has a parking agreement with the Church of Latter Day Saints and Buddy's Restaurant in place. He added that they are looking to add a flashing crosswalk on Center Street. Mr. Jensen clarified that drive-thru voting will remain available on the west side of the Elections office building.

Carl Anderson, Senior Planner, gave an overview of the request. He stated Bannock County is requesting to vacate the public's interest of approximately 0.413 acres (more or less) of North 6th Avenue. Mr. Anderson noted the existing right-of-way is sixty feet (60') in width and appears to encompass the road, on street parking and sidewalk and the subject right-of-way was originally platted with the Pocatello Townsite between blocks 234 and 268. Mr. Anderson reported that there is an existing water line and storm water infrastructure within the subject right-of-way. Mr. Anderson added that all public notice requirements were met.

In response to questions from Council, Merrill Quayle, Development Engineer, clarified that the existing right-of-way easement includes sidewalks and access to public utilities will be available. He confirmed that no permanent structures can be built on the proposed vacation property.

Mayor Blad announced no written comments had been received.

Mr. Jensen stated that the County and City Engineering Department will be studying traffic restriction options on the east side and the pedestrian traffic on 6th Avenue.

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

A motion was made by Mr. Mansfield, seconded by Mr. Cheatum, to approve the request by Bannock County to vacate the right-of-way of North 6th Avenue between East Clark Street and East Center Street with the following conditions: 1) The proposed new easement line shall be delineated in the field; 2) A utility and ingress/egress emergency access easement shall be retained for the entirety of the vacated right-of-way; 3) All fire hydrants shall be accessible to fire crews; 4) Plans for the new utility locations shall be submitted to the City of Pocatello Engineering Department for review and approval; 5) An easement shall be granted to the City of Pocatello to access the garbage container enclosure from the area within the right-of-way vacation, North 6th Avenue. Should the enclosure be moved, the enclosure shall be brought of a right to current City standards and approved prior to its relocation; 6) The two stormwater catch basins located northeasterly off of Center Street on 6th Avenue shall be relocated to Center Street. Any new development on the proposed 6th Avenue vacation area and the adjacent property shall be designed to accommodate stormwater treatment and retention for a two-year storm event; and 7) Any work relating to relocating utilities and/or defining any new easements shall be at the Applicant's expense and that the decision be set out in appropriate Council decision format and that the property to be vacated is located at North 6th Avenue between East Clark Street and East Center Street. Upon roll call, those voting in favor were Mansfield, Cheatum, Leeuwrik, Mangum, Marchand and Nichols.

AGENDA ITEM NO. 8: Council was asked to approve the Mayor's signature, subject to
-EMPLOYEE Legal Department review, on a contract with CuraLinc for the
ASSISTANCE Employee Assistance Program as discussed at the May 26, 2022
PROGRAM SERVICES Budget Development meeting. The cost per month for sworn
AGREEMENT officers, emergency communication officers, evidence technicians
and sworn firefighting personnel is \$16.00 per person and \$3.10
per person for general employees. This is a three (3) year contract and has been budgeted in the Fiscal
Year 2023 Budget.

A motion was made by Ms. Leeuwrik, seconded by Mr. Marchand, to approve the Mayor's signature, subject to Legal Department review, on a contract with CuraLinc for the Employee Assistance Program and the cost per month for sworn officers, emergency communication officers, evidence technicians and sworn firefighting personnel is \$16.00 per person and \$3.10 per person for general employees and this is a three (3) year contract and has been budgeted in the Fiscal Year 2023 Budget. Upon roll call, those voting in favor were Leeuwrik, Marchand, Cheatum, Mangum, Mansfield and Nichols.

AGENDA ITEM NO. 9: Council was asked approve a Memorandum of Understanding amending the Collective Bargaining Agreement entered November 4, 2021 amending Article 18, Section D and deleting Article 28, Section 1.
-MEMORANDUM OF UNDERSTANDING (MOU)
-FIREFIGHTERS LOCAL UNION #187

A motion was made by Mr. Mansfield, seconded by Ms. Leeuwrik, to approve a Memorandum of Understanding amending the Collective Bargaining Agreement entered November 4, 2021 amending Article 18, Section D and deleting Article 28, Section 1. Upon roll call, those voting in favor were Mansfield, Leeuwrik, Cheatum, Mangum, Marchand and Nichols.

AGENDA ITEM NO. 10: Council was asked to consider piggybacking Sourcewell's competitively bid contract #032119-CAT via Caterpillar, Inc. for the lease of one (1) new CAT Track Excavator 330 consisting of five (5) annual payments of \$33,858.03 with a scheduled balloon payment in year six (6) in the amount of \$224,999.98. The cost has been budgeted in the Water Department budget. Council may also wish to authorize the Mayor's signature on all applicable documents pertaining to the lease, subject to Legal Department review.
-PIGGYBACK BID ACCEPTANCE
-SOURCEWELL CONTRACT FOR CATERPILLAR EXCAVATOR LEASE
-WATER DEPARTMENT

A motion was made by Ms. Leeuwrik, seconded by Mr. Mangum, to approve piggybacking Sourcewell's competitively bid contract #032119-CAT via Caterpillar, Inc. for the lease of one (1) new CAT Track Excavator 330 consisting of five (5) annual payments of \$33,858.03 with a scheduled balloon payment in year six (6) in the amount of \$224,999.98 and authorize the Mayor's signature on all applicable documents pertaining to the lease, subject to Legal Department review. Upon roll call, those voting in favor were Leeuwrik, Mangum, Cheatum, Mansfield, Marchand and Nichols.

AGENDA ITEM NO. 11: Council was asked 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.
-BID ACCEPTANCE FOR TRANSMISSION LINE REPLACEMENT FOR 5 MILLION GALLON TANK (5MG)
-WATER DEPARTMENT

A motion was made by Mr. Mansfield, seconded by Mr. Cheatum, to accept 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. Upon roll call, those voting in favor were Mansfield, Cheatum, Leeuwrik, Mangum, Marchand and Nichols.

AGENDA ITEM NO. 12: Council was asked to declare a 1.4 acre parcel of City-owned property located at the corner of Riverside Drive and Aspen Lane as underutilized and further declare their intent to exchange said property for real property of equal value.

-DECLARATION OF SURPLUS PROPERTY
-1.4 ACRES LOCATED AT RIVERSIDE DRIVE AND ASPEN LANE

A motion was made by Mr. Cheatum, seconded by Mr. Nichols, to declare a 1.4 acre parcel of City-owned property located at the corner of Riverside Drive and Aspen Lane as underutilized and further declare their intent to exchange said property for real property of equal value and that the property is located at Riverside Drive and Aspen Lane. Upon roll call, those voting in favor were Cheatum, Nichols, Leeuwrik, Mangum, Mansfield and Marchand.

AGENDA ITEM NO. 13: Council was asked to approve a State and Local Agreement between the City of Pocatello and the State of Idaho Transportation Department for the Flandro Drive Safety Improvements Project and authorize the Mayor's signature on all applicable documents, subject to Legal Department review. Council may also wish to authorize the use of funds, in the amount of \$4,000.00 for the required match for the project. Funds for the match are available in Fund 70. Funds for the project have been previously awarded by a Local Highway Safety Improvement Program.

-STATE/LOCAL AGREEMENT
-FLANDRO DRIVE SAFETY IMPROVEMENTS PROJECT AGREEMENT
-IDAHO TRANSPORTATION DEPARTMENT

A motion was made by Mr. Mansfield, seconded by Ms. Leeuwrik, to approve a State and Local Agreement between the City of Pocatello and the State of Idaho Transportation Department and adopt a resolution (2022-18) for the Flandro Drive Safety Improvements Project and authorize the Mayor's signature on all applicable documents, subject to Legal Department review and authorize the use of funds, in the amount of \$4,000.00 for the required match for the project. Upon roll call, those voting in favor were Mansfield, Leeuwrik, Cheatum, Mangum, Marchand and Nichols.

AGENDA ITEM NO. 14: Council was asked to approve and authorize the Mayor to sign a utility easement with Intermountain Gas for a proposed gas regulator station at the Reservoir Yard located off of Fore Road, subject to Legal Department review. The value of the 450-square foot easement is \$250.00.

-INTERMOUNTAIN GAS EASEMENT
-FORE ROAD RESERVOIR YARD

A motion was made by Ms. Leeuwrik, seconded by Mr. Mangum, to approve and authorize the Mayor to sign a utility easement with Intermountain Gas for a proposed gas regulator station at the Reservoir Yard located off of Fore Road, subject to Legal Department review and the value of the 450-square foot easement is \$250.00. Upon roll call, those voting in favor were Leeuwrik, Mangum, Cheatum, Mansfield, Marchand and Nichols.

AGENDA ITEM NO. 15: Council was asked to approve and authorize the Mayor to sign all pertinent documents, subject to Legal Department review, authorizing the purchase of a 0.36 acre parcel of land described as Lot 1 Block 1 Hilina Partnership as a potential site for a future water well facility. The purchase price is \$81,000.00 and funds are available in Water Department reserves.

-LAND PURCHASE AGREEMENT FOR WATER DEPARTMENT WELL FACILITY
-WATER DEPARTMENT

A motion was made by Ms. Leeuwrik, seconded by Mr. Mansfield, to approve and authorize the Mayor to sign all pertinent documents, subject to Legal Department review, authorizing the purchase of a 0.36 acre parcel of land described as Lot 1 Block 1 Hilina Partnership as a potential site for a future water well facility and the purchase price is \$81,000.00. Upon roll call, those voting in favor were Leeuwrik, Mansfield, Cheatum, Mangum, Marchand and Nichols.

AGENDA ITEM NO. 16: Council was asked to approve and authorize the Mayor's signature on all pertinent purchase documents for the procurement of a Pierce Aerial Apparatus for the Fire Department in the amount of \$1,829,481.00. Funds are available in the Fiscal Year 2023 Fire Department budget.

–FIRE DEPARTMENT
AERIAL APPARATUS
PURCHASE
AGREEMENT

A motion was made by Mr. Cheatum, seconded by Mr. Mansfield, to approve and authorize the Mayor's signature on all pertinent purchase documents for the procurement of a Pierce Aerial Apparatus for the Fire Department in the amount of \$1,829,481.00. Upon roll call, those voting in favor were Cheatum, Mansfield, Leeuwrik, Mangum, Marchand and Nichols.

AGENDA ITEM NO. 17: Council was asked to consider the following ordinances:
ORDINANCES

–ANNEXATION OF 22.97 ACRES OF LAND LOCATED WEST OF I-15 AND SOUTH I-86 (a) Adopt an ordinance annexing approximately 22.97 acres of land to extend the Pocatello city limits west of I-15 and south of I-86.

A motion was made by Mr. Cheatum, seconded by Mr. Mansfield, that the ordinance, Agenda Item No. 17(a), be read only by title and placed on final passage for publication. Upon roll call, those voting in favor were Cheatum, Mansfield, Leeuwrik, Mangum, Marchand and Nichols.

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

Mayor Blad declared the final reading of the ordinance annexing approximately 22.97 acres of land to extend the Pocatello city limits west of I-15 and south of I-86. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mangum, Mansfield, Marchand and Nichols. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3109 and be submitted to the Idaho State Journal for publication.

–ANNEXATION OF 165 ACRES LOCATED NORTH OF HIGHWAY 91, SOUTH OF SOUTH VALLEY ROAD, EAST OF BANNOCK HIGHWAY AND WEST OF I-15 (b) Adopt an ordinance annexing approximately 165 acres of land to extend the Pocatello city limits north of Highway 91, south of South Valley Road, east of Bannock Highway and west of I-15.

A motion was made by Mr. Mansfield, seconded by Ms. Leeuwrik, that the ordinance, Agenda Item No. 17(b), be read only by title and placed on final passage for publication. Upon roll call, those voting in favor were Mansfield, Leeuwrik, Cheatum, Mangum, Marchand and Nichols.

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

Mayor Blad declared the final reading of the ordinance annexing approximately 165 acres of land to extend the Pocatello city limits north of Highway 91, south of South Valley Road, east of Bannock Highway and west of I-15. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mangum, Mansfield, Marchand and Nichols. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3110 and be submitted to the Idaho State Journal for publication.

-REZONING OF
0.41 ACRES OF
LAND LOCATED
AT 1737 NORTH
HARRISON

(c) Adopt an ordinance rezoning approximately 0.41 acres of land located at 1737 North Harrison from zoning designation Light Industrial (LI) to Residential Commercial Professional (RCP).

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, that the ordinance, Agenda Item No. 17(c), be read only by title and placed on final passage for publication. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mangum, Mansfield, Marchand and Nichols.

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

Mayor Blad declared the final reading of the ordinance rezoning approximately .41 acres of land located at 1737 North Harrison from zoning designation Light Industrial (LI) to Residential Commercial Professional (RCP). Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mangum, Mansfield, Marchand and Nichols. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3111 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 18: Heather Disselkoen, Pocatello resident, expressed her concerns regarding communication on the City's budget process.

AGENDA ITEM NO. 19: There being no further business, Mayor Blad adjourned the meeting at 7:10 p.m.

APPROVED BY:


BRIAN C. BLAD, MAYOR

ATTESTED BY:


KONNI R. KENDELL, CITY CLERK

PREPARED BY:


WENDY A. PRATHER, DEPUTY CITY CLERK