

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
CLARIFICATION MEETING
APRIL 5, 2018

1: ROLL CALL: Council President Jim Johnston called the City Council Clarification Meeting to order at 5:30 p.m. Council members present were Heidi Adamson, Roger Bray, Rick Cheatum and Linda Leeuwrik. Mayor Blad arrived at 5:34 p.m. Staff members were also in attendance.

2: DISCUSSION: Mayor Blad and City Council members discussed items listed on the April 5, 2018 Regular City Council Meeting agenda. Staff members present clarified agenda item information for City Council members.

3: ADJOURN: Mayor Blad adjourned the City Council Clarification Meeting at 5:55 p.m.

APPROVED:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

KONNI R. KENDELL, DEPUTY CLERK

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
APRIL 5, 2018

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:02 p.m.
ROLL CALL AND by Mayor Brian Blad. Council members present were Heidi
PLEDGE OF Adamson, Roger Bray, Rick Cheatum, Jim Johnston and Linda
ALLEGIANCE Leeuwrik.

Mayor Blad let the audience in the pledge of allegiance.

AGENDA ITEM NO. 2: The invocation was offered by Gina Dietz, Pocatello resident.
INVOCATION

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 City Council Study Sessions of February 8 and March 8, 2018;
the Study Session Clarification Working Lunch of February 15, 2018; the Budget Development
Meetings of March 1 and March 8, 2018; the Clarification and Regular Council meetings of March 1 and
March 15, 2018.

-PAYROLL AND (b) Consider the payroll and material claims for the month of March
MATERIAL CLAIMS 2018 in the amount of \$5,356,145.52.

-ANIMAL SHELTER (c) Confirm the Mayor's reappointment of Susan Puckett to continue
ADVISORY BOARD her service as a member of the Animal Shelter Advisory Board,
REAPPOINTMENT representing the Bannock Humane Society. Ms. Puckett's term will
begin April 20, 2018 and will expire April 20, 2020.

-ACCEPTANCE OF (d) Accept the recommendation of Pocatello Fire Department staff to
ALLSTATE accept a donation from the Allstate Foundation to be used for Fire
FOUNDATION FIRE Prevention activities. This donation, in an amount up to \$30,000.00,
PREVENTION is similar to previous donations received from the Allstate
DONATION Foundation for Fire Department activities.

-COUNCIL DECISION (e) Adopt the Council's decision approving the Short Plat for Alameda
-ALAMEDA ACRES Acres Subdivision, which subdivides approximately .67 acres of land
SUBDIVISION into four (4) residential lots, subject to conditions. The property is a
SHORT PLAT replat of Lot 2, Block 1, First Addition to Richland Townsite, and is
zoned Residential Medium Density Single Family (RMS). Lots 1 and
3 will have direct access from Grace Avenue and Lots 2 and 4 from Richland Avenue.

-COUNCIL DECISION (f) Adopt the Council's decision approving the Short Plat for Tallgrass
-TALLGRASS Subdivision, which subdivides approximately 7.08 acres of land into
SUBDIVISION two (2) residential lots, subject to conditions. The property is
SHORT PLAT located in the NW1/4SE1/4 and in the SW1/4SE1/4, Section 17,
Township 7 South, Range 35 EBM, and is zoned Residential
Medium Density Single Family (RMS). Lot 1 will have direct access from Running Iron Lane while Lot
2 will be accessed via a fifty-foot (50') wide access and utility easement, which will cross Lot 1 and
provide access to Running Iron Lane.

-COUNCIL DECISION (g) Adopt the Council's decision approving the Final Plat for
-COUNTRYSIDE Countryside Subdivision, 8th Addition, which subdivides
SUBDIVISION, 8TH approximately 3.06 acres of land into seven (7) residential lots,
ADDITION FINAL PLAT subject to conditions. The property is located southwest of
Mountain Shadow Drive on the final connection of Foxmore Street.
The majority of the property is zoned Residential Low Density (RL) with a portion of Lot 4, Block 2,
being zoned Residential Estate (RE). Access will be provided by Foxmore Street.

-COUNCIL DECISION (h) Adopt the Council's decision approving the Final Plat for Breezy
-BREEZY POINTE Pointe Division 3, which subdivides approximately 5.10 acres of
DIVISION THREE land into eighteen (18) single-family lots, subject to conditions. The
FINAL PLAT property is located east of Philbin Road and south of Quinn Road
and is zoned Residential Medium Density Single-Family (RMS).
Brock Drive and Kinghorn Road will be extended to provide access to the development.

-COUNCIL DECISION (i) Adopt the Council's decision approving the Final Plat for Breezy
-BREEZY POINTE Point Division 4, which subdivides approximately 3.57 acres of land
DIVISION FOUR into sixteen (16) single-family lots, subject to conditions. The
FINAL PLAT property is located east of Philbin Road and south of Quinn Road
and is zoned Residential Medium Density Single Family (RMS).
Access to the development will be provided by an extension of Brock Drive.

A motion was made by Mr. Johnston, seconded by Ms. Adamson, to approve the items on the consent agenda. Upon roll call, those voting in favor were Johnston, Adamson, Bray, Cheatum and Leeuwrik.

AGENDA ITEM NO. 4: Council member Adamson, on behalf of Mayor Blad, proclaimed
COMMUNICATIONS April 3, 2018 to be National Service Recognition Day in Pocatello
AND PROCLAMATIONS and encouraged residents to recognize the positive impact volunteers
make to the community.

Barbara Cunningham accepted the proclamation. Americorps members thanked the Mayor and Council for the proclamation.

Council member Leeuwrik, on behalf of Mayor Blad, proclaimed April 16-22, 2018 to be Soccer Week in Pocatello and encouraged residents to support the athletes and volunteers who will take part in upcoming tournaments.

Krista Warth, representing Portneuf Valley Soccer Association accepted the proclamation and encouraged residents to support youth athletes.

Council member Johnston, on behalf of Mayor Blad, proclaimed April to be Civitan Awareness Month in Pocatello and encouraged residents to support and take pride in Civitan activities.

Members of local Civitan groups accepted the proclamation.

Council member Cheatum, on behalf of Mayor Blad, proclaimed April to be Fair Housing Month in Pocatello and encouraged residents to increase their awareness of the Fair Housing Act.

Stephanie Heaton, Community Development Block Grant member, accepted the proclamation and thanked the Mayor and Council for the recognition.

Council member Bray, on behalf of Mayor Blad, proclaimed April to be Occupational Therapy Month in Pocatello and urged residents to recognize the contributions by Occupational Therapy Practitioners.

Julia Sanders accepted the proclamation and thanked the Mayor and Council for the recognition.

AGENDA ITEM NO. 5: Mayor Blad reminded the Council of the April 6th City Council
CALENDAR Budget Session at 9:00 a.m.; the April 12th Study Session at 9:00 a.m.
immediately followed by an Executive Session; and the following
meetings to be held April 19th: 9:00 a.m. Budget Development meeting; 5:30 p.m. Clarification Meeting
and Regular City Council meeting at 6:00 p.m.

Mayor Blad reminded citizens that early voting for Primary Election is now open through May 11th. Voting takes place at the Bannock County Elections Office, 141 North 6th Avenue, from 9:00 a.m. to 4:30 p.m.; the Environmental Fair will be held April 21st at Caldwell Park from 11:00 a.m. to 3:00 p.m. Citizens using any PRT fixed route or special service during Environmental Fair hours will ride for free to and from Caldwell Park; Medication Take-Back Day will be held April 21st in conjunction with the Environmental Fair. Law Enforcement agencies will “take back” and safely dispose of unwanted medications to keep them out of our water supply; Zoo Idaho is now open on weekends only and will open seven days a week beginning on May 1st; and annual spring cleanup at City cemeteries continues. Crews will remove and discard all flowers and decorations. Citizens are asked to remove decorations, etc. they have placed on a cemetery space if they wish to avoid disposal of the item by staff. Cleanup is expected to continue through the end of April.

AGENDA ITEM NO. 6: Council may wish to confirm the Mayor’s appointment of Beenish
CONFIRMATION OF “Beena” Mannan to serve as a City Council member fulfilling the
COUNCIL MEMBER unexpired term of Steve Brown, City Council member Seat No. 2,
-MANNAN with the appointment to be effective April 5, 2018. Upon
confirmation, Ruth Whitworth, City Clerk, will administer the oath
of office.

A motion was made by Mr. Johnston, seconded by Ms. Adamson, to approve the Mayor’s appointment of Beenish “Beena” Mannan to serve as a City Council member fulfilling the unexpired term of Steve Brown, City Council member Seat No. 2, with the appointment to be effective April 5, 2018.

Mr. Bray stated he has spoken with Ms. Mannan and has found her to be a very bright, concerned citizen of our community. He added that he feels Ms. Mannan is a person of integrity who has the best interest of the community in mind.

Mr. Cheatum stated he feels the proposed appointment of Ms. Mannan has been a divisive issue for the Council and the community. He stated he hopes the community can move ahead, regardless of the outcome.

Mr. Johnston’s motion was voted upon at this time. Upon roll call, those voting in favor were Johnston, Adamson, Bray, Cheatum and Leeuwrik.

Ruth Whitworth, City Clerk, administered the oath of office.

Ms. Mannan thanked the Council and assumed the dias.

AGENDA ITEM NO. 7: This time was set aside for the Council to hear comments from
PUBLIC HEARING the public regarding a request by Aaron Buckalew (mailing
-CONTRACT REZONE address: 431 Pebble Lane, Pocatello, ID 83204), to rezone by
FOR VACANT LAND contract a parcel of vacant land on South First Avenue, south of
ON SOUTH FIRST AVENUE Lawton Street from Residential Commercial Professional to Light
Industrial to be utilized for storage and a shop for personal use.

At their meeting on February 28, 2018, the Planning and Zoning Commission recommended approval of the request.

Mayor Blad opened the public hearing.

Council members announced there had been no ex parte communication.

Aaron Buckalew stated he has requested to rezone by contract a parcel of vacant land on South First Avenue from Residential Commercial Professional (RCP) to Light Industrial (LI). He stated he would like to construct a shop for personal use for storage, which is not allowed in RCP areas, unless a personal residence is also on the property. Mr. Bucklew stated the surrounding areas currently have similar uses and per the Planning and Zoning Comprehensive Use Plan, the property is to be designated Industrial zoning in the future.

Matthew Lewis, Senior Planner, stated the Planning and Zoning Commission and City staff recommended approval of the request.

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

A motion was made by Mr. Cheatum, seconded by Mr. Bray, to approve a request by Aaron Buckalew to rezone by contract a parcel of vacant land on South First Avenue, south of Lawton Street from Residential Commercial Professional to Light Industrial to be utilized for storage and a shop for personal use with the following conditions: 1) Upon contract rezone, the subject property shall be zoned as Light Industrial (LI) for the sole use of constructing a storage and shop building for personal use; 2) upon the cessation of the proposed use of as a personal storage and shop building, the City Council will consider the adoption of an ordinance reverting the subject real property to its previous land use zoning district or the zone most appropriate at that time; 3) should applicant wish to subdivide the property, through either a short plat or a full subdivision, a traffic study shall be required pursuant to Pocatello Municipal Code 16.20.030.V; 4) all outdoor lighting shall meet the requirements as provided under Pocatello Municipal Code 17.05.420; 5) any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; and 6) any activity requiring a separate development or building permit shall comply with applicable regulations and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Cheatum, Bray, Adamson, Johnston, Leeuwrik and Mannan.

AGENDA ITEM NO. 8: Mike Hodel of Strategic Investment Alliance (mailing address: 2265
FINAL PLAT East Sunnyside Road, Idaho Falls, ID 83406), represented by Justin
-SIA TUSCANY PLAZA Steffler of Wade Surveying (mailing address: 4141 South 58 West,
BUILDING 100 Idaho Falls, ID 83442) has submitted a request to subdivide 1.123
acres (more or less) into 5 condominium units. The subdivision,

SIA Tuscany Plaza Building 100, is located at the corner of East Center Street and Hospital Way.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on January 24, 2018 and recommended approval with conditions.

A motion was made by Mr. Bray, seconded by Ms. Adamson, to approve a request by Mike Hodel of Strategic Investment Alliance, represented by Justin Steffler of Wade Surveying to subdivide 1.123 acres (more or less) into 5 condominium units with the following conditions: 1) All corrections noted by City representatives on the preliminary plat shall be made prior to submittal of the final plat; 2) the applicant shall work with the City Surveyor to address all final condominium plat requirements prior to final plat submittal; 3) the area shown on the plat located outside of the proposed condominium building shall be designated as common area; 4) a copy of the applicable declaration of the covenants, conditions and restrictions (CCRs) are required prior to final plat approval per the State of Idaho Condominium Property Act; 5) the title of the proposed condominium shall designate the subdivision as a condominium plat; 6) the condominium plat does not amend the underlying Tuscany Plaza Subdivision and only pertains to the plat itself; and 7) all other standards or conditions of Municipal Code, and State and Federal regulations, not herein stated but applicable to commercial development shall apply and that the subdivision, located at the corner of East Center Street and Hospital Way, will be known as SIA Tuscany Plaza Building 100. Upon roll call, those voting in favor were Bray, Adamson, Cheatum, Johnston, Leeuwrik and Mannan.

AGENDA ITEM NO. 9: Council may wish to determine the distance for noticing
PROPOSED AMENDMENTS requirements for off premises signs, either 300 feet or 500 feet, in
TO SIGN ORDINANCE Municipal Code 15.20. Following this determination, an
15.20-DETERMINE ordinance will be prepared for Council action at a future meeting.
DISTANCE FOR
NOTICING REQUIREMENTS

A motion was made by Mr. Bray, seconded by Mr. Johnston, that the distance for noticing requirements for off premises signs shall be 500 feet in Municipal Code 15.20 and that the decision be set out in the appropriate Council decision format. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Leeuwrik and Mannan. Mr. Cheatum voted in opposition to the motion. The motion passed.

AGENDA ITEM NO. 10: Council was asked to consider the recommendations of staff for
BID/CONTRACT FOR the following requests regarding the 7th Avenue and Sherman
7TH AVENUE AND Street Bus Transfer Station project.
SHERMAN STREET
BUS TRANSFER
STATION PROJECT

ACCEPT BID a) Accept the low responsive bid received on March 13, 2018, from
-HARPER Harper Construction, Inc. in the amount of \$183,363.70 for base
CONSTRUCTION, INC. bid and \$31,716.63 for alternates 1 - 4 for a bid total of
\$215,080.33 and, if the bid is accepted;

AUTHORIZE b) Authorize the Mayor's execution of the Agreement between the
AGREEMENT City of Pocatello and Harper Construction, Inc. in the amount of
-HARPER \$215,080.33, for the 7th Avenue and Sherman Street Bus Transfer
CONSTRUCTION, INC. Station project, subject to Legal Department review.

This is a federally funded project (\$200,000.00). Local matching funds for the project will be \$50,000.00. (\$25,000.00 from the Community Development Block Grant and \$25,000.00 in City staff labor, design and construction oversight.)

A motion was made by Mr. Bray, seconded by Ms. Leeuwrik, to accept the recommendations of staff and approve the requests as outlined in Agenda Item, No. 10(a) and 10(b) regarding the 7th Avenue and Sherman Street Bus Transfer Station, subject to Legal Department review. Upon roll call, those voting in favor were Bray, Leeuwrik, Adamson, Cheatum, Johnston and Mannan.

AGENDA ITEM NO. 11: Council was asked to grant an exception to City Ordinance (City CONCESSION PERMIT Code 5.06.020) to allow Jordan Mikesell, dba Portneuf ICE, to REQUEST-PORTNEUF operate a mobile ice cream concession on City streets. If granted, ICE MOBILE Ms. Mikesell will be required to provide the necessary liability ICE CREAM TRUCK insurance, naming the City as an additional insured, as well as meet the Southeast Idaho Public Health requirements and pay all applicable permit fees due.

City Council approval is required for this permit because concession operation on City streets is not specifically identified in City Code (5.06.020) as a public place where concessions are allowed. Council has approved similar exception requests for mobile concessions on City streets in past years.

A motion was made by Mr. Cheatum, seconded by Ms. Adamson, to grant an exception to City Ordinance (City Code 5.06.020) to allow Jordan Mikesell, dba Portneuf ICE, to operate a mobile ice cream concession on City streets and that Ms. Mikesell will be required to: 1) provide the necessary liability insurance, naming the City as an additional insured; 2) meet the Southeast Idaho Public Health requirements; and 3) pay all applicable permit fees due.

In response to a question from Council, Ms. Mikesell stated the ice cream concession business would operate in the evenings until 8:30 p.m., three nights a week and could increase the number of days in operation depending upon demand. She stated the route for the concessions had not yet been determined.

Mr. Cheatum's motion was voted upon at this time. Upon roll call, those voting in favor were Cheatum, Adamson, Bray, Johnston, Leeuwrik and Mannan.

AGENDA ITEM NO. 12: Council may wish to consider a request from Buetts Fence WATER CONNECTION Company, LLC represented by Le Buetts (mailing address: 62 E Leta REQUEST-6541 SOUTH Drive, Inkom, ID 83245) to connect a parcel of land commonly 5TH AVENUE known as 6541 South 5th Avenue to the City's water and sanitary sewer system to allow the construction of a shop. The Utility Connection Annexation Covenant has been completed and all associated connection fees and costs have been paid.

Outside City limits utility rates will be charged until the property is annexed.

A motion was made by Ms. Adamson, seconded by Mr. Johnston, to approve a request from Buetts Fence Company, LLC represented by Le Buetts to connect a parcel of land commonly known as 6541 South 5th Avenue to the City's water and sanitary sewer system to allow the construction of a shop and that the Utility Connection Annexation Covenant has been completed and all associated connection fees

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and costs have been paid. Upon roll call, those voting in favor were Adamson, Johnston, Bray, Cheatum, Leeuwrik and Mannan.

AGENDA ITEM NO. 13: Council may wish to accept the recommendations of staff and declare an inoperable 1998 Ford Ranger pickup truck as surplus and approve the sale to Pacific Recycling. The truck is no longer capable of being put into service and is not usable in any other department.

SURPLUS
DECLARATION
-FORD RANGER TRUCK

A motion was made by Mr. Bray, seconded by Mr. Johnston, to accept the recommendations of staff and declare an inoperable 1998 Ford Ranger pickup truck as surplus and approve the sale to Pacific Recycling. Upon roll call, those voting in favor were Bray, Johnston, Adamson, Cheatum, Leeuwrik and Mannan.

AGENDA ITEM NO. 14: Council was asked to consider the following ordinances:
ORDINANCES

-ANNEXATION OF (a) An ordinance which annexes a parcel of land comprised of approximately 11.87 acres owned by Brush Meadows, LLC. The parcel is located at 5096 South 5th Avenue and will be zoned Residential Commercial Professional (RCP) with a Comprehensive Plan designation of "Mixed Use."
11.87 ACRES OF LAND
AT 5096 SOUTH
5TH AVENUE-BRUSH
MEADOWS, LLC

A motion was made by Mr. Bray, seconded by Mr. Johnston, that the ordinance, Agenda Item No. 14(a), 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 Bray, Johnston, Adamson, Cheatum, Leeuwrik and Mannan.

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

Mayor Blad declared the final reading of the ordinance annexing a parcel of land comprised of approximately 11.87 acres owned by Brush Meadows, LLC and that the parcel is located at 5096 South 5th Avenue and will be zoned Residential Commercial Professional (RCP) with a Comprehensive Plan designation of "Mixed Use." Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston, Leeuwrik and Mannan. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3004 and be submitted to the Idaho State Journal for publication.

-REZONE BY (b) An ordinance to rezone by contract approximately 1.20 acres of undeveloped land in the northwest corner of Pole Line and Eldredge Roads and east of Faith Evangelical Church, from Residential Commercial Professional (RCP) and Residential Medium Density Single-Family (RMS) to Light Industrial (LI) for the sole use of an electrical substation owned by Idaho Power, pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.
CONTRACT 1.20 ACRES
AT THE NORTHWEST
CORNER OF POLE LINE
AND ELDREDGE ROADS
FROM RCP AND RMS TO
LIGHT INDUSTRIAL (LI)

A motion was made by Mr. Cheatum, seconded by Mr. Johnston, that the ordinance, Agenda Item No. 14(b), 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 Cheatum, Johnston, Adamson, Bray, Leeuwrik and Mannan.

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

Mayor Blad declared the final reading of the ordinance to rezone by contract approximately 1.20 acres of undeveloped land in the northwest corner of Pole Line and Eldredge Roads and east of Faith Evangelical Church, from Residential Commercial Professional (RCP) and Residential Medium Density Single-Family (RMS) to Light Industrial (LI) for the sole use of an electrical substation owned by Idaho Power, pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston, Leeuwrik and Mannan. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3005 and be submitted to the Idaho State Journal for publication.

REZONE BY (c) An ordinance to rezone by contract approximately 2.34 acres of undeveloped land located in the 3900 block of Hawthorne Road between 3942 and 3916 Hawthorne Road, from Residential Medium Density Single-Family (RMS) to Residential High Density (RHS), pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions.
CONTRACT 2.34 ACRES
LOCATED BETWEEN
3942 AND 3916
HAWTHORNE ROAD
FROM RMS TO RHS

A motion was made by Mr. Bray, seconded by Ms. Mannan, that the ordinance, Agenda Item No. 14(c), 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 Bray, Mannan, Adamson, Cheatum, Johnston and Leeuwrik.

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

Mayor Blad declared the final reading of the ordinance to rezone by contract approximately 2.34 acres of undeveloped land located in the 3900 block of Hawthorne Road between 3942 and 3916 Hawthorne Road, from Residential Medium Density Single-Family (RMS) to Residential High Density (RHS), pursuant to Pocatello Municipal Code 17.02.180(B)(I), subject to conditions. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston, Leeuwrik and Mannan. Mayor Blad declared the ordinance and summary sheet passed, that it be numbered 3006 and be submitted to the Idaho State Journal for publication.

AMENDMENT TO (d) An ordinance amending Pocatello Municipal Code 6.04.030, "Nuisances Prohibited," providing restrictions and regulations for animals during certain times of the year in City golf courses.
MUNICIPAL CODE
6.04.030 REGULATIONS
FOR ANIMALS IN
CITY GOLF COURSES

A motion was made by Ms. Adamson, seconded by Ms. Leeuwrik, that the ordinance, Agenda Item No. 14(d), 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 Adamson, Leeuwrik, Bray, Cheatum, Johnston and Mannan.

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

Mayor Blad declared the final reading of the ordinance amending Pocatello Municipal Code 6.04.030, "Nuisances Prohibited," providing restrictions and regulations for animals during certain times of the year in City golf courses. Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Adamson, Bray, Cheatum, Johnston, Leeuwrik and Mannan. Mayor Blad declared the

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ordinance and summary sheet passed, that it be numbered 3007 and be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 15: Niki Taysom, Chubbuck resident, shared her opposition to an item
DISCUSSION ITEMS on the April 5, 2018 City Council Agenda.

Mayor Blad reminded Ms. Taysom that the time had been set aside to hear discussion items which were not listed on the agenda and that items which appeared somewhere else on the agenda would not be discussed at this time.

Ms. Taysom refused to be seated and was escorted out of the City Council Chambers.

There being no further business, Mayor Blad adjourned the meeting at 6:56 p.m.

APPROVED BY:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

KONNI R. KENDELL, DEPUTY CLERK

CITY COUNCIL DECISION
ZONING AMENDMENT REQUEST (CONTRACT REZONE)

APPLICANT: Aaron M. Buckalew

REPRESENTATIVE: Aaron M. Buckalew

PROPERTY OWNER: Aaron M. Buckalew

APPLICANT'S MAILING ADDRESS: 431 Pebble Lane, Pocatello, ID 83204

LOCATION OF REQUEST: 1500 Block of South 1st Avenue

LEGAL DESCRIPTION: A tract of land in the NW1/4SW1/4 of Section 36 Township 6 South, Range 34 EBM, Tax 67, Bannock County

TYPE OF REQUEST: Applicant requests an amendment of the zoning designation of approximately .44 acres of undeveloped land from Residential Commercial Professional (RCP) to Light Industrial (LI) for the sole use of constructing a storage and shop building for personal use.

CURRENT ZONING: Residential Commercial Professional (RCP)

A Public Hearing was held on February 28, 2018, before the Planning and Zoning Commission (P&ZC) to consider the Applicant's proposal to rezone by contract agreement approximately .44 acres of undeveloped land located in the 1500 block of South 1st Avenue, Pocatello, Idaho from Residential Commercial Professional (RCD) to Light Industrial (LI) pursuant to PMC 17.02.180(B)(I) for the sole use of constructing a storage and shop building for personal use. At the Public Hearing, the Commission heard testimony from the Applicant and from the City's Planning and Development Services staff. No public comment was received. Thereafter, the P&ZC set out Findings and made a recommendation therefrom, to grant the amendment of the zoning designation by contract rezone of the identified property to Light Industrial (LI) subject to conditions.

PUBLIC HEARING

At its regular meeting held April 5, 2018, the Pocatello City Council reviewed the Applicant's request and the recommendation for approval of the rezone by contract agreement from the P&ZC, and heard testimony on the request from the Applicant's representative, Aaron Buckalew, and the City's Planning and Development Services staff.

ZONING ORDINANCE STANDARDS

The City Council shall review the facts and circumstances of Applicants' request for a rezone by contract agreement in terms of the standards delineated in Pocatello Municipal Codes as follows:

Zoning Ordinance Section 17.02.180(B)(1)- Private Property Owner Initiation:

1. Was the request to amend the text of this ordinance or to amend the zoning district map initiated made by the owner of private property within the municipal boundary of the City of Pocatello or their duly authorized representative?

Zoning Ordinance Section 17.02.180(E): Criteria for Review:

1. How the requested zoning at the location in question would be in the community's best interest.
2. How the list of uses permitted by the zoning ordinance would blend with surrounding land uses.
3. If the subject site is physically suitable for the type and intensity of land uses permitted under the proposed zoning district.
4. If the uses permitted in the proposed zoning district would be adequately served by public facilities and services such as thoroughfares, police and fire protection, drainage, refuse disposal, water, sewer, and schools, to ensure the public health, safety and general welfare.
5. If the uses permitted in the proposed zoning district would be compatible in terms of their scale, mass, coverage, density, and intensity with adjacent land uses.
6. Whether the proposed zoning designation is consistent with the comprehensive plan land use map designation.

POCATELLO CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS

Based upon the record of this Application, the testimony heard at its regularly-scheduled meeting held on April 5, 2018, and the recommendation of the Planning and Zoning Commission and the City's Planning and Development Services staff, the Pocatello City Council adopted the following Findings of Fact and Conclusions:

Zoning Ordinance Section 17.02.180(B)(1)- Private Property Owner Initiation:

1. The applicant is a duly authorized representative of the owner of the subject property which is located within the municipal boundary of the City.

Zoning Ordinance Section 17.02.180(E): Criteria for Review:

1. Development of the parcel with Light Industrial land uses would not be out of character with adjacent uses.
2. Land uses adjacent to and near the subject property are mixed with self-storage units located across the street and a personal storage/shop abuts the property on the southern border. The Union Pacific Rail yard is located to the west and single-family and townhome residences exist to the southwest. Many of the properties were rezoned from the Warehouse Wholesale designation to Residential Commercial Professional in 2008, mainly in light of significant investment by NeighborWorks Pocatello in the nearby neighborhood at the time. The subject parcel abuts Light Industrial zoning on its western border. Other than land use in the area, perhaps, more importantly is the fact that the Comprehensive Land Use map has this parcel designated as "Industry/Office Park". Therefore, the future guide anticipated possible changes in the land use and zoning.
3. Rezoning to Light Industrial and development thereto will not be out of character with adjacent land uses.
4. The use permitted under the proposed Light Industrial zoning can be adequately served by public facilities. The applicant will be responsible for making appropriate contacts and provisions for any extension of utilities including, but not limited, to Intermountain Gas, Idaho Power and Cable One. City services such as fire, police and sanitation services are available to serve the subject property.

Road improvements shall include placement of curb, gutter and sidewalk for the length of the property when development occurs.

5. The proposed shop/storage building or other uses permitted under a Light Industrial designation would not be out of character in terms of scale, coverage, density or intensity with adjacent land uses.
6. The Comprehensive Plan Land Use Map Designation for the subject property is "Industry/Office Park". Therefore, no change to the map is required as the application is for a contract rezoning.

POCATELLO CITY COUNCIL DECISION

Based upon its Findings of Fact and Conclusions, the Pocatello City Council hereby approves Applicant's request to rezone by contract agreement approximately .44 acres of land identified as a tract of land in the NW1/4SW1/4 of Section 36 Township 6 South, Range 34

EBM Tax 67, Bannock County from Residential Commercial Professional (RCP) to Light Industrial (LI), subject to the following conditions:

1. Upon contract rezone, the subject property shall be zoned as Light Industrial (LI) for the sole use of constructing a storage and shop building for personal use.
2. Upon the cessation of the proposed use of as a personal storage and shop building, the City Council will consider the adoption of an ordinance reverting the subject real property to its previous land use zoning district or the zone most appropriate at that time.
3. Should applicant wish to subdivide the property, through either a short plat or a full subdivision, a traffic study shall be required pursuant to Pocatello Municipal Code 16.20.030.V.
4. All outdoor lighting shall meet the requirements as provided under Pocatello Municipal Code 17.05.420.
5. Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to.
6. Any activity requiring a separate development or building permit shall comply with applicable regulations.

Notice is hereby given that Applicant has the right to challenge this Decision and request a regulatory taking analysis pursuant to Idaho Code Section 67-8003 within 28 days after this Decision.

DATED this 19th day of April, 2018.

CITY OF POCATELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH E. WHITWORTH, City Clerk

STATE OF IDAHO)

ss:

County of Bannock)

On this _____ day of April, 2018 before me, the undersigned, a Notary Public in and for the State, personally appeared Brian C. Blad and Ruth E. Whitworth, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO

Residing in: _____

My commission expires: _____

CITY COUNCIL DECISION
SIA TUSCANY PLAZA BUILDING 100
FINAL SUBDIVISION PLAT - CONDOMINIUM APPROVAL

Mike Hodel with Strategic Investment Alliance, LLC, as the vested Owner and Developer, and represented by Wade Surveying, submitted a proposal to develop on approximately 1.123 acres of land located at the southeast corner of Hospital Way and Center Street a five (5) unit condominium with shared common area in the existing Tuscany Professional Plaza. The subject property is zoned Residential Commercial Professional (RCP). Access to the development will be provided from Toscano Way, a private drive.

The Planning and Zoning Commission (P&Z) reviewed the condominium plat at its meeting held January 24, 2018, and thereafter recommended approval of the plat subject to a number of conditions. City staff also recommended approval of the plat subject to conditions.

This matter came before City Council at its regularly scheduled meeting on April 5, 2018, where the City Council approved the plat for the SIA Tuscany Plaza Building 100 and authorized City staff to sign the plat, subject to the following conditions:

1. All corrections noted by City representatives on the preliminary plat shall be made prior to submittal of the final plat.
2. Owner/Developer shall work with the City Surveyor to address all final condominium plat requirements prior to final plat submittal.
3. The area shown on the plat located outside the proposed condominium building shall be designated as common area.
4. A copy of the applicable declaration of the covenants, conditions and restrictions (CCRs) are required prior to final plat approval per the State of Idaho Condominium Property Act.
5. The title of the proposed condominium shall designate the subdivision as a condominium plat.
6. The condominium plat does not amend the underlying Tuscany Plaza Subdivision and only pertains to the plat itself.
7. All other standards and conditions of Municipal Code not herein addressed but applicable to platting and commercial development shall apply.

Notice is hereby given that applicant has the right to challenge this Decision and request a regulatory taking analysis pursuant to Idaho Code Section 67-8003 within 28 days after this Decision.

