

A G E N D A

CITY OF POCATELLO

REGULAR CITY COUNCIL MEETING

NOVEMBER 16, 2017 - 6:00 PM

COUNCIL CHAMBERS
911 NORTH 7TH AVENUE

Any citizen who wishes to address the Council shall first be recognized by the Mayor, and shall then give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Council, he/she shall first seek permission from the Mayor. A three (3) minute time limitation is requested for Council presentations.

City Hall is accessible to persons with disabilities. Program access accommodations can be provided with three (3) days' advance notice by contacting Dave Hunt at dhunt@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, Idaho.

The purpose of the agenda is to assist the Council and interested citizens in the conduct of this public meeting. **Citizens should examine the agenda for the item of their interest. However, citizens are advised that while some agenda items allow for public comment during discussion/consideration not every item does.** If the matter the citizen wishes to discuss is not listed on the formal agenda, an opportunity to be heard by the Council is the agenda item described as "DISCUSSION ITEMS." Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker. You must sign in at the start of the meeting.

AGENDA CLARIFICATION MEETING: A meeting will be held at 5:30 p.m. in the Paradise Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

RECESS: In the event the meeting is still in progress at 7:30 p.m., the Mayor may call a ten-minute recess to allow Council members and participants a brief rest period.

AGENDA ITEM NO. 1: ROLL CALL AND PLEDGE OF ALLEGIANCE.

AGENDA ITEM NO. 2: INVOCATION: The invocation will be offered by Robert Rashke, Grace Lutheran Church.

AGENDA ITEM NO. 3: CONSENT AGENDA: The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item.

- (a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the Joint Cities meeting of October 23, 2017; the Working Lunch and Special City Council meetings of November 2, 2017.
 - (b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for October showing cash and investments as of October 31, 2017.
 - (c) CHILD CARE ADVISORY COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Laura Thomas to continue her service as a member of the Child Care Advisory Committee. Ms. Thomas' term will begin December 4, 2017 and will expire December 4, 2021.
 - (d) PARKS AND RECREATION ADVISORY BOARD REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Kaye Corbridge to continue her service as a member of the Parks and Recreation Advisory Board. Ms. Corbridge's term will begin December 4, 2017 and will expire December 4, 2019.
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AGENDA ITEM NO. 4: COMMUNICATIONS AND PROCLAMATIONS:

AGENDA ITEM NO. 5: CALENDAR REVIEW: Council may wish to take this opportunity to inform other Council members of upcoming meetings and events that should be called to their attention.

PUBLIC HEARINGS: The procedure that will be used for conducting the public hearings is at the end of the agenda.

AGENDA ITEM NO. 6: PUBLIC HEARING-FISCAL YEAR 2018 PROGRAM OF PROJECTS-TRANSIT: This time has been set aside for the Council to receive comments from the public regarding approval of the following grant-assisted projects for Public Transit:

- a) Federal Transit Administration Rural Idaho Transportation Department Grants, (5311 and 5311(f) and 5339), in the amount of \$889,743.00 for Fiscal Year

2018. Required local match is \$393,486.00. No City funds are used for the Rural Program;

- b) Federal Transit Administration Urban Grant 5307 in the amount of \$1,324,134.00 for Fiscal Year 2018 with a local share of \$706,034.00; 5310 Urban Capital Grant in the amount of \$305,000.00 with a local share of \$76,250.00. Local Share is available in the 2018 Public Transit budget; and
- c) Authorize the Public Transit Director to make necessary amendments and modifications related to the grants, subject to Legal Department review.

(Pertinent information attached.)

AGENDA ITEM NO. 7: PUBLIC HEARING-RIGHT OF WAY VACATION ON PORTION OF WEDGE WAY: This time has been set aside for the Council to hear comments from the public regarding a request by Ron Malooly of Juniper Hills Country Club (mailing address: 6600 Bannock Highway, Pocatello ID 83204) and Joseph Jensen (mailing address: 181 East 9th Street, Apt. 10C, New York, NY 10128), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), to vacate and abandon the public's interest in a part of right-of-way located on Wedge Way and an adjacent public utility easement at the end of Wedge Way.

Staff recommends approval of the request subject to conditions contained in the staff report.

(Pertinent information attached.)

AGENDA ITEM NO. 8: SHORT PLAT-14TH HOLE SUBDIVISION: Ron Malooly of Juniper Hills Country Club (mailing address: 6600 Bannock Highway, Pocatello, ID 83204), Joseph Jensen (mailing address: 181 East 9th Street, Apt. 10C, New York, NY 10128), represented by Rocky Mountain Engineering and Surveying (mailing address: 600 East Oak Street, Pocatello, ID 83201), have submitted an application to subdivide approximately 0.78 acres into 3 lots (one lot is not buildable) located at the end of Wedge Way. The subdivision is to be known as 14th Hole Subdivision.

Staff recommends approval of the request subject to condition outlined in the staff report.

(Pertinent information attached.)

- AGENDA ITEM NO. 9: FINAL PLAT-MOUNTAIN WEST DIVISION ONE: Cal Kunkel (mailing address: 6238 Golden Eagle Way, Billings, MT 59106), represented by Cornerstone Geomatics, LLC (mailing address: 1592 North 775 East, Shelley, ID 83274), has submitted a request to subdivide approximately 9.889 acres into 91 residential and 2 common lots. The property is located at 4259 Hawthorne Road, within a Residential Commercial Professional zoning district.

The Planning and Zoning Commission reviewed the preliminary plat at their meeting on September 14, 2017 and recommended approval with conditions. Staff recommends approval of this final plat, subject to conditions contained in the staff report.

(Pertinent information attached.)

- AGENDA ITEM NO. 10: EXCEPTION REQUEST-SALE OF FIREWORKS IN DECEMBER: Council may wish to consider a request from Family Fun Party represented by Brenda Pollard (mailing address: 215 West Maple, Pocatello ID 83201) for an exception to City Code 15.10.100 (Time of Sale of Fireworks) to allow the sale of fireworks at Family Fun Party - December 26 to 30, 2017 from the hours of 10:00 a.m. to 10:00 p.m.

Fire Department staff recommends approval of the request subject to conditions.

- AGENDA ITEM NO. 11: SURPLUS DECLARATION AND SALE OF SHELIVING EQUIPMENT-MARSHALL PUBLIC LIBRARY: Council may wish to declare 16 "Spinners" that hold paperback books as surplus and allow library staff to sell the spinners to other libraries that have shown an interest in the spinners.

No other City department has shown interest in obtaining the spinners and other libraries needing shelving will benefit from the equipment.

(Pertinent information attached.)

AGENDA ITEM NO. 12: WAIVER REQUEST FOR 2017 SUMMER LINE UTILITY ACCOUNT CHARGES-BANNOCK COUNTY SOCCER FIELDS: Council may wish to consider a request to waive outstanding charges related to the 2017 Summer-Line Utility Account for the irrigation of soccer fields located at the Bannock County Event Center.

This request has been made by the Bannock County Commissioners for the outstanding balance of \$27,386.24 on the account.

(Pertinent information attached.)

AGENDA ITEM NO. 13: MEMORANDUM OF UNDERSTANDING-REDI: Council may wish to approve a Memorandum of Understanding (MOU) and annual membership costs with Regional Economic Development Eastern Idaho (REDI), in the amount of \$30,000.00, subject to Legal Department review. This MOU outlines the purpose and principles of REDI to help create and keep primary jobs in the area, diversify the local economy, and provide stability for local businesses.

(Pertinent information attached.)

AGENDA ITEM NO. 14: PUBLIC HEARING-MODIFICATIONS TO THE SIGN CODE: This time has been set aside for the Council to hear comments from the public concerning changes to Municipal Code 15.20, Sign code. The proposed changes are to section 15.20.240 and will prohibit any new off premises/billboard signs except through annexation or by removing an existing off premises/billboard sign in exchange for a new sign, requiring a conditional use permit for a new off premises/billboard sign.

Additionally, off premises/billboard signs will only be allowed on specified corridors that are linked to the State highway

System as defined in the proposed amendments, off-premises/billboard signs shall not be located closer than 1000 feet to a residential or residential/commercial/professional zoning district and change in sign type from static to electronic is prohibited. An ordinance has been prepared for Council's consideration under Agenda Item No. 15(a).

(Pertinent information attached.)

READING OF AN ORDINANCE PROCEDURE

1. Council determines which option below will be used to read the Ordinance by roll call vote.
2. The Ordinance is read by City Staff (usually City Attorney).
3. Mayor will declare the final reading of the ordinance and ask "Shall the Ordinance pass?" After roll call is taken, Mayor will announce whether or not the ordinance passed.

AGENDA ITEM NO. 15: ORDINANCES: The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read by title on two occasions and at length on the third occasion and placed on final passage for publication.

EXAMPLE MOTIONS:

FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # __, be read only by title on three separate occasions and placed on final passage and ordered for publication, and that only the ordinance summary sheet be submitted for publication."

FOR ONE READING UNDER RULES SUSPENSION: "I move the ordinance, Agenda Item # __, be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1 or 2, the Council, by a vote of one-half plus one (4) of the full Council, must vote to direct how the ordinance is to be read.

Ordinances ready for reading.

- 15(a). An ordinance amending sections of 15.20.240 prohibiting any new off premises/billboard signs except through annexation or by removing an existing off premises/billboard sign in exchange for a new sign, requiring a conditional use permit for a new off premises/billboard sign. (Ordinance is hereby prepared for reading under the rules of suspension.)
- 15(b). An ordinance amending Title 15, Buildings and Construction, of the Pocatello Municipal Code to adopt the updated editions of the International Building Code and the Existing Building Codes (as amended). (Ordinance is hereby prepared for reading under the rules of suspension.)
- 15(c). An ordinance rezoning approximately 43.54 acres of property located at 4075, 4105, 4141, 4207, and 4335 Hawthorne Road, from Residential-Medium Single Family (RMS) to Residential-Commercial-Professional (RCP). Public Hearings on this matter were held on August 12, 2015 and October 1, 2015. (This ordinance is hereby prepared for reading under the rules of suspension.)
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AGENDA ITEM NO. 16: DISCUSSION ITEMS: This time has been set aside to hear discussion items not listed on the agenda. Items which appeared somewhere else on the agenda will not be discussed at this time. The Council is not allowed to take any official action at this meeting on matters brought forward under this agenda item. Items will either be referred to the appropriate staff or scheduled on a subsequent agenda. You must sign in at the start of the meeting in order to be recognized. (Note: Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker.)

PUBLIC HEARING PROCEDURE

1. Explanation of hearing procedures by Mayor or staff.
 - Ten (10) minute time limit on applicant presentation.
 - Three (3) minute time limit on public testimony.
 - Names and addresses are required from those presenting/testifying.
 - Questions/comments should be addressed to the Mayor and Council.
 - Council members must make their decision regarding the application on facts already in the record and information presented at the public hearing. Conflicts of interest, site visits and ex-parte contacts by Council members will be acknowledged.
 - Protocol requires that Council and audience be recognized by the Mayor prior to speaking.

2. Mayor opens hearing.

3. Presentation by applicant.

Note: Remember, applicant bears the responsibility for making his/her case. This is also the time for Council members to ask their questions of the applicant.

4. Presentation by staff.

5. Written correspondence submitted for the record.

6. Testimony by those supporting the application.

7. Testimony by those uncommitted on the application.

8. Testimony by opponents to the application.

9. Rebuttal by the applicant.

10. Mayor closes the hearing and initiates motion/deliberations.

Note: **The Mayor may choose to require a motion prior to the discussion in order to focus deliberations, or, the Mayor may choose to allow deliberations prior to the motion in order to facilitate wording of the motion.**

11. Develop a written and reasoned statement supporting the decision.