

**CITY COUNCIL MEETING
IONA COMMUNITY CENTER
JANUARY 17, 2017 – 7:00 P.M.**

PRESENT: Mayor Brad Andersen, Council President Dan Gubler, Council Member Rob Geray, Council Member Dan Garren, Attorney Dale Storer, Public Works Director Zech Prouse, Chief of Police Karl Bowcutt, and City Clerk Shara Roberts.

ABSENT: Council Member Kathy McNamara.

VISITORS: Jolyn Louck, Angie Fransen, Bob & Jean Koepplin, Austin Catlin, Mike Fox, Kevin Murray, Katherine Caves, and Ron Roberts.

Mayor Andersen welcomed everyone and Public Works Director Prouse led with the Pledge of Allegiance. A roll call was taken to open the meeting.

CONSENT AGENDA: City Council Minutes of December 20, 2016 had been reviewed. Council reviewed the finance reports for the period ending December 31, 2016 (25% of the fiscal year elapsed). The City had \$811,013.29 in the bank and routine bills had been paid.

Council Member Geray inquired why the expenditures of the Police Department were so high 25% into the fiscal year. Chief Bowcutt reported they front load equipment expenses at the beginning of the year. Mayor Andersen entertained a motion. Council Member Geray moved to approve the consent agenda as presented. Council President Gubler seconded the motion. All in favor, motion carried.

ITEMS OF BUSINESS:

Rezoning Request – Northwest corner of Rockwood Avenue and Dayton Street – Scott Steele – Public Hearing 7:15 pm: Mayor Andersen explained the public hearing process, and asked Kevin Murray to present the application for the rezone of the property in question, “Exhibit A”.

Kevin Murray explained he is a Real Estate Agent with Keller Williams located at 3525 Merlin Dr. in Idaho Falls, ID and he is representing the Steele Family in this matter. He explained the Steele Family owns a corner parcel located at Northwest corner of Rockwood Avenue and Dayton Street, and would like to request to rezone the parcel from Single Family Residential (R-1) to Residential Townhouse (R-T) with the purpose of constructing twin homes. He further explained the request was presented during the first public hearing in front of the Planning and Zoning Commission in which 5 members unanimously recommended the City Council deny the application. Mr. Murray took the next few minutes to address issues which were brought up during that hearing, and to highlight reasons why he believed the development would be beneficial.

Mr. Murray expressed his understanding of a Comprehensive Plan for a city is to serve only as general guidance for future development, and from his perspective it doesn't make sense this development wouldn't work just because it wouldn't have 1/3 acre lots per individual home. He

further expressed that every city seems to be struggling with providing sewer and water infrastructure upgrades. He sees future development as an opportunity to help pay for those needs, and when you have new buildings intermingled among older buildings it helps an area to continue to grow. Additionally, he expressed this development would be ideal for the aging population as they would have a smaller home with a smaller lot to care for and the ability to walk across the street to enjoy the public park. In regards to parking and traffic concerns, he believes when these homes are setback far enough from the road there is adequate space for overflow parking and they do not become a parking nuisance. He believes the traffic they create is very minimal as they attract either the aging population or small starter families who don't make as many trips an average household. In closing, he explained from his experience twin homes do not typically end up as rentals.

Mayor Andersen opened the public portion of the hearing; those in favor, none; neutral, one; opposed five.

Mayor Andersen read a written comment which was submitted by Craig Rockwood residing at 4813 E. 41 N. expressing opposition towards the application, "Exhibit B".

Joni Marshall residing at 3588 Dayton Avenue expressed that she was against the application because she already feels pushed out of Iona since approximately 80% of the surrounding population is elderly and her children have very few options to play with other children. Although she adores her elderly neighbors, she would hope the property would be used to attract larger families with young children to the neighborhood.

Ron Roberts residing at 3613 N. Main Street stated he was neutral towards the application in that if the twin homes were going to be used as rentals he would be against it, but if they were simply sold to homeowners without being used as rentals, he would most likely remain neutral.

Gene Koeplin residing at 5284 Rockwood Avenue opposed the application because irrigation water and the ditch currently cuts across the corner of the parcel in question and she was concerned that additional development would increase the chances for irrigation water to come into her property from that lot. Additionally, Ms. Koeplin questioned why the process requires redoing a public hearing and gathering testimony in addition to the testimony presented at the hearing before the Planning and Zoning Commission.

Bob Koeplin residing at 5284 Rockwood Avenue stated that in his 30 years of living in the City of Iona a lot of the changes have happened which have had negative effects on the quality of life for the residents. He believes the increased activity and use of Iona Square has put a lot of pressure on the people that reside in the surrounding areas because it increases vandalism, trespassing, garbage, noise, and traffic. These things really do have an impact for the people that live here, and he would like to see something to preserve the quality of life.

Mayor Andersen closed the public portion of the hearing.

Council President Gubler explained the City had an opportunity to purchase the property from the Steele Family. However, the sellers wanted a guarantee from the City the property would be used as a park and named in memory of Ralph Steele. The City Council determined they had no

issue with tying the Ralph Steele name to the land, but the Council didn't want the stipulation of it being used as a park when they were buying it for fair market value so they were unable to negotiate. He further expressed the importance of protecting the quality of life the City of Iona represents outlined in the Comprehensive Plan, and discussed areas within city limits where Residential Townhouse (R-T) Zoning allows for smaller town home lots. He expressed this proposal does not match what old town Iona represents and he is inclined to decline the application for those reasons.

Council Member Garren expressed from his perspective when evaluating new development the Council needs to consider how it is compatible with existing development. In this particular case, the established lots surrounding the property in question are larger. He expressed this proposal is not compatible with existing development or what the citizens have outlined they want to see in the Comprehensive Plan, and for those reasons he is inclined to deny the application.

Council Member Geray expressed he wouldn't add much more to what has already been expressed by the Council, except it is all about location and there are options to build town homes elsewhere in the City of Iona and for those reasons he is inclined to deny it as well.

Mayor Andersen entertained a motion. Council Member Geray moved to deny the rezone request for the Steele property located at the northwest corner of Rockwood Avenue and Dayton Street and to direct Attorney Storer to prepare written findings which support the decision. Council Member Garren seconded the motion.

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Amending Title 11, Chapter 4A – Residential Townhouse (R-T) Zoning – Public Hearing:
Mayor Andersen explained the public hearing process and read “Exhibit B” to outline the amendments which were being made to the R-T Zoning.

Mayor Andersen opened the public portion of the hearing; those in favor, two; neutral, none; opposed none.

Citizen Austin Catlin residing at 5211 Nelson Dr. expressed these amendments came as a request from him since he purchased a new home, and was misled by the developer he would be able to store a Recreational Vehicle (RV) and build an accessory shed and found out at a later date they were not allowed by the R-T Zoning. He expressed he is in favor of the amendments because he believes residents will be able to have more usable garage space for lawn equipment, lawn furniture, kids toys, etc. in their sheds and be able to use garages more for the intended use of parking which will decrease some of the overflow parking issues which are currently occurring. He expressed he would like to see the time frame for unloading and loading an RV more than 3 hours, but he appreciates the City Council working with him.

Citizen Allen Caves residing at 5210 Ryanne explained he lives directly behind Mr. Catlin and expressed they too were misled by the developer on the definition of what a “patio home” is. He has had to spend hundreds of dollars for garage shelving to try and accommodate flammable materials and the storage of other items. Mr. Caves expressed they want to follow the rules

established by the City and when they refinished their basement they followed it every step of the way. However, it is disheartening when they see neighbors directly across from them be able to store RV(s) and have sheds. He feels it should be part of the freedom of owning a home. He is in favor of the amendments being proposed as long as no one is inhabiting RV(s) and expressed appreciation to the City Council for considering these changes.

Mayor Andersen closed this portion of the public hearing.

Council Member Geray expressed appreciation for citizens coming forth with their concerns and working with the Council to find needed changes to the city code as the process for developing the City Code isn't perfect. Mayor Andersen complimented Mr. Catlin for being so patient and pleasant to work with during this long process.

Mayor Andersen entertained a motion. Council Member Geray moved to approve an ordinance of the Iona City Code, 11-4A-4 and 11-4A-11 and to dispense with the rule of requiring reading of the ordinance in full and on three separate occasions. Council President Gubler seconded the motion. The ordinance was approved by a roll call vote:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Variance Request – Storage of Recreational Vehicle in R-T Zoning – Austin Catlin – Public Hearing: Mayor Andersen explained the public hearing process and asked Austin Catlin to present his application requesting a variance for the storage of a Recreational Vehicle (RV) in the Residential Townhouse (R-T) Zoning, “Exhibit C”.

Citizen Austin Catlin residing at 5211 Nelson Dr. explained he owns a corner lot in Country Haven Estates. He further explained prior to purchasing his home part of the contract with the developer was to pour a pad for the storage of their RV next to their house and found out at a later date it is not allowed in the R-T Zoning. The reason he is requesting a variance is because his lot size is quite different from the size of some of the other lots in the RT Zone and has 26 feet of space from the side of the house to the property line, which allows for more than enough room. If not approved, it would create quite a hardship for his family as the cost of the storage fees are too high which would put them in a position to have to sell it.

Mayor Andersen opened the public portion of the hearing; those in favor, two; neutral, none; opposed none.

Citizen Allen Caves residing at 5210 Ryanne expressed he is in favor of Mr. Catlin's request as it is expensive to store an RV, and he has seen where Mr. Catlin's finished RV pad and there are no issues with its placement.

Mayor Andersen closed the public portion of the hearing.

Council President Gubler expressed that the purpose for not allowing patio homes to store RV(s) is because there needs to be adequate room for emergency responders to be able to fight fires. He

further expressed this variance would allow for 14 feet from the property line which is more than adequate and he therefore supported approval of the variance.

Mayor Andersen entertained a motion. Council President Gubler moved to approve a variance for Austin Catlin at 5211 Nelson Dr. as stipulated in the request. Council Member Geray seconded the motion. The variance was approved by a roll call vote:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

State of the City Address: Mayor Andersen presented the State of the City Address for 2016, “Exhibit D”.

Approval of E-Billing Resolution: Mayor Andersen explained the purpose of the resolution was to outline the terms and conditions of the City’s new electronic billing system, and asked if the Council had any further discussion.

Clerk Roberts recommended excluding the last sentence in Section 3 of the resolution, and explained opting in/opting out to participate in electronic billing will not come through the City office; rather it is done through the third party administrator.

Mayor Andersen entertained a motion. Council President Gubler moved to accept the electronic billing resolution, excluding the last sentence in Section 3, and stipulating the credit of \$5.00 with an effective date of February 1st, 2017. Council Member Garren seconded the motion. The resolution was approved by a roll call vote:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Approval of 2017 Interim Surface Water Coalition Agreement: Mayor Andersen explained the City participated in this agreement last year, and asked the Council if they would like to continue.

Attorney Storer clarified that an agreement has not yet been drafted, rather this would just authorize the Mayor to express the City’s desire to continue participation. At that point, the Coalition will draft an agreement which will outline the allotment and cost for this coming year.

Mayor Andersen entertained a motion. Council Member Garren made a motion to authorize the Mayor to express the City’s intent to continue participation. Council President Gubler seconded the motion.

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Approval of Eastern Idaho Water Rights Coalition Invoice: Mayor Andersen explained in the past the City has also participated in this Coalition. However, he asked Attorney Storer if

participation in this one is necessary now that the Association of Idaho Cities (AIC) has formed a state wide coalition.

Attorney Storer recommended deferring an action on this invoice or further participation until he can gather further information from Water Attorney Rob Harris.

Discussion of Rockwell Annexation: Mayor Andersen discussed the importance of continuing conversations regarding the City's intent to potentially annex the new Rockwell development north of the City. If the City Council were to approve the annexation, it has been recommended by the last Water Committee, and by the Public Works Director Zech Prouse who knows the water system the best that all new and future development into the City should be metered. Mayor Andersen clarified this would not include existing development.

Council President Gubler expressed he has always agreed any new subdivisions which come into the City's limits need to be metered. He further commented the last conversation they had with Rockwell was the City's system could not currently provide the water to that development and Greg Hansen was going to come back to a City Council meeting with their intentions.

After further discussion, Mayor Andersen commented the City Council is going to have make some tough decisions regarding this particular annexation and will continue to be a topic of discussion.

Water System: Mayor Andersen discussed the importance of continuing progressive efforts to build a new tank, drill a new well, and acquire additional water rights over the course of the next few years.

Council Member Geray inquired whether or not there was ever a determination made by Attorney Storer that you can include water rights into the cost of the City's connection fee, and expressed he thinks it's quite plausible.

Attorney Storer commented there was no definitive conclusion answer to that question inasmuch as the Idaho Supreme Court has never specifically addressed the question of whether inclusion of the value of existing water rights as part of the formula for establishing the connection fee, is permissible under Idaho law. However, he believes it would strengthen the City's argument if the additional water rights were already purchased prior to establishing the increased fee. Using connection fees to establish a fund for purchase of new water rights is very questionable.

After further discussion, the Council agreed it should be a priority to continue to look at ways to include the value of existing and new water rights acquired as part of "equity buy-in" method for establishing the City's water system connection fee.

Recycling Containers: Mayor Andersen explained this was discussed during the work meeting, and needed to be decided whether or not the City Council would like to move forward with community recycling containers. After further discussion, the City Council determined at this time due to the cost they did not want to pursue this any further. Clerk Roberts will follow up with PSI Environmental Services and let them know of the Council's decision.

Unlawful Occupancy at 3784 Dayton St.: Mayor Andersen reported this has been addressed, and the individual has completed all necessary inspections and the building inspector has issued a Temporary Certificate of Occupancy which requires all exterior finishes be completed by June 12, 2017.

Citizen Mike Fox at 3784 Dayton Street apologized to the City Council for not being compliant with the City Code. He expressed he didn't understand the importance and seriousness of a Certificate of Occupancy until Building Inspector Allen Eldridge explained it to him, and he took immediate action. He expressed any leniency the Council could give to him would be greatly appreciated.

Council Member Geray explained the City Council doesn't have any plans to pursue anything further now he is in compliance.

Library Improvement Proposal: Council Member Garren reported this was discussed during the work meeting and gave a brief summarization for the public (*please reference corresponding minutes*).

Inactive Building Permits: Mayor Andersen reported this was discussed during the work meeting and gave a brief summarization for the public (*please reference corresponding minutes*).

Dog Licenses: Clerk Roberts explained this was discussed during the work meeting and gave a brief summarization for the public (*please reference corresponding minutes*). However, further decision was necessary from the Council. After further discussion, the Council determined there was no value in continuing to require dog licenses and directed Council Member Geray to work on amending Title 5, Chapter 4 relating to dog control and bring it back to the City Council for final review.

Public Comments: None.

Reports: None.

Calendar and Scheduling Items – Clerk Roberts: Clerk Roberts provided calendar and scheduling documents to the City Council for 2017.

ICRMP Training on January 19th, 2017 from 6:00 pm to 8:00 pm – Clerk Roberts: Clerk Roberts reminded the Council about the upcoming training scheduled on January 19th. The Council decided due to bad road conditions for the trainer, and scheduling conflicts with the City Council the training would be postponed until further notice.

Meeting adjourned at 9:27 p.m.

COUNCIL APPROVED: February 21st, 2017

Brad Andersen, Mayor

ATTEST: _____
Shara Roberts, City Clerk

DRAFT