

**CITY COUNCIL REGULAR MEETING
IONA COMMUNITY CENTER
FEBRUARY 21, 2017 – 7:00 P.M.**

PRESENT: Mayor Brad Andersen, Council President Dan Gubler, Council Member Rob Geray, Council Member Dan Garren, Council Member Kathy McNamara, Attorney Dale Storer, Public Works Director Zech Prouse, Public Works Laborer Bryce Stucki and City Clerk Shara Roberts.

ABSENT: Chief of Police Karl Bowcutt.

VISITORS: Bryce Contor, Susan Gardner, and Christine Lurus.

Mayor Andersen welcomed everyone and Clerk Roberts led with the Pledge of Allegiance. A roll call was taken to open the meeting.

Mayor Andersen entertained a motion to add items of business to the agenda. Council President Gubler moved to add to the agenda New Construction Water Accounts and the Police Department Report. Council Member Garren seconded the motion. All in favor, motion carried.

CONSENT AGENDA: City Council Minutes of January 17, 2017 had been reviewed. Council reviewed the finance reports for the period ending January 31, 2017 (34% of the fiscal year elapsed). The City had \$962,127.21 in the bank and routine bills had been paid, “Exhibit A”.

The Council discussed line item 10-47-80 titled Museum Expense. It was noted they have exceeded the allotted funds for the budget year with the property survey and utilities and no further expenses would be reimbursed for the year.

Mayor Andersen entertained a motion. Council President Gubler moved to approve the consent agenda as presented. Council Member Geray seconded the motion. All in favor, motion carried.

ITEMS OF BUSINESS:

Mayor Andersen recognized Public Works Laborer Bryce Stucki for becoming a licensed Drinking Water Operator with the State of Idaho.

Public Hearings: None.

Approval of Fact, Conclusion of Law, Decision for the Denial of the Rezone Request for the Northwest Corner of Rockwood Ave. and Dayton St.: Attorney Storer reported this item was a conclusion to the public hearing which occurred in January for the rezone request for Scott Steele. He explained the law requires a brief summary outlining the Council’s decision in writing.

Mayor Andersen entertained a motion. Council Member Garren moved to approve the findings of fact drafted by the City Attorney. Council President Gubler seconded the motion. The document was approved by a roll call vote, “Exhibit B”:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Yes

Approval of Scope of Work and Fees for Water Right Application: Director Prouse explained the document before the Council was provided by City Engineer Paul Scoresby and outlines a scope of work and fees to address the City's Water Right Application which was submitted and protested in 2007, as well as, moving the point of use site from pioneer park up on the hill to the new tank site, "Exhibit C". He further expressed Mr. Scoresby indicated this is not his greatest area of expertise. Mayor Andersen reported Bryce Contor and Roger Warren have been recommended as they have the background.

Attorney Storer reported a lot is currently happening in this area. He explained the Association of Idaho Cities (AIC) has been actively representing all of the cities throughout the State to find a resolution which makes it easier for cities to acquire additional water rights in the future. He advised the City to table this project until they have received further information from AIC or Attorney Rob Harris.

Director Prouse agreed with Attorney Storer's recommendation, but noted the City is still deficient as they are pumping over their allotted water right at times, and still need to be pursuing water rights to purchase and address storage needs.

After further discussion, the Council agreed to table this item. Mayor Andersen asked Attorney Storer to keep the Council abreast of the situation as he learns more.

Approval of Park Equipment: Director Prouse proposed the purchase of park equipment for Pioneer Park. The total cost of the equipment would be \$6,369. Additionally, he noted there would be additional expenses for ground cover and a concrete surround.

Mayor Andersen entertained a motion. Council Member Geray moved to approve the purchase of the park equipment not to exceed a total cost of \$8,000 from capital improvements. Council Member McNamara seconded. All in favor, motion carried.

Overflow Parking Lot in Country Haven Estates: Director Prouse proposed the vacant lot in Country Haven Estates be used as an overflow parking lot to help address some of the parking issues, in lieu of a public park or a combination of the two.

Council Member Geray inquired if feedback has been received from the residents. Director Prouse indicated there hadn't been and suggested scheduling a town hall meeting.

After further discussion, the Council scheduled a town hall meeting for Tuesday, March 21st at 6:00 p.m. Mayor Andersen directed Clerk Roberts to advertise it in the monthly newsletter, and send out flyers to the residents of Country Haven.

Ditch Discussion in Country Haven Estates – Christine Lurus: Ms. Christine Lurus located at 2391 N. 55th E. in Idaho Falls, ID explained the Country Haven Subdivision is adjacent to her land known as Lurus Farms which has been in her family since the 1930s, and gave a brief

history of how it became developed. She is currently in litigation with Rockwell Homes regarding the ditch easement which they have encroached upon and is used to water her farm.

She expressed Rockwell Homes has not be transparent with their dealings with the new homeowners which are purchasing the back lots and sit right up to her ditch. She explained there is a homeowner who has put in a sprinkler system and sod up to the berm of her ditch that will not be happy when they receive a letter it needs to be taken out.

Ms. Lurus expressed she wanted to inform the Council of the situation so they are aware and sought advice on how to address this ongoing issue with Rockwell.

Council President Gubler explained the City doesn't have any authority over ditch easements so unfortunately there wasn't anything the City could do to offer assistant to Ms. Lurus.

Mayor Andersen empathized with Ms. Lurus, but explained it really is between her and the developer. He advised Ms. Lurus to follow the recommendations and directions from her attorney.

Water System Discussion: Mayor Andersen reported each month the Council discusses the water system, as there continues to be ongoing needs and issues which should be addressed. During these discussions, it has been recommended new development pays for itself.

He expressed development is going to continue to happen all around the City whether they like it or not, and the City needs to have the ability to be able to control and set standards for development that will directly affect them because of proximity.

Mayor Andresen presented a formula which he believes would justify raising the water connection fee from \$3,000 per home to approximately \$4,500 per home to buy into the system, "Exhibit D". Additionally he proposed all new development would be on a metered service as its proven it reduce usage by a third, and require swells to consist of rocks, bushes, and trees opposed to grass.

If the City Council decided to annex the 110 homes recently proposed by Rockwell, they could allow approximately 28 homes to be built in a given year, which would allow more time to construct a new storage tank, and pursue additional water rights.

Attorney Storer recommended if the Council is considering raising the water connection fee, it would need to be based on a written analysis with the information presented by the Mayor. Additionally, the City Engineer needs to buy off on the proposal so there is underlying support and documentation if the increase were to be challenged. He expressed the City needs to have a defensible equity buy in method.

Mayor Andersen asked citizen Bryce Contor if he had any input based on his experience. Mr. Contor expressed in regards to the protested water right application he feels the City could still pursue changing the point of diversion from Pioneer Park to up on the hill without starting the mitigation plan as it is pretty straight forward. In regards, to the Mayor's proposal he feels none of the burden of expanding the current system to accommodate the 110 homes should be put on

the existing residents. He would like to suggest a different proposal, and will send a letter to the Council to review, "Exhibit E".

After further discussion, the Mayor and Director Prouse will work with City Engineer Paul Scoresby on the formula to put together a written analysis to justify raising the water connection fee.

New Construction Water Accounts: Clerk Roberts and Director Prouse reported they have identified an issue with new construction water accounts they would like to discuss with the Council for further feedback and presented "Exhibit F".

Director Prouse expressed contractors are turning water on at the meters pits without informing the Water Department and there are issues arising and they are not aware of it until the problem has already happened, such as leaky water pits.

After further discussion, the Council determined to start charging a flat rate of \$150.00 for water usage at the time a building permit is issued for new construction. At the time the home is completed, purchased, and occupied by a home owner it will then be charged at a monthly rate. The Council directed Attorney Storer to draft an ordinance to amend the city code. Clerk Roberts inquired if it would require a public hearing and Attorney Storer indicated it would not.

Staff Reports:

Mayor Andersen read the Police Department report on behalf of Chief Bowcutt.

Clerk Roberts reported she would be out of the office Thursday, February 23rd and Friday, February 24th for a grants writing training in Pocatello.

Meeting adjourned at 8:32 p.m.

COUNCIL APPROVED: March 21st, 2017

Brad Andersen, Mayor

ATTEST: _____
Shara Roberts, City Clerk