

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

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

**ABSENT:** Chief of Police Karl Bowcutt.

**VISITORS:** Ted Hendricks, Kenna Howard, Marty Layton, Chris Preston, Daron Shirey, Jill Hobbs, Spencer Dean, Jessica Shearer, Kimberley Gebbs, Bryan King, Deanna King, Dayna Hillman, Colton & Mindy Boyce, Susan Gardner, Karianna Perrenoud, Steven Reed, Darla Reed, Bryce Wilson, Ethan Wilson, Anthony Vivino, Joel Hiller, Wes Oswald, Kenneith Rose, Ryan Walker, Steve Ellsworth, Elijah Beck, Lane Bailey, Kyle Harris, Greg Bailey, Lori Harris, Johanna Burgener, Spencer Andersen, Adam Andersen, Janet Steele, Jesse Fox, Tina Fox, and Joni Mosher.

Mayor Andersen welcomed everyone and Elijah Beck with Troup 124 led with the Pledge of Allegiance. A roll call was taken to open the meeting.

Council Member McNamara moved to add to the agenda a discussion of the City newsletter. Council Member Garren seconded the motion. All in favor, motion carried.

**CONSENT AGENDA:** City Council Minutes of February 21, 2017 had been reviewed. Council reviewed the finance reports for the period ending February 28, 2017 (41% of the fiscal year elapsed). The City had \$952,521.60 in the bank and routine bills had been paid, “Exhibit A”.

Mayor Andersen entertained a motion. Council Member Geray moved to approve the consent agenda as presented with the correction of the typo as outlined by Director Prouse in the Special Work Meeting Minutes. Council Member Gubler seconded the motion. All in favor, motion carried.

**ITEMS OF BUSINESS:**

**Public Hearings:**

**Preliminary Plat Application for the Northwest Corner of Rockwood Ave. and Dayton St. – Scott Steele – Public Hearing – 7:15 p.m.:** Mayor Andersen explained the public hearing process, and asked Steve Ellsworth to present the application for the preliminary plat of the property in question, “Exhibit A”.

Steve Ellsworth explained he is an Engineer with Ellsworth and Associates located at 253 1<sup>st</sup> St. 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 the Northwest corner of Rockwood Avenue and Dayton Street, and are requesting to split the lot into two (2) 1/3 acre lots.

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

Mayor Andersen closed the public portion of the hearing.

Council President Gubler explained because the request meets the City's requirements for minimal lot size he doesn't see any issues with approving the application.

Mayor Andersen entertained a motion. Council President Gubler moved to approve the preliminary plat application to re-plat the parcel into two (2) 1/3 acre lots. Council Member Geray seconded the motion. Approval was taken by a roll call vote:

Council Member Geray: Yes  
Council Member Garren: Yes

Council Member Gubler: Yes  
Council Member McNamara: Yes

**Amendment of Title 11, Chapter 11, Section 6 of the City Code Relative to the Construction of Accessory Buildings – Public Hearing:** Mayor Andersen explained the public hearing process and asked Council Member Geray to present the proposed amendments, "Exhibit B".

Council Member Geray explained as the Council was considering the allowance of accessory buildings on patio homes, and amending city code to reflect those changes they discovered a clarification of language was also necessary in this section. Additionally, Council President Gubler explained it was also brought into compliances with amended State Fire Code which requires a 3 feet distance from the property line rather than a 2 feet distance for accessory buildings under 200 square feet.

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

Mayor Andersen closed the public portion of the hearing.

Clerk Roberts reported there was a gentleman in attendance during the Planning and Zoning Commission's hearing who inquired if existing accessory buildings which were constructed right on the property line a long time ago would need to be moved to come into compliance.

Attorney Storer explained if the building conformed with the setback lines at the time it was built, it would be characterized as a non-conforming use or grandfathered use, and he can continue to maintain it as long as he doesn't enlarge it. Conversely, if it didn't conform with the code at the time it was built it wouldn't have the non-conforming use status. Additionally, there could be a circumstance in which a code did not exist at all during the time it was constructed so it would be considered a lawful use.

Council President Gubler addressed another item which came up during the Planning and Zoning Commission's hearing in which the Commission shared concerns of including provisions in the code which outlined if a homeowner's land is adjacent to the County they need to also follow the County's ordinances when it comes to constructing accessory buildings, as well as, if a

homeowner lives in a subdivision with more restrictive covenants than what city code states they should follow those as well.

Council Member Geray explained if your building in the County you follow their code, if your building in the City you should follow city code. In regards, to more restrictive subdivision covenants as a resident of a particular subdivision you just need to be familiar with what your covenants are because the City Code doesn't include provisions for subdivision covenants as it would make it quite lengthy. In closing, from his perspective it didn't warrant addressing those items in city code.

Attorney Storer followed up by explaining the City doesn't enforce restrictive subdivision covenants. Subdivision covenants are more of a private contract between all the residents of a particular subdivision. Additionally, city ordinances do not apply in the County, and therefore county ordinances do not apply in the City. The only way you can have a county ordinance is if the City adopts a county ordinance.

Council President Gubler addressed an additional question in regards to a strip of county land which has never ever annexed into the City. He explained the homeowner needs to make the request to the City to have it annexed.

Council President Gubler expressed from his perspective the verbiage concerns the Commission shared is appropriate legal language, and he doesn't have any issues with the words "provided" or "however."

Attorney Storer explained it is legal language which signals that what you are about to read is an exception to what you previously read, and it is consistent with the rest of the verbiage used throughout city code.

Mayor Andersen entertained a motion. Council Member Garren moved to approve the amendments of Title 11, Chapter 11, Section 6 of the Iona City Code as written, and dispense with reading on three separate occasions. Council President Gubler seconded the motion. The amendments were approved by a roll call vote:

Council Member Geray: Yes  
Council Member Garren: Yes

Council Member Gubler: Yes  
Council Member McNamara: Yes

**City Wide Survey Review – Ted Hendricks:** Ted Hendricks with the Development Company explained he met a few times with Mayor Andersen and Clerk Report to review the Comprehensive Plan which was last completed in 2007, and included a city wide survey. He further explained they reviewed the questions which were asked, and felt some of the questions were cumbersome and in some cases difficult to answer so they simplified the questions with the goal of obtaining consensus from the community on upcoming projects or services the community would like to see provided.

He further explained the survey would be conducted door to door since they have found it to be a more effective method than a mail or online survey. The community would be canvased twice

during the weeknights and on Saturdays. The City office will send out notification to the residents explaining there will be BYU students coming door to door, and perhaps have a letter from the City or some type of identification with them.

Council Member Garren recommended rescheduling the review of the city wide survey questions until a work session since it may take a while to discuss and reach consensus.

After further discussion, the Council directed Clerk Roberts to schedule a special meeting in the next couple of weeks to further discuss the survey questions with the purpose of making the revisions, and still be on schedule to conduct the survey the beginning of May.

**Country Haven Estates:** Mayor Andersen explained a town hall meeting was held to gather feedback from the residents of the Country Haven Subdivision in regards to the establishment of an overflow parking lot or a public park prior to this meeting.

Mayor Andersen entertained a motion. Council President Gubler moved to go forward with the design of a public park in Country Haven Estates, including the involvement of the residents. Council Member McNamara seconded the motion. The public park was approved by a roll call vote:

Council Member Geray: Yes  
Council Member Garren: Yes

Council Member Gubler: Yes  
Council Member McNamara: Yes

**Approval of Liquidation of Surplus Vehicles:** Public Works Director Prouse reported he was requesting approval to liquidate three (3) pieces of surplus equipment: 1993 Ford F-150 for \$2,500, 2002 Chevy Tahoe for \$3,500, and a 1976 snow plow truck for \$2,000.

Director Prouse explained if the Council approved his request, he would like to post information on the City website, in the newsletter, and as a legal notice in the Poster Register for a seal bid auction. He outlined city employees, city council, and immediate family members may not participate in this auction.

Mayor Andersen entertained a motion. Council President Gubler moved to approve the liquidation of the surplus vehicles as listed. Council Member Geray seconded the motion. Liquidation of the surplus vehicles was taken by a roll call vote:

Council Member Geray: Yes  
Council Member Garren: Yes

Council Member Gubler: Yes  
Council Member McNamara: Yes

**Library Improvement Proposal:** Council Member Garren reported he didn't have anything further to report at this time, but would hopefully have more information to provide at the next meeting. He indicated he would contact the donor to let him know the City is still working on the proposal.

**Water System Discussion:** Mayor Andersen expressed there has been lots of discussion the past few months on what the City should be charging for the water connection fee, and have determined probably the best course of action is to schedule a special meeting with Attorney Rob

Harris, Engineer Paul Scoresby, and City Attorney Dale Storer to discuss all the elements which go into the methodology of determining that number.

Attorney Storer further explained if the City Council does want to pursue increasing the water connection fee it is extremely important to have the Engineer prepare a report which defines the methodology by which the increase is calculated.

Attorney Storer asked Clerk Roberts if she circulated the memorandum which outlines litigation which has happened in the area regarding increased water connection fees. Clerk Roberts acknowledge she had.

Additionally, he explained the Council may want to consider looking at is an impact fee vs. a water connection fee. As a general rule, he does not recommend an impact fee as they are difficult to administer. However, one benefit is you can factor projected future growth and it is calculated differently. An impact fee does require a committee and analysis to justify your projections.

Mayor Andersen emphasized if a bond was to pass for a new water tank it will take a couple of years for construction, and the City still needs to pursue additional water rights. He also explained the Water Committee suggested any new development or existing new development which has meter pits installed would help to reduce usage to have enough water for future surrounding growth. He clarified he was not referencing old town Iona.

If the Council decides not to move forward on any of these avenues, there is high probability future growth will be built around the City to the County standards which typically require smaller lots and Iona will have no ability to manage or set standards to development that will ultimately affect them. In closing, he expressed it would mean more growth for Iona but would be growth under city standards opposed to county standards.

Council President expressed there is a need for a new water tank as the City exists right now, separate from any growth.

Attorney Storer will work with Rob Harris to see what his schedule is like next week, and coordinate with Clerk Roberts to schedule a special meeting to discuss if the Council would like to move forward with an increase in the water connection fee, as well as, review the city wide survey questions.

**Annual Easter Egg Hunt:** Mayor Andersen inquired if Council Member McNamara had anything to report on this item. She indicated she did not at the time, but would contact Treasurer Sullivan to see if she can offer assistance. Mayor Andersen reported most of the eggs have been stuffed and the Mayor's Youth Advisory Council (MYAC) will be in attendance to help as well. The hunt will begin at 10:00 a.m.

**Arbor Day & Spring Clean Up:** Council President Gubler expressed he would like to see the date changed for this event to the first weekend in June as the weather tends to be easier to deal with.

Director Prouse will communicate with PSI Environmental to outline dumpsters for the event.

Clerk Roberts reported a resident contacted the City office to inquire if there would be a city wide yard sale this year. Mayor Andersen expressed if a resident was willing to be the lead the City could help set up tables in the parking lot and advertise it in the City newsletter.

After further discussion, the date of the Arbor Day & Spring Clean Up will be held on Saturday, June 3<sup>rd</sup>, 2017.

**Iona Days:** Mayor Andersen inquired if anyone from the Council had any luck in recruiting people interested in helping with Iona Days.

Council Member Geray reported Emily Downey is interested in taking the lead on the coordination of Iona Days. However, if she takes on this project on she doesn't want to do it alone, and needs a committee of people to help her.

Mayor Andersen asked Clerk Roberts to contact individuals who have used the city building as non-profit to see if they would be willing to help volunteer. Additionally, MYAC would also like to do the breakfast again this year as a fundraiser.

Council President Gubler mentioned he could contact the National Guard to get their climbing wall here, and will also talk to the Fire District about maybe getting a crew and some trucks available for Iona Days as well.

Clerk Roberts inquired if Sports Recreation Director Shari Moulton would be interested in or have approval from the Council to possible help more in organizing the Fun Run. Clerk Roberts expressed she has no problem continuing to offer support and help make the event happen, but as the office continues to become busier it makes it more difficult to organize this event, and have the ability to go to local businesses in Ammon and Idaho Falls to ask for sponsorships. After further discussion, the Council indicated they were supportive of Director Moulton helping.

**City Newsletter:** Council Member McNamara requested the newsletter include a write up about the weekly police log which is available for citizens to review on the city website. She reported she is receiving complaints from citizens expressing all the Police Department does is pick people up. She expressed there is a lot more crime in the City than people realize.

### **Staff Reports:**

**Public Works Department:** Director Prouse explained he has received a few calls in regards to when street sweeping will be completed. He reported the street sweeping is schedule to take place this week with weather permitting. Including, some additional chip sealing in Country Haven it is going to cost between \$8,000 - \$10,000. Council President Gubler commented it might be time for the City to purchase a street sweeper.

**City Clerk's Office:** Clerk Roberts reported online bill pay and payments over the phone are now available.

**City Council:** Council Member Geray reported he has been working with Attorney Storer on the proposed amendments to dog control, and they are getting close to where it should be ready for consideration in April.

Meeting adjourned at 8:44 p.m.

COUNCIL APPROVED: April 18<sup>th</sup>, 2017

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Brad Andersen, Mayor

ATTEST: \_\_\_\_\_  
Shara Roberts, City Clerk

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