

**CITY COUNCIL MEETING
IONA COMMUNITY CENTER
OCTOBER 18, 2016 – 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, Chief of Police Karl Bowcutt, Officer Dustin Mathie, and City Clerk Shara Roberts.

ABSENT: None.

VISITORS: Gary & Larie Elliott, Susan Gardner, Clyde & Ivy Smith, Mike Thompson, Todd Brewington, Austin Catlin, Tyler & Melissa Klingler, Dana Andersen, Pam Parris, Candice Preston, Jolyn Louk, Bob Davenport, Charles Veach, Kenneith Rose, John Simmons, and Nick Fullmer.

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

Mayor Andersen entertained a motion to add an item of business to the agenda. Council Member Geray moved to add to the agenda the Discussion of Water Connection Fee for Nick Fullmer. Council President Gubler seconded the motion. All in favor, motion carried.

Consent Agenda: Special City Council Minutes of September 5, 2016, City Council Minutes of September 20, 2016, and Special City Council Minutes of October 11, 2016 had been reviewed. Council reviewed the finance reports for the period ending September 30, 2016 (100% of the fiscal year elapsed). The City had \$817,517.61 in the bank and routine bills had been paid.

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

Items of Business:

Approval of Bonneville County Law Enforcement Contract for 2017: Chief Bowcutt reported he contacted Captain Hulse regarding the 5% increase in the contract for 2017. Captain Hulse explained it is due to increased deputies and equipment, as well as, making improvements to the animal shelter.

Mayor Andersen entertained a motion. Council President Gubler moved to approve the Bonneville County Law Enforcement Contract for a total of \$21,715. Council Member Geray seconded the motion. Approval of the contract was approved by a roll call vote, “Exhibit A”:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Yes

Development Discussion – Rockwell Homes: Mayor Andersen reported this was discussed during the work meeting. He briefly summarized the discussion for the public and explained the Council is still exploring and looking at all options at this time.

Discussion of Rehabilitation Center in Commercial Zoning: Tanner Landon residing at 3139 Barnes Way in Iona, ID and Tyson Landon residing at 3627 E. Lorna Ave. in Idaho Falls, ID presented interest in possibly purchasing the old mercantile building on Main Street with the purpose of remodeling it for a rehabilitation center. Tanner Landon explained it would be a 30 day in-patient rehabilitation center which would focus on all types of addiction someone might be struggling to overcome. He expressed from the research they have conducted rehabilitation centers do best in communities where there is low crime and minimal population.

Council President Gubler referenced Title 11, Chapter 6 regarding the list of conditional uses within Commercial Zoning and said he doesn't see where a rehabilitation center is specified as one of the approved uses. He expressed it doesn't mean it is prohibited, but they would need to go through the process of having the City Council approve or disapprove a conditional use permit for it to take place which requires a public hearing to gather feedback from the public.

Tanner Landon expressed that is why they wanted to approach the City before they put any more time and money into this project to outline next steps.

Attorney Storer outlined the City Council can't grant a preapproval, but rather they need to submit an application for a conditional use and outline the nature of the operation and other pertinent details. Then a public hearing would need to be held in front of the Planning and Zoning Commission and the City Council. He also outlined there are provisions in the Fair Housing Act which may apply to this type of facility which the City Council should be aware of.

Discussion and Approval of Appointing Chairman Melanie Shirling to the Planning and Zoning Commission: Mayor Andersen explained he has referenced the City Code in regards to this, and there isn't any reason Chairman Shirling shouldn't be able to continue under another term as it outlines members may reside in Bonneville County. He further explained she used to live in Iona and relocated to Idaho Falls, but continues to do a good job.

Council Member Geray expressed from his perspective she qualifies based on the way the code is written, and she has been serving in this capacity for some time and has been doing a good job which is why he is in support of her continuing. He further expressed if there was any indication otherwise he would feel differently.

Council Member McNamara expressed from her perspective members should have to at least live in the City's Area of Impact and that is why she is against it.

Mayor Andersen entertained a motion. Council Member Geray moved to approve Melanie Shirling continuing in her capacity as Chairman of the Planning and Zoning Commission. Council Member Garren seconded the motion. The appointment was approved by a roll call vote:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: No
Council Member McNamara: No

(Tie Vote) Mayor Andersen: Yes

Discussion and Approval of Appointing Michael Thompson to the Planning and Zoning Commission: Michael Thompson residing at 3069 Sawmill Circle commented he is a Facilities Manager for Melaleuca and moved to Iona in February of 2014. He expressed he would like to become more involved in the community to see how he can contribute. Mayor Andersen noted the Planning and Zoning Commission recommended he be appointed.

Mayor Andersen entertained a motion. Council President Gubler made a motion to appoint Michael Thompson to the Planning and Zoning Commission. Council Member Garren seconded the motion. The appointment was approved by a roll call vote:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Yes

Discussion of Ralph Steele Property: Mayor Andersen reported this topic was mainly for informational purposes. The City Council looked into possibly purchasing the property and naming it in memory of Ralph Steele; however, the individuals in charge of determining what was done with the property had differing perspectives on what they would like do. The City made an offer, but because there was no guarantee the land would be used for a park the owners turned down the offer. He just wanted to let the Council know he did try to reach out to one of the family members with whom he discussed the offer. In addition, he looked over the lease agreement and it appears from what he can tell the City doesn't have any further obligations. Attorney Storer indicated that was correct as it is expired.

Discussion of Survey for Iona Historical Museum: Council Member McNamara reported the Iona Historical Museum is having issues with vandalism, and the Board would like to build a fence in an effort to deter this. She further explained the property pins needs to be reestablished and they were wondering if the City would assist in helping to pay for the property survey.

Council President Gubler asked if they received any quotes on what the property survey would cost. Council Member McNamara explained they don't have any at this time, but are beginning to acquire some. Council President Gubler expressed it's contingent upon cost, and he isn't comfortable with saying yes the City will pay for the survey until they know what that dollar amount is. Council Member McNamara reported they have a meeting tomorrow night and she will explain that.

Discussion of Monthly Newsletter: Mayor Andersen expressed this is an item of discussion he wanted to make the Council aware of. Since he has been Mayor he has tried to include a "feel good" story in the monthly newsletter, and the majority of people have indicated they enjoy them. However, there is a person who has expressed a concern with plagiarism who brings up a valid point. He further explained the stories he shares are ones he has collected over the years and if he knows the author he will put it down. However, some of the stories the author is unknown and his intention is not to try and take credit. This individual raised awareness to the Mayor that the stories need to be researched via the use of the internet to make sure it's covered. He explained himself and the Clerk put together the newsletter each month, and in the future if

they know the author of the story they will include it or if the author is unknown they will try to research it on the internet or outline it as unknown.

Discussion of City Survey: Mayor Andersen explained the City Council established a Comprehensive Plan back in 2007 which needs to be looked at and updated every few years. It also marks the last time the City did a city wide survey. He explained with the recent recall he thought it might be a good idea to conduct another survey to find out from the citizens what the Council and the employees are doing well or not so well, what they can improve upon, and what they like or don't like about Iona.

Council President Gubler suggested maybe putting together a committee to come up with survey questions and simultaneously update the Comprehensive Plan. Mayor Andersen expressed it would be a good idea to get the public involved with this. Council Member Geray and Council Member Garren expressed agreement.

Mayor Andersen commented he would contact the entity who recently conducted a door to door survey for the water system, and see if this is something they could do and what the cost would be. He will report on this further in a future meeting.

Association of Idaho Cities District Fall Workshop – November 9th: Clerk Roberts reported the Association of Idaho Cities has organized a workshop which will be held in Idaho Falls, ID and needs to get a show of hands on who would like to attend so she can complete the registration. Mayor Andersen and Chief Bowcutt expressed interest in attending.

Annual Trunk or Treat: Mayor Andersen reported the City's Annual Trunk or Treat is coming up and will take place on Monday, October 31st at 5:30 pm. The City will be handing out prizes for best decorated vehicles and gifts for the top 10 costumes. They also provide hot chocolate and donuts to the public. He reported the Mayor's Youth Advisory Council (MYAC) will be helping out with this event.

Discussion of N. McKibben Lane – Nick Fullmer: Mayor Andersen reported Nick Fullmer purchased a lot in the Homer Addition which was previously owned by Clip Holverson who sat on the City Council at one point in time. When Mr. Holverson had the property he wanted to put some trees on there until he did something further with the property.

Mayor Andersen asked Public Works Director Prouse for his recollection of the arrangement that was made. Public Works Director Prouse explained his understanding was the Council allowed him to put an old farmer's hydrant on the property, and agree to pay on an annual basis to water the trees through the hot months of the summer. Additionally, a water connection fee would be paid for when there was further development to the property.

Mayor Andersen further explained Mr. Fullmer purchased the property with the understanding the water connection fee had been paid for based on the pre-existing trees and hydrant. Now he has been informed by the City office and the previous owner the connection fee was never paid for. Mayor Andersen explained the question is whether the City makes Mr. Fullmer pay for the water connection fee, and if so do they charge him the \$3,000 which is the current fee or the \$1,200 which was the fee when this arrangement was made.

Council Member Garren outlined the connection fee is the buy in to the water system and up until this point he doesn't see in what regard the system has been tapped in to. Mr. Fullmer expressed it has been for the purpose of watering the trees. Council Member Garren explained it hasn't been for residential use which is the purpose of a water connection fee.

Council President Gubler expressed he doesn't see where the City has misrepresented, and that it sounds more like a civil matter between the purchaser and the seller on any misrepresentations which may have occurred during the purchase of the property.

After further discussion, it was determined Mr. Fullmer would need to pay the current water connection fee of \$3,000.

Public Comments:

Discussion of Accessory Buildings in Country Haven Estates – Citizen Austin Catlin: Austin Catlin soon to be residing at 5211 Nelson Dr. in Iona explained he contacted Building Inspector Allen Eldridge to inquire about building a 12 x 16 shed with the intention of using it for the storage of lawn equipment, kid's toys, patio furniture, etc. to keep it out of the elements and to avoid cluttering up their garage. He would like to build it next to the house and there is approximately 26 feet between the house and the property line. He further explained Mr. Eldridge informed him accessory buildings are not allowable on patio home lots. Mr. Catlin expressed he would like to visit with the Council to propose some amendments to the City Code. He also explained this past Saturday he went around the subdivision with a petition to gather signatures showing citizens' support in being able to build an accessory building. Additionally, he is also interested in discussing amendments to the City Code which currently prohibits RVs being parked on patio home lots to load or unload them and received the same support from neighboring residents. He indicated he has drafted sample verbiage with proposed changes and would like to gather the Council's thoughts on these two items.

Mayor Andersen explained patio homes are smaller in size than a normal lot. He expressed in Mr. Catlin's situation he does sit on a corner lot so there is a little bit more room than the typical patio home. He explained when people park RVs or build accessory buildings and there isn't the room needed it starts to infringe on the neighbor's property. Additionally, a problem has been brought to the Council's attention regarding parking issues in this subdivision. People are parking on the sidewalks and on both sides of the road which makes a narrow space for traffic to get through, and will especially become an issue during snow removal season. He expressed in Mr. Catlin's unique situation he could present the information to the City Council for approval of a possible variance.

Mr. Catlin expressed the code requires a minimum of 25 feet separation in the rear yard and discussed the ability to build an accessory building in the back corner of the patio home lot. He would suggest very specific language in the code for accessory buildings which outlined 2 or 5% of the lot coverage such as what is similarly written in the R-1 code. He expressed from his perspective the parking issues the City is seeing in this subdivision, are a result of residents not having anywhere to store lawn equipment, kids' toys, lawn furniture, etc. so they are storing it in the garage and parking on the street.

Council Member Geray expressed he personally would be more inclined to changing the code than opening up Pandora's Box with granting variances. He expressed he would like to review the sample verbiage Mr. Catlin has drafted, and add it to the agenda for November's meeting for discussion. Mr. Catlin stated he would send the document to the City Clerk to distribute for the Council's review.

Reports:

Clerk Report – Voorhees Sanitation and New City Website: Clerk Roberts reported Public Works Director Prouse informed her of solid waste containers from an unpermitted company within the City. Clerk Roberts contacted the phone number on the container and found out that PSI Environmental Services has purchased Voorhees Sanitation and they are working on updating their containers in the next few weeks so she just wanted to make the City Council aware of it. Additionally, she reported the new City website has been completed and is online.

Public Works Report – Tank Rehab. and Country Haven Subdivision Chip Sealing: Public Works Director Prouse stated that, due to legal advice from the City Attorney, he would not be reporting on the Country Haven Subdivision Chip Sealing tonight. In regards to the tank rehabilitation project, it is still on schedule, and the tank is currently full and holding water. They are performing seepage tests and it is indicating no leaks which means they addressed the major leak through the floor. He commented once the project is completed he would like to invite the Council to come take a tour.

Mayor's Report – Regarding September 20th, 2016 City Council Meeting: Mayor Andersen expressed he was not in attendance during the City Council Meeting which was held on Tuesday, September 20th, and requested a rebuttal letter be added as public record, "Exhibit B". He read the letter that addressed allegations of sexual harassment which were expressed during the September 20th City Council meeting by Terry McNamara, and outlined the purpose of City Council meetings are for conducting city business, not for personally attacking any elected officials or city employees.

Council Member McNamara expressed Terry McNamara's intention was not to imply sexual harassment, and they would take steps to remove it from the minutes.

Meeting adjourned at 8:59 p.m.

COUNCIL APPROVED: November 15th, 2016

Brad Andersen, Mayor

ATTEST: _____
Shara Roberts, City Clerk