

**CITY COUNCIL MEETING
IONA COMMUNITY CENTER
DECEMBER 20, 2016 – 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, Officer Dustin Mathie, City Treasurer Amy Sullivan, City Clerk Shara Roberts, and Sports Recreation Director Shari Moulton.

ABSENT: Council Member Kathy McNamara.

VISITORS: Austin Catlin, Curt Thomsen, Greg Hansen, and Susan Gardner.

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

CONSENT AGENDA: City Council Minutes of November 15, 2016 had been reviewed. Council reviewed the finance reports for the period ending November 30, 2016 (17% of the fiscal year elapsed). The City had \$806,695.75 in the bank and routine bills had been paid.

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:

Introduction of New Sports Recreation Director – Shari Moulton: Mayor Andersen introduced new hire Sports Recreation Director Shari Moulton and asked her to tell the Council a little bit about herself. She explained she is a math teacher and coaches basketball for Shelley School District. In the past she has coached basketball in Pocatello, Buhl, Idaho Falls, and ran the Intermural Department at Idaho State University. She expressed she was excited for this opportunity with Iona's Sports Program.

Dana Izatt, Auditor – Searle Hart & Associates: Dana Izatt, Auditor from Searle Hart & Associates, presented the annual audit report for Fiscal Year 2016 (FY2016).

Overall, Mr. Izatt indicated the Financial Statements of the City were of a good opinion. He outlined the City budgeted to spend more than they actually did which means the City came in under budget for the fiscal year. He informed the Council if they had any questions they could contact him directly at his contact information provided on the report.

Mayor Andersen entertained a motion. Council Member Geray moved to approve the audit as presented by Searle Hart & Associates. Council President Gubler seconded the motion. The FY2016 audit was approved by a roll call vote:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Country Haven Chip Sealing Hearing – Rockwell Homes: Mayor Andersen explained the Country Haven Subdivision has changed hands between developers a few times over the years, and there needs to be some discussion between the City Council and Rockwell Homes regarding whose responsibility it is to complete the chip sealing in the initial phase of the development.

Public Works Director Prouse specially outlined the discussion pertains to 3,420 lineal feet of uncoated asphalt initially installed in the Country Haven Subdivision in approximately 2006 or 2007. He explained the initial seal coat was not completed and is part of those improvements which still need to take place.

Attorney Storer inquired into the status of all the other public improvements in Country Haven as a whole. Director Prouse reported the other public improvements have been completed in phases. The second phase of the extension from the existing or old portion has been completed and approved with the intent to finish construction in 2017. He also noted all water, sewer, and remaining infrastructure has been installed.

At this time, Mr. Curt Thomsen a lawyer representing Rockwell Homes, Inc. handed out a factual and legal summary he prepared, “Exhibit A”, as well as, a diagram of the land in question “Exhibit B”. He reported that in October of 2016 Attorney Storer drafted a letter to Rockwell Homes insisting on their responsibility to complete the chip sealing in phase 1 of the development. He outlined on “Exhibit B” the area highlighted in yellow is what is considered phase 1 and the X marks indicate the existing properties which were developed prior to Rockwell purchasing the land.

In response, Mr. Thomsen wrote a letter back outlining why he believes Rockwell Homes has no legal obligation to do what was being demanded. He indicated Rockwell Homes is not responsible for the completing the chip sealing in phase 1 in as much as they are neither successors nor heirs of the original developers as outlined in the original development agreement, rather they simply purchased the lots.

Attorney Storer asked Mr. Thomsen what Rockwell’s position was regarding the remaining portions of the road that have not been paved or seal coated in the other phases. He questioned if Rockwell Homes is taking the position they have no contractual obligation with the City and if so then where does that leave the City with respect to the remaining portion of the roads which have not been completed and its ability to ensure such roads are installed and constructed to city standards. He also pointed out that the one year warranty for all public improvements is also an issue.

Mr. Thomsen stated Rockwell Homes has been doing just what the City has instructed and recognizes they have an obligation to the buyers to comply with the City’s standards, and additionally it is difficult to sell houses without roads.

Greg Hansen Vice President of Rockwell Homes indicated they would have no issue signing a new development agreement regarding the remaining phases of the subdivision.

Council President Gubler expressed that he would like to retire into executive session to discuss the legal matters further with Attorney Storer.

Mayor Andersen entertained a motion. At 8:06 pm Council President Gubler moved to enter executive session per Idaho Code 74-206(1)(f) to communicate with legal counsel regarding pending/imminently or likely litigation. Council Member Garren seconded the motion. Approval to enter into executive session was taken by a roll call vote as follows:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Thereafter a discussion followed with respect to the need for an advisability of litigation on the matter. At 8:11 pm Council President Gubler moved to adjourn the executive session. Council Member Geray seconded the motion. All in favor, motion carried.

Following the vote to retire out of executive session, Council President Gubler explained that the Council had discussed the possibility of entering into a development agreement with Rockwell to cover any development moving forward, without requiring Rockwell to complete the chip seal in the initial portion of the development.

Mayor Andersen entertained a motion. Council President Gubler moved to direct Attorney Storer to draft a development agreement between the City and Rockwell, after obtaining input from Director Prouse. Council Member Geray seconded the motion. The motion passed after a roll call vote as follows:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Official Oath of Officer Dustin Mathie: Dustin Mathie was sworn in as a Certified Officer of Iona's Police Department by Mayor Andersen.

Code Changes to R-T Zoning – Austin Catlin: Council Member Geray reported to Mr. Catlin the consideration to amend the Residential Townhouse (R-T) Zone is scheduled for a public hearing in front of Planning and Zoning and City Council during January's meetings.

Attorney Storer directed Clerk Roberts to ensure the most recent draft ordinance was emailed to Mr. Catlin for review prior to the hearing.

Approval of One-Time Credit to Utility Accounts to go Paperless: Mayor Andersen explained during the work session it was discussed possibly offering a one-time per customer, per account credit to utility accounts that choose to go paperless to help incentivize saving the City's resources.

Mayor Andersen entertained a motion. Council Member Garren moved to approve a one-time per customer per account credit of \$5.00 to utility accounts which opt to go paperless. Council Member Geray seconded the motion. The one-time credit 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 City Wide Survey: Mayor Andersen explained this has been discussed for a couple of months now, and they received information from Ted Hendricks with East-Central Idaho Planning & Development Association (ECIPDA) it would cost approximately \$3,000 to \$4,000 dollars.

Mayor Andersen entertained a motion. Council President Gubler moved to approve a city wide survey be conducted. Council Member Geray seconded the motion. All in favor, motion carried.

High Country RC&D Annual Cloud Seeding Support: Mayor Andersen explained in past years they have supported the cloud seeding efforts, but this last year the City Council opted out. After further discussion, the City Council agreed not to support it and asked Clerk Roberts to notify Treasurer Sullivan.

Water System Update: Mayor Andersen expressed the importance of the City constructing another tank and well. He feels it wouldn't hurt for the City to put in an application as it takes time, and there is still no guarantee they would get approval. The deadline for this application is January 13, 2017.

He further explained the Council is in agreement that pursuing water rights is an absolute priority, but in the meantime he feels it's important to begin this process as it is quite lengthy. Additionally, even if they get approved it still has to go to the public for approval.

Public Works Director Prouse referenced a document put together by Paul Scoresby with Schiess and Associates that outlines the estimated cost to construct a new 1.0 million gallon tank, "Exhibit C". Director Prouse noted that Mr. Scoresby did not include in this estimate the construction of an additional well which would increase the price by \$500,000 or \$600,000, which would need to be edited to reflect that prior to the application.

Mayor Andersen entertained a motion. Council Member Geray moved to submit a letter of intent no later than January 13, 2017 to the Department of Environmental Quality (DEQ). Council President Gubler seconded the motion. Approval to submit a letter of intent was taken by a roll call vote:

Council Member Geray: Yes
Council Member Garren: Yes

Council Member Gubler: Yes
Council Member McNamara: Absent

Library Improvement Proposal: This agenda item was discussed and covered during the City Council Work Session (please refer to corresponding minutes).

Dog Licenses: This agenda item was discussed and covered during the City Council Work Session (please refer to corresponding minutes).

Recycling Containers: This agenda item was discussed and covered during the City Council Work Session (please refer to corresponding minutes).

Parking Concerns North of Elementary School: This agenda item was discussed and covered during the City Council Work Session (please refer to corresponding minutes).

Unlawful Occupancy at 3784 Dayton St: This agenda item was discussed and covered during the City Council Work Session (please refer to corresponding minutes).

Inactive Building Permits: This agenda item was not covered, and will be discussed during the next City Council meeting.

August 21, 2017 Eclipse: This agenda item was discussed and covered during the City Council Work Session (please refer to corresponding minutes).

Public Comments: None.

Reports: None.

Clerk Roberts – 2017 Calendar and Scheduling Items: This agenda item was not covered, and will be discussed during the next City Council meeting.

Meeting adjourned at 8:27p.m.

COUNCIL APPROVED: January 17th, 2017

Brad Andersen, Mayor

ATTEST: _____
Shara Roberts, City Clerk