

**CITY COUNCIL REGULAR MEETING  
IONA COMMUNITY CENTER  
MAY 17, 2018 – 7:00 P.M.**

**PRESENT:** Mayor Dan Gubler, Council President Rob Geray, Council Member Michael Thompson, Council Member Kathy McNamara, City Attorney Andrew Rawlings, Public Works Director Zech Prouse, Chief of Police Karl Bowcutt, and City Clerk Shara Roberts.

**ABSENT:** Council Member John Price.

**VISITORS:** Ryan Reeves, Kurt Roland, Dee & Christine Johnson, Greg Hansen, Dave Noel, and Kevin Harris.

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

**CONSENT AGENDA:** City Council Special Work Meeting and City Council Meeting Minutes of April 17, 2018 were reviewed. Council reviewed the finance reports for the period ending April 30, 2018 (58% of the fiscal year elapsed). The City had \$937,856.54 in the bank and routine bills had been paid, “Exhibit A”.

Mayor Gubler reported Treasurer Sullivan has sent out a draft budget for Fiscal Year 2019 (FY2019) he would like everyone to review in preparation for a budget work session on Tuesday, June 26<sup>th</sup> at 6:00 pm and bring forth any projects or adjustments to the budget. Clerk Roberts provided copies to the Council.

Mayor Gubler asked Clerk Roberts to relay to Treasurer Sullivan a request for a breakdown analysis showing where the percentages are at on each account on a monthly basis.

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

**ITEMS OF BUSINESS:**

**Public Hearing – 7:15 pm: Annexation/Initial Zoning/Preliminary Plat Application for the Freedom Field Estates Subdivision:** Mayor Gubler explained the public hearing process, and asked Rockwell Homes to present the application for Freedom Field Estates, “Exhibit B”.

Kurt Roland with Eagle Rock Engineering located at 1331 Fremont Ave. in Idaho Falls explained he is representing Rockwell Homes. Since they last met on this project, they have made some adjustments to the plat based on feedback from the City. The plat now outlines two access roads off of 49<sup>th</sup> North (Telford Road) and two access roads south of the project which will be Main Street and Olsen Street. They intend to start construction on the south end of the development, and the lots will a minimum of ½ an acre.

Mr. Roland further explained the City Engineer Paul Scoresby recommended upsizing the main water line through the development and the City has agreed to pay the difference in material costs.

Mayor Gubler inquired if they received a copy of the review letter from City Engineer Paul Scoresby outlining additional recommendations, and if they were willing to incorporate those recommendations. Mr. Roland acknowledged he received the letter, and agreed to the recommendations.

Director Prouse inquired if they received an acceptance letter from Iona Bonneville Sewer District. Mr. Roland indicated they had.

Council Member McNamara expressed she doesn't want construction traffic on existing city streets such as Iona Road, Main Street, and Olsen Street and would prefer all construction traffic go down Telford Road even if the development is starting on the south end.

Mr. Roland expressed they could make that accommodation if that was the City's wishes.

Greg Hansen with Rockwell Homes located at 3539 Briar Creek Lane in Ammon expressed he is excited about this project since they were able to accommodate developing the subdivision with ½ acre lots which is line with what the City has expressed they would like to see for future development. However, Mr. Hansen expressed they would not be willing to construct a separate construction road as it is something not required nor normally done. Even if they were to build a separate construction road they cannot control where the subcontractors choose to drive, and they will utilize all available access roads. He further expressed they have tried to accommodate with the City's requests on almost all other levels over the course of the last two years and have platted the project multiple times and as a result are opposed to accommodating that request.

Mr. Hansen further explained when a project first begins they ask drivers to slow down, post signs regarding working hours, and encourage the local police department to patrol the area often.

Mayor Gubler inquired if they can request Rockwell to educate their drivers about preferred routes. Mr. Hansen indicated he would be happy to do that.

Council Member Thompson shared concerns relating to roads being covered in mud from construction vehicles, and asked what Rockwell intends to do to help address this.

Mayor Gubler explained there is verbiage written in the Iona City Code which prohibits debris left on the streets.

Mr. Hansen explained if they received a notification they make their drivers clean up, and have been contacted by Director Prouse on a few instances. Additionally, they try to have a superintendent on the job site every day to try and monitor this particular issue.

Mayor Gubler opened up the public portion of the hearing; those in favor, none; neutral, none; opposed one. Mayor Gubler requested Clerk Roberts enter into the record Bryce Contor's written response. Mr. Contor expressed opposition towards the proposed development, "Exhibit C".

Ryan Reeves located at 4060 North Main Street expressed there have been three instances in which there was mud on the roadways and when he called Rockwell Homes he was told it wasn't their responsibility. He expressed concerns his home is at the entrance of where they will be working. Mr. Reeves did not make any comments regarding testimony in favor, neutral, or against the application.

Mr. Hansen expressed whenever he has received notification he always makes sure it is taken care of. He recommended in the future Mr. Reeves call Rockwell Homes and ask directly for him, notify Director Prouse who will get ahold of him, or when they begin construction he would be happy to give him his personal cell phone number.

Mayor Gubler closed the public portion of the hearing.

Mayor Gubler reported the Planning and Zoning Commission recommended during the first public hearing the Council approve the plat and annex the development. Additionally, Rockwell Homes received the recommendation letter from Schiess & Associates and are willing to fulfill those requests and expressed he is personally satisfied with approving the application.

Mayor Gubler discussed the importance of looking into what the irrigation ditches provide outside of the subdivision, and will meet with Progressive Irrigation to discuss it further.

Mayor Gubler entertained a motion. Council President Geray moved to approve the annexation, initial zoning, and preliminary plat application for Freedom Field Estates Subdivision subject to the additional requirements made by City Engineer Paul Scoresby with Schiess & Associates. Council Member Thompson seconded the motion. Approval was taken by a roll call vote:

Council President Geray: YES

Council Member Price: YES

Council Member Thompson: YES

Council Member McNamara: YES

Attorney Rawlings indicated he would begin the necessary paperwork needed to move forward.

**Approval of New Business License Application – America's Choice:** Clerk Roberts reported it appears there is no one in attendance to present the application to the Council for approval. Council President Geray moved to table this item further until someone attends the meeting.

**Approval of Ordinance 219-05-18 Amending Title 1, Chapter 3, Section 5, and Title 5, Chapter 5, Section 1 Relating to Debris on Streets:** Attorney Rawlings reported the amendments now include escalated penalties for repeated offenses within a certain timeframe as requested by the Council from last month. While consulting with Attorney Dale Storer, he recommended a punishment section be added to each section instead of a generic penalty area to fall back on as it would ultimately result in unnecessary complication.

Council President Geray expressed he would like to see an increase to the escalation of penalties, and is inclined to make a recommendation for \$35, \$100, \$200, \$300. Additionally, the word “and” needs to be inserted into Section B (4).

Mayor Gubler entertained a motion. Council McNamara moved to approve ordinance 220-05-18 amending section 1-3-5 of the Iona City Code; amending the definitions of infraction and misdemeanor, amending section 5-5-1 of the Iona City Code; relating to debris on streets, re-categorizing a violation, and amending the penalty for such violations including the revisions outlined and moved to dispense with the rule of reading in full and on three separate occasions. Council President Geray seconded the motion. Approval of the ordinance was taken by a roll call vote, “Exhibit D”:

Council President Geray: YES  
Council Member Thompson: YES

Council Member Price: YES  
Council Member McNamara: YES

**Approval of Ordinance 220-05-18 Amending Title 1, Chapter 14, and Section 6 Declaring the City Clerk as the Custodian of Public Records:** Mayor Gubler reported by law the City now needs to define the custodian for public records within the city code.

Mayor Gubler entertained a motion. Council Member Thompson moved to approve ordinance 220-05-18 declaring the City Clerk custodian for purposes of the Idaho Public Records Act; amending section 1-14-6 of the Iona City Code; amending the definition of custodian and moved to dispense with the rule of reading in full and on three separate occasions. Council Member McNamara seconded the motion. Approval of the ordinance was taken by a roll call vote, “Exhibit E”:

Council President Geray: YES  
Council Member Thompson: YES

Council Member Price: YES  
Council Member McNamara: YES

**Discussion of Amending Title 11, Chapter 4, Section 2, Title 11, Chapter 4, Section 3(B), and Title 11, Chapter 11, Section 21 Relating to Requirements of Manufactured Homes:** Mayor Gubler explained Attorney Rawlings has brought to light that the City cannot enforce manufactured homes to go through the conditional use permit process as it is a violation of the Fair Housing Act. Additionally, the City cannot require manufactured homes to construct a garage or carport unless they require the same of a regular stick built home. Furthermore, this is for discussion only as it will require a public hearing in front of the Planning and Zoning Commission and the Council prior to approval.

Director Prouse asked about lot size definition, specifically historic district definition as it is currently outlined the square footage for a mobile home is less than what the City currently requires for a patio home. He further explained the verbiage requires at least 1,000 square foot lot size for a mobile home, but doesn’t include any verbiage differentiating those requirements for a regular stick built home in the R-1 Zone.

Council President Geray further expressed as he reviewed the code there appears to be bigger issues throughout the zoning codes in regards to minimum square footage requirements for both

manufactured homes and regular stick built homes. There appears to be inconsistent numbers, and the code needs to be amended to mirror one another.

After further discussion, the Council directed Attorney Rawlings to draft the recommended amendments and get the information to Clerk Roberts to initiate the public hearing process for the month of June.

**General Discussion and Update on the Water System Improvement Project:** Dave Noel with Forsgren Associates provided a brief update on the City's Water System Improvement Project. Currently, he is still waiting for the Environmental Review to be completed by City Engineer Paul Scoresby. Upon completion, Forsgren Associates will submit a contract proposal to begin negotiating the engineering services for the project.

Council President Geray inquired what the delay was in regards to the Environmental Review.

Mr. Noel explained the three category types for the Environmental Review: (1) *Categorical Exclusion* – is defined as the project being predetermined to have no significant impact and therefore is excluded (2) *Finding of No Significant Impact* – is defined as the project does not fit in a predetermined category, but is still determined to have no significant impact which has to be proven with thorough documentation, correspondence with a multitude of government agencies, and whether they agree there is no significant impact. Mr. Noel indicated this is the category the City's project fits into. (3) *Impact* – is defined as the project having significant impact and requires actions of mitigation.

Mayor Gubler reported he has spoken with Mr. Scoresby who indicated he would have it finalized by the end of next week, and the Council should be able to move forward with accepting the document during next month's meeting. At that point, they can move forward with the design phase of the project.

**Discussion of Tobacco 21 Resolution presented by City of Rexburg:** Clerk Roberts explained the proposal came from the City of Rexburg requesting other cities to consider adopting a similar resolution. After further discussion, the Council opted to not consider adopting a similar resolution at this time.

**Spring Clean-Up and Arbor Day Celebration:** Mayor Gubler reported the weeklong event will take place starting Monday, May 28<sup>th</sup> and go through Saturday, June 2<sup>nd</sup>. The City has received a \$300 grant from the Arbor Day Foundation, and the event will end by planting a tree at Pioneer Park at 10:00 am. The Mayor's Youth Advisory Council will also be participating in helping to clean up at least two residential yards within the City.

#### **STAFF REPORTS:**

Director Prouse reported he wanted to give the Council a quick update on tree removal. He received other quotes, but they all came in higher than the original approved amount so he has scheduled the first quote to begin work on June 20<sup>th</sup>.

Clerk Roberts reported she would be out of the office on vacation starting Monday, June 4<sup>th</sup> - Tuesday, June 12<sup>th</sup> available by phone and email if needed.

**PUBLIC COMMENT:**

Brian Dilenge asked for further feedback from the Council in regards to their support for the proposed mountain bike park up on the hill. The Council as a whole expressed support for the project.

Mayor Gubler asked for any future agenda topics. Council President Geray expressed at some point he feels the Council needs to address a plan for commercial development.

Meeting Adjourned: 8:46 p.m.

COUNCIL APPROVED: June 26<sup>th</sup>, 2018

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Dan Gubler, Mayor

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

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