

CITY COUNCIL MEETING FERUARY 17, 2009 6:30 P.M. AT THE COMMUNITY CENTER

PRESENT: Mayor Brad Andersen, Council President Dennis McArthur, Council member Steve Elliott, Council member Jane Shaw, Council member Dan Gubler, Treasurer Ron Nelson, Public Works Supervisor Zech Prouse, Police Chief Shannon Basaraba, City Clerk Robyn Keyes.

VISITORS: Adrian Beazer, Paul Snarr, Barbara Schreier, Mike Schreier, Ruby Taylor, Bruce Case, Andrew Stephenson, Lillian Russell, Sara Jonak

Mayor Andersen welcomed everyone and led the Pledge of Allegiance.

Mayor Andersen reminded the public that the City Council meetings were formal meetings and unless called upon by the Council, anyone wishing to speak must be on the agenda.

Consent Agenda. The minutes, expense report and financial report were all reviewed. Mayor Andersen asked if there were any questions, there were not. Mayor Andersen entertained a motion to approve the consent agenda. Council President McArthur made a motion to approve the consent agenda, and Council member Elliott seconded the motion. All were in favor, motion carried.
Consent agenda approved.

Previous Action Items. No one had previous action items they wanted to discuss.

Paul Snarr, Safe Routes to School. Mr. Snarr works with Schiess and Associates. Mr. Snarr said the grant for Safe Routes to School was going through some difficulties due to the large amount of cities applying for the grant, but he thought the grant for Iona was secure. Mr. Snarr suggested the City Council read the resolution regarding the Safe Routes to School project and vote upon the resolution tonight. Mr. Snarr said there was money available for non-infrastructure items such as; bicycle helmets, safety vests or safety education for the school children. Mayor Andersen commented that it was good to have the paperwork in place so when the new fiscal year arrived, the City would be prepared budget wise. Mr. Snarr said the project should only take a couple of weeks from start to finish, so it was possible to start the project just as soon as the new fiscal year began in October. The path will begin near the new church on Iona Rd and run east to connect with the existing path. Then the path will run south on 55th from Iona Rd to Free Avenue. Mayor Andersen asked if the asphalt would have time to set up in October, Mr. Snarr said it would unless October was unusually cold. Mr. Snarr said the path would have fabric underneath, then $\frac{3}{4}$ base and 2" asphalt.

Mayor Andersen asked if everyone agreed to move forward with the project and begin in October at the beginning of the fiscal year, and then he entertained a motion to approve the resolution for Safe Routes to School. President McArthur read the resolution which stated; whereas the Idaho Transportation, hereafter called the State, has submitted an

agreement stating obligations of the State and Iona, hereafter called the City, for development of a Safe Routes to School project, and now therefore be it resolved: 1. The agreement for federal aid highway project AO11(871) is hereby approved. 2. That the Mayor and City Clerk are hereby authorized to execute the agreement on behalf of the City. 3. That the duly certified copies of the resolution shall be furnished to the Idaho Transportation Department. Certification: I hereby certify that the above is a true copy of the resolution passed at a regular meeting of the City Council held on February 17, 2009. Council member Gubler seconded the motion. The Mayor asked if there were any further discussions. There were not. All were in favor. Motion carried. Resolution passed.

Mr. Snarr asked the Mayor if the Council needed to vote on approving the project. Mayor Andersen said the project had been approved a couple of months ago. Council President McArthur asked how long the reimbursement period was. Mr. Snarr said typically two weeks as long as all of the paper work had been done. The President asked who was funding the project, Mr. Snarr said it was federally funded. Mayor Andersen thanked Mr. Snarr for his time.

Elissa Hayward-Skaar Condition Use Permit Review. Mayor Andersen asked Chief Basaraba to give a background as to why Mrs. Skaar's permit was under review. Chief Basaraba said that Mrs. Skaar had violated two of the conditions of her permit, one of which was a code violation with a delinquent water bill; the other was watching children at times other than what was allowed by the permit. After speaking with Mrs. Skaar about the second issue, Mrs. Skaar said she was not aware of the stipulation on the days she could watch children. Mrs. Skaar's permit was for Monday through Friday. Mayor Andersen asked Mrs. Skaar if she would like to make any comments. Mrs. Skaar said that one of her clients was a single father who worked out at the Site and had to get on the bus very early in the morning and often times had to work on weekends. Mrs. Skaar said her client's other means of childcare on the weekends was his ex-wife (who was present in the audience), and very unreliable, and often times he had no other choice but to ask Mrs. Skaar to watch his children.

Mayor Andersen said Mrs. Skaar would have to schedule a public hearing with planning and zoning and then with the City Council to amend the times she watched the children. The Mayor proposed that, in the meantime, Mrs. Skaar would be allowed to continue watching children on the weekend until planning and zoning gave a recommendation and Council reached a decision. The Council agreed. Chief Basaraba said the issue of inspection times would be brought up during the public hearing as well. Mrs. Skaar agreed. Mayor Andersen asked Clerk Keyes to schedule a hearing date and time for Mrs. Skaar.

Mayor Andersen asked Ms. Jonak (the client's ex-wife) if she would like to comment. Ms. Jonak said she was concerned that Mrs. Skaar was operating out of hours allowed, and she believed her ex-husband had other options for childcare.

Windmill Ordinance Review. Mayor Andersen suggested tabling the issue until next month to gather more information and asked the Council to do more research on the issue and perhaps talk to Switchback Energy in town to gather information. The Mayor said he would be looking for a recommendation from planning and zoning by April.

Commercial Zoning. Mayor Andersen introduced the land use table P/Z member Wight had created regarding commercial use. P/Z member Case said the table was a rough draft and all of the information on the table was from Iona's code book. P/Z member Case also said that the P/Z commission recommended that the City Council add to the Code Book a letter K to Title 11 Chapter 6 Section 3 of the City Code Book that stated "any business that sells or serves alcohol for consumption on or off the premises". This addition would require any business that wanted to sell alcohol to obtain a conditional use permit. Council member Gubler suggested changing the wording in the Code Book to include any other business not mentioned must also obtain a conditional use permit.

Mayor Andersen entertained a motion to approve the recommendation from planning and zoning. Council member Gubler made a motion to authorize the City attorney to add letter K to Title 11 Chapter 6 Section 3 of the Code Book that stated any business that sells or serves alcohol for consumption on or off the premises. Council member Shaw seconded the motion. All were in favor.

Motion carried.

Clerk Keyes said she would send a letter to all businesses in Iona reminding them they needed to obtain a business license.

Youth Advisory Committee. Mayor Andersen introduced Ruby Taylor with the Youth Advisory Committee. Mrs. Taylor said she was a supervisor for the committee, the committee had been formed since 2007 and the Mayors from Ucon, Idaho Falls, Ammon and Iona combined to form one committee. Currently there were about 50 members from all areas in the region who attend all five area high schools including Taylor's Crossing Public Charter School. Mrs. Taylor turned the time over to two members, Lillian Russell and Andrew Stephenson, to give a report to the Council. Mr. Stephenson said the committee was formed as a means to give youth a voice in the community and as a way for the youth to give back to the community. Mr. Stephenson said they had helped with community events at EIRMC and the Idaho Meth Project. They also sponsored a New Year's Eve dance as a safe alternative for youth that night. Miss Russell said they sponsored a day camp for children at risk to help them with issues like peer pressure and a D.A.R.E. program. Mayor Andersen said one of the purposes of the committee was to advise the Mayor's as to what projects and ideas were interesting and beneficial to the area youth. Mayor Andersen also asked Mr. Stephenson to explain their roll with the Areva Project. Mr. Stephenson said the committee had researched the Areva project, and decided to attend the licensing hearing in Idaho Falls for the company to show their support for the project. Subsequently, the vice president of the French company was impressed with the Youth Committee; he invited 20 of the committee members to tour the main plant in France next month. Mayor Andersen commented that the committee showed strong leadership skills and had proven to be an essential liaison between the area

youth and local governments. Mrs. Taylor reported the committee volunteered at several events and festivals. Mrs. Taylor also said the committee hoped to take several youth to Boise during the AIC conference for the Youth Conference and asked the City for support in sending the youth. Mayor Andersen said he would hope the Council would support sponsoring one or two youth to go to the conference. Mrs. Taylor said Boise State University was providing housing for the youth and the only cost would be for the registration for the conference, which was \$285 each. Mayor Andersen thanked the committee for their time and asked them if they would attend the City Council meetings quarterly for reports and updates on their projects and activities. They said they would.

Commercial Zoning Continued. P/Z President Case said the P/Z commission decided to have only one commercial zone and have that zone clearly defined for permitted uses to avoid ambiguity, and to protect the neighboring residential zones from commercial use impact. Mayor Andersen agreed that staying with the system the City already had helped with overall uniformity with zoning throughout the county. P/Z President Case said that P/Z had been working to help Zech compile code information for new homeowners. Clerk Keyes said she would update the Code information she had received from Brian Stutzman for the Website. P/Z President Case said the P/Z commission was also gathering information on windmills to create an ordinance for private use. P/Z President Case said planning and zoning supported the idea of renewable energy. Mayor Andersen agreed and thanked P/Z for their time and effort.

Reports. Public Works Supervisor Prouse said his report on code information for new homeowners had been covered and asked for feed back from the Council regarding its content. The Mayor suggested adding pictures where applicable would be helpful. Council member Gubler said the information would be very helpful for homeowners new to town. Supervisor Prouse and Clerk Keyes suggested posting the information on the website. Mayor Andersen said the City had a new website, and information such as the Code Book, City Council minutes and the newsletter would be posted for the public. Supervisor Prouse said he attended the preconstruction meeting with Syringa Wireless and they were getting ready to start construction in March. Mayor Andersen asked if the City would receive franchise revenue by allowing Syringa to use the easement. Supervisor Prouse said that had not been discussed. The Mayor asked Council member Elliott to discuss the procedure with the previous Mayor regarding franchise privileges with other fiber optic companies that ran cable through the City. Council member Gubler asked if the City had a say regarding companies running cable through its easement.

Police Chief Basaraba reported a person had approached the City and had offered to make new signs for the City Park at not cost to the City in exchange for using the signs as advertisement for his sign company. The City agreed, and asked him to make new signs for the City entrances as well. Council member Gubler asked if the speed limit signs were still going to be moved by the City entrances. Chief Basaraba said they would this spring. Mayor Andersen reported that Chief Basaraba was sworn in at the planning and zoning meeting and thanked all those who attended. The Mayor asked the Chief to check for utility lights that were out, so they could be reported to the power company for repair; he said he would.

Clerk Keyes reported receiving several business license applications along with the fee. Clerk Keyes said the phone service would be switched over to Fair Point Communications by the 1st of March. The switch should save the City approximately \$300 a month on the phone bill. Clerk Keyes said she had received a phone call from Falls Water asking if the City had an application process for utility users. According to Falls Water, Homeland Security required all utility users to fill out an application and provide the City with a social security number and valid form of identification. Council member Gubler said he did not agree with the request and, until we received an official request from the Department of Homeland Security, we should wait. Clerk Keyes said she had done some research and found that most cities required both an application and a deposit, and she suggested the City think about the possibility of both. Mayor Andersen agreed that an application would be helpful for the City.

The Mayor reported that the City attorney suggested Clerk Keyes go to the court house to research the deed to the property that Lynn Rockwood was charging the City for rent and taxes. Council President McArthur asked if property can be sold or donated without ingress or egress rights to it. The Mayor said he did not think so. Council President said if that were the case, Mr. Rockwood should be willing to deed the property over to the City and the City would pay the taxes.

Mayor Andersen said there will be a free workshop on March 10th on source water protection for the City well, and encouraged the Council to attend. The Mayor said the water committee was going to meet next week. The Mayor also mentioned a planning and zoning workshop in Pocatello on the 28th and encouraged the Council members to attend.

Mayor Andersen asked Council member Shaw if electricity could be run to the welcome rock at the corner of Iona and Main so spot lights could be installed to light up the rock at night. Council member Shaw said the power company could install a meter box at the power pole and electricity could be run from the meter box to the lights. The City would then receive a monthly bill from the power company for the box and lights. Mayor Andersen asked Council member Shaw to check into the cost of the project. Council member Elliott said the rock needed to be on a foundation, and Mayor Andersen reported he was in the process of securing some Boy Scouts to put the rock on a foundation.

Council President McArthur gave his report. The tree committee was in the process of developing an ordinance that addressed the trees homeowners had planted in the City right of way. The ordinance would also address who was responsible for maintenance. Council President McArthur asked the Council to review the sample ordinances from some of the other Idaho cities and help come up with an ordinance that would be beneficial for our City. Council member Gubler asked what the City's liability was regarding public trees. Council President McArthur said the City would be liable. Council member Gubler asked about the act of God clause, and Council President McArthur stated that clause was only good as long as the City has done its part in maintaining the tree. If the City had neglected the tree and it became a possible danger in a storm, the

City could be liable. Council President said pruning and maintaining trees could create a large expense and the purpose of the tree inventory was to identify and address the needs of the City's public trees. Council President suggested requiring a free permit and agreement for anyone that wanted to plant a tree in their easement as a means of controlling the types of trees allowed, and then the property owner would sign an agreement that they had become responsible for the maintenance and care of the tree. Council member Shaw agreed. Mayor Andersen asked what happened when the property owner sold the property and the new owner said they did not sign the agreement and the trees were not the new homeowner's responsibility. Council member Shaw said then perhaps the City should not allow trees to be planted in the right of ways at all. Council member Gubler said the home owner should be responsible for any tree on their property that causes damage to public areas such as sidewalks. Council President asked the Council to take some time and review the existing tree ordinance and think about the cost of future maintenance of all trees that are the public and provide input regarding a solution. Council President McArthur said he did not want to discourage the planting of trees. However, eventually the City would need to increase its budget to maintain the trees with each new housing development.

Council member Elliott, no report.

Council member Gubler, no report.

Council member Shaw said she would like to see the animal ordinance amended to allow homeowners in R-1 zones to have up to 6 chickens in their yard for personal consumption of eggs. Mayor Andersen and Council member Elliott agreed chickens could be beneficial. Council member Shaw asked for the ordinance to be amended.

Mayor Andersen entertained a motion from the Council to adjourn. Council member Elliott made a motion to adjourn, Council President McArthur seconded the motion. All were in favor, motion carried.

Adjourned 8:25 p.m.