

CITY COUNCIL MEETING MAY 19, 2009 6:00 P.M. IONA 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: Sally Price, Jeff Freiberg, Adrian Beazer, Barbara Shreier, Michael Shreier, Heidi Knighton, Alexa Stanger, Dan Garren, Jeremy Cutts, Alexa Cutts, Savanha Cutts, Stacy Cutts, Terry Call, Larry Call, Julia Hansen, Ruby Taylor, Bob Poyser, Nathan, Ericka Gianotto, Ian Weatherman

Mayor Andersen welcomed everyone and Council member Shaw led with the Pledge of Allegiance.

Previous action items. Mayor Andersen asked Supervisor Prouse if Wheeler Electric had contacted him regarding the electrical work for the library. Supervisor Prouse said the estimate they gave him was \$600 for the circuit breaker and approximately \$3,000 to install an electrical panel. Mayor Andersen said the City had budgeted \$2,000 for the library, and asked Council member Shaw for her advice as to which work should be done first. Council member Shaw said she would have to look at the items in question. The Mayor asked Supervisor Prouse to contact Wheeler Electric and work toward a solution that is within the budget. Mayor Andersen said Wheeler had a fundraiser in June that could possibly help with the expense.

Mayor Andersen asked Council member Shaw for the status of the electrical meter for the welcome monument. Council member Shaw said she was still working on gathering cost information, and she would begin working on the project soon.

Mayor Andersen said he had spoken with Joel Keyes regarding upgrading the sound system in the council room. The Mayor asked the Council if they wanted to concentrate on building a rostrum, add acoustic panels throughout the room, and add speakers. Council member Gubler said that was probably the best option since the Council did not want to compromise the historical integrity of the room by adding a drop ceiling. The Mayor and Council agreed. Council member Gubler said a new sound system was not necessary, just a few more speakers and a mixer for the speakers. The Council approved the changes discussed.

Mayor Andersen said he had not heard if Rockwell had posted a no trespassing sign on the land the motorcycles were riding on. The Mayor also said he had not received anymore complaints about ATV's or motorcycles, and that he had sent letters to some of the developers regarding weed abatement. Supervisor Prouse asked the Mayor if he was going to send letters to Tallman's and Rockwell's. The Mayor said he would.

The Mayor said spring clean-up was successful, and on Arbor Day four trees were planted using grant money. The trees planted were two mountain ash behind the City

building; one maple along the ditch bank by the tennis courts; and one tea tree of China in the circle at the front of the building.

Mayor Andersen said the cost of construction is low right now and some cities are using money from their savings to take care of projects while the cost is down. For example; The City of Idaho falls accepted bids for a 2.25 million gallon water storage tank, and typically the cost of a project such as that would be \$1 per gallon. The bid came back at 50¢ per gallon. The Mayor said there was similar cost reduction on road construction and asked Supervisor Prouse if he had a chance to collect bids for some of the City's projects. Supervisor Prouse said he had a price locked in for seal coating and the only other potential street project was the three way stop on Free Ave. Mayor Andersen commented that the engineer said the three way stop would not cost too much. The Mayor asked the Council if they wanted to move forward with the project now that the City had a police officer to patrol the area. The Council and Chief Basaraba were all in favor of a three way stop on the corner of Free Ave. and 50th. Mayor Andersen asked Supervisor Prouse to contact Paul Snarr regarding the project.

Mayor Andersen asked Clerk Keyes if she wanted to have a movie in the park more than one time during the summer. Clerk Keyes said that was what had been requested by a few citizens. The Mayor asked Clerk Keyes to meet with him and he would help her with the project. Treasurer Nelson suggested scheduling the movie after the newsletter came out as a means to inform the community of the event.

Mayor Andersen said he spoke with Ryan Loftus regarding exchanging land in the Barnes addition with land behind the new LDS church for the purpose of a park. The Mayor said Mr. Loftus had not returned a decision.

Mayor Andersen asked Supervisor Prouse if he had talked with the City's attorney regarding the City garage easement issue. Supervisor Prouse said the attorney advised the City to not move forward with purchasing the property and if it became necessary the City could move its gate. Supervisor Prouse noted Title 10, chapter 1, section 8 of the code book for street requirements in a subdivision that stated; no plat shall be approved where the area between the exterior right-of-way line of any public street located within and along the periphery of the subdivision, and any property line between unplatted property owned by the developer and any other property owned by another, is of insufficient size or is of an irregular configuration such that such area cannot reasonably be used to develop lots which will conform to the provisions of this chapter and the Zoning Ordinance. Council member Gubler said if the subdivision agreement was made before the code went into effect the code could not be enforced. Supervisor Prouse said he would look up the date of the subdivision agreement. Mayor Andersen said the attorney could advise the City regarding the issue and sometimes situations that are wrong do have the benefit of the grandfather clause.

Supervisor Prouse said even though the ditch is not being used, it is up to the homeowners with the rights to that ditch to deed the property the ditch is on back to the homeowners. Supervisor Prouse said Progressive Irrigation advised not filling in the ditch until all landowners with rights relinquished those rights. Mayor Andersen asked if Mr.

Denning had filled in his ditch. Supervisor Prouse said he had filled the ditch in and built a fence on top of the ditch. Mayor Andersen said he would write a letter to Mr. Denning making him aware of the situation.

Mayor Andersen said there were several projects that eagle Scouts could do such as benches for the new ball field. The Mayor said Kaylynn was ready to move forward with clearing the grass in the new ball field. Council member Gubler said he was in support of what ever the Council wanted to do regarding the new ball field. Council member Elliott and Supervisor Prouse agreed that removing all of the grass would be too difficult to maintain. The decision was made to remove only the grass along the baseline this year. Council President McArthur said he had contacted all of the Scout Troops that he knew of in the area and informed them of the various projects throughout the City.

Mayor Andersen said there were still some things that needed to be done to finish the emergency operations plan, and he asked Council member Gubler and Chief Basaraba to get together to finalize the project. Council member Gubler said the siren is disconnected at the City garage, and the City should have someone test the siren to make sure it worked before going to the expense of reconnecting the wires. Mayor Andersen asked Supervisor Prouse to ask Wheeler Electric if they could test the siren and give an estimate of the cost associated with restoring the wiring.

Consent agenda. The budget report was reviewed. Mayor Andersen said he attended a budget training and he recommended revisiting the amount of anticipated revenue from building permits and the State. The Mayor recommended reducing the maintenance expense from the general fund from \$90,000 to \$60,000. The Mayor said the City was past the half way point for the fiscal year and only 28% had been expended for maintenance. The Mayor recommended reducing the capital improvements expense from \$70,600 down to \$50,600 to better correlate with the actual revenue coming in. Mayor Andersen said the City had received \$3,300 in grant money that had not been noted yet. Treasurer Nelson said those grants would be added for May's report. The Mayor noted a \$25,000 discrepancy between estimated revenue and estimated expense in the water fund. Treasurer Nelson said that was a typographical error and that the actual amounts balanced. Mayor Andersen said the City would be receiving reimbursement from DEQ in the form of a \$12,500 grant. Mayor Andersen recommended reducing the capital improvements expense in the water fund from \$89,000 to \$39,000 due to the decreased water hook up fees for the year. The Mayor noted that there was \$80,000 in equipment reserves that could be used if necessary.

The expense report was reviewed. Mayor Andersen asked what the bill for Pacific Steele was for. Supervisor Prouse said it was for the culvert on Longhurst Ave. Mayor Andersen asked about the payment to Royal Neighbors, and Treasurer Nelson said that was the insurance premium for the retired public works supervisor. Mayor Andersen entertained a motion from the Council to approve the consent agenda. Council President McArthur made a motion to approve the consent agenda. Council member Elliott seconded the motion. All were in favor. Motion carried.

Consent agenda approved.

Youth Advisory Report. Mayor Andersen welcomed the Youth Advisory Council members along with Mr. Poyser, vice president of Idaho Falls Avera. The Youth Advisory Council gave a report and a slide show on their trip to France to tour the Areva uranium enrichment facility there. The group discussed the positive effects the business would have on the Idaho Falls area. They also discussed the process Areva used with uranium enrichment and how that process used 50% less water and electricity than before. Council member Elliott asked when the facility would start up. Mr. Poyser said it would take approximately two years to obtain the proper permits and licensing to begin construction. Mr. Poyser predicted that Areva would generate approximately \$5 billion in revenue to the area. Treasurer Nelson asked where the finished product went. Mr. Poyser said it was shipped to Richland Washington and that the byproduct of uranium enrichment is 96% reusable.

Mayor Andersen thanked the Youth Advisory Council and Mr. Poyser for their time and information and invited Mr. Poyser to come back for another presentation for the community.

Backyard chicken update. Mayor Andersen informed the public that a recommendation had not been received from Planning and Zoning and that a decision would not be made that night. The Mayor read the minutes from the Planning and Zoning public hearing. Mayor Andersen said he was reluctant to ask people to go door to door collecting information regarding the issue, and would rather collect information via the City office through a survey. Mayor Andersen asked if anyone in the audience had a comment that was different than those that were made at the Planning and Zoning meeting.

Mrs. Shreier said the deed to her house stated that she could have certain livestock and chickens were included. Mrs. Shreier asked if the City could supercede the deed. Mayor Andersen said he would have to consult the City attorney.

Julia Hansen said her house papers say the same thing and she asked the realtor if she could have animals before she bought the house. The realtor explained the grandfather clause to her. Chief Basaraba said the grandfather clause was only effective if the people had animals at the time of the clause, they could not decide to get animals a few years later. Ms. Hansen said she was not aware of the ordinance change. Council member Elliott asked when the ordinance had changed, and Mayor Andersen said the new code went into effect in 1997.

Jeremy Cutts stated concern with people living in areas with protective covenants influencing the overall outcome of a survey.

Dan Garren suggested that since there have been very few complaints against chickens perhaps restrictions could be placed upon those that already have chickens.

Mayor Andersen asked Clerk Keyes to enter into the minutes the letter from Dave Huntsman. See attached.

Mayor Andersen noted that Karen Hansen called the City office and stated that she was in favor of allowing chickens.

Mayor Andersen asked the Council for their opinion regarding the issue.

Council President McArthur suggested those people that already have chickens could keep them.

Council members Elliott and Gubler said they had received several calls from citizens against the issue. Council member Elliott said he was concerned with effective enforcement with animal control.

The Mayor asked the Council if they were in favor of gathering more information through a survey and revisiting the issue with a public hearing at July's Council meeting. The Council was in favor of the idea.

Mayor Andersen thanked the people for their input and said the Council was genuinely trying to gather information to make a decision that would benefit the majority of the citizens.

Public hearing 7:35 Call conditional use permit. See appendix A.

Keller and Associates report on water tank. Jeff Freiberg from Keller and Associates gave his report on the inspection of the City's water tank. Mr. Freiberg said the overall condition of the tank was good. The interior was sound with very few cracks, and the underside of the roof was in good condition. The interior floor joint and seal had a leak. The interior ladder was usable, and the exterior roof had a crack, but was ok. The roof vent needed to be smaller. There were no visible severe exterior cracks in the walls. The access hatch was not water tight. The recommendations Mr. Freiberg made were to seal the leak in the floor, seal the existing hatch and install a second hatch. The estimated cost of the repairs was \$44,000. Mr. Freiberg suggested considering the upgrade of the tank from 500,000 gallons to the projected use of 750,000 gallons. Mr. Frieberg said the City could enlarge the existing tank, or add a new reservoir next to the existing tank. Mr. Freiberg suggested a dry inspection of the tank every five years.

Supervisor Prouse asked how many years the repairs would stretch the use of the tank. Mr. Freiberg estimated another 20 years.

Council member Gubler was in favor of rehabilitating the tank, but he was not in favor of extending the capacity of the existing tank.

Council member Elliott asked how much property the City owned where the existing tank sat. Mayor Andersen said not much, and he had talked with the family who owned the property up there regarding purchasing more. At the time he spoke with them, they were not interested in selling any property. The Mayor said he would visit with the family again.

Mayor Andersen read a letter from DEQ regarding low interest loans for water projects. Council President McArthur asked if the water rate increase would cover the cost of the rehabilitation of the tank. The Mayor said it would.

Council member Gubler was in favor of rehabilitating the tank, and then expanding the capacity at a later date.

Council President McArthur asked what the cost would be to rehabilitate well house #3. There was not an answer.

Council President McArthur and Council member Elliott said they were in favor of the loan from DEQ.

Council member Gubler said perhaps the City could actively pursue acquiring more land within the next year for another tank and save money by rehabilitating the existing tank using in house right away.

Council member Elliott asked how long it would take to seal the tank. The answer was 30 days.

The Mayor said the City would solicit bids for the repairs.

The Council approved the recommended repairs and rehabilitation of the tank and well house #3. The Council asked Keller and Associates to oversee the project.

Council member Gubler asked if the tank repairs would effect the budget changes. The Mayor said it would a little.

Council President McArthur asked Supervisor Prouse how much money should be left in savings. Supervisor Prouse said it was difficult to guess. If the City needed water main repair it could be costly. Treasurer Nelson said there was \$50,000 in saving reserves.

Mr. Freiberg thanked Supervisor Prouse for the preparation he did regarding the tank inspection.

Police Chief report. Chief Basaraba said everything was going good, and his stats are down because people are slowing down and buckling up. The Chief said the City employees were doing a fitness test every 6 months beginning next week as a means of staying healthy and keeping insurance costs down. The Mayor said he wanted to meet with the City employees next week.

Council President McArthur requested a short recess so everyone could take a break.

Recess 8:50

Re-adjourned 8:57

Water issues. Mayor Andersen explained to the Council that on occasion the Public Works Supervisor can not shut off the water to a delinquent water account because the valve is stuck. The Mayor asked the Council if they still wanted to access shut off fees in those circumstances, if the Council wanted to keep the shut off fees the amount they were. The Council agreed to access the fees even if the water could not be physically shut off and to leave the fees at the rate they were.

Iona Days. The Mayor asked if the Council wanted to serve Dutch oven chicken again, they did, and servers needed to be procured to help serve the dinners. Council member Elliott would oversee the entertainment, Council member Gubler would oversee the set up, and Council President McArthur would oversee the Saturday activities.

Council member Gubler said he had received a donation of speakers that valued over \$10,000, but the speakers needed a mixer in order to work. Council member Gubler said he would work with Joel Keyes for set up. The Council approved the purchase of a mixer.

Safe Routes to School. The Mayor said he was working with Guy Bleisner regarding the Safe Routes to School grant. They would begin the non-infrastructure education project in August, and the infrastructure project after the new fiscal year in October.

Reports.

Supervisor Prouse gave his report. He said water usage was above normal for this time of year. He asked Clerk Keyes to remind people in the newsletter not to leave water

standing to avoid mosquito problems, and to be mindful of their overall water consumption. Supervisor Prouse said asphalt patching was complete except in Ashwood Acres, which would be completed soon. The streets had been swept. Three fire hydrants had been replaced, and the irrigation system was on. Mayor Andersen said he learned about a new system for backflow prevention in fire hydrants. Instead of replacing the entire fire hydrant, a canister could be placed in the hydrant that would serve as backflow prevention, and the cost is typically \$400 if the City installed the canisters. Council member Gubler said the fire district was requiring all new construction hydrants to have a reflective pole installed for identification purposes in the winter.

Supervisor Prouse said he had a price locked in for seal coating the street, and the price was close to last year's cost, roughly \$31,000. Supervisor Prouse said he would begin the project at the beginning of August and the streets being seal coated would include parts of Rushton, down Olsen, and Free, and along the new part of Scoresby, Ashwood, and Dayton.

Supervisor Prouse said he attended a road maintenance workshop and learned that garbage trucks cause rapid deterioration to the roads. Mayor Andersen said that was valuable information.

Council President McArthur asked about standing water on some of the roads and drainage issues in the easements. Supervisor Prouse suggested the City could look into water reclamation. Mayor Andersen agreed.

Clerk's report. Clerk Keyes asked if the City or the Lions Club wanted the pool table in the multipurpose room. The Council agreed they did not want the pool table. Clerk Keyes said she would talk to the Historical Society to see if they wanted to sell it in their yard sale and the money would be donated to the Historical Society.

Mayor Andersen asked if Clerk Keyes had coordinated with the building inspector regarding certificate of occupancy and inspection reports. Clerk Keyes said she had and would ask for the reports for all of the permits on file.

Mayor's report. The Mayor said Planning and Zoning was beginning to draft a windmill ordinance. Mayor Andersen agreed with Planning and Zoning that the public right-of-way by utilities was not a land use issue, but rather an issue for the Council. Mayor Andersen said the attorney confirmed the City could charge a usage fee. Council member Gubler stated concern with a lack of notification from the companies using the right-of way.

The Mayor asked Council member Elliott if he had obtained a light pole for the park, he said he had, and he could get more if necessary. Mayor Andersen said Allen Hansen offered to help repair the drinking fountain in the park. Supervisor Prouse said he was looking at a more durable fountain that was ADA certified.

Mayor Andersen asked the Council for their opinion regarding people using old box truck trailers with a company logo as storage on their property. The council agreed to discuss the issue with the code officer.

Council President McArthur's report. Council President McArthur stated his concern with vandalism usually caused by people in the park after dark. Council member Elliott said many people walk after dark in the park. Mayor Andersen said some kids play

ultimate Frisbee, and agreed that the curfew should be enforced on juveniles in the park. Council President McArthur said many cities he visited closed its parks at night. Council member Shaw and Elliott were concerned with policing the area if the City did close the park. Council President McArthur said there were some kids causing trouble in the park at nights. Supervisor Prouse said he still had the neighborhood watch signs if someone in the neighborhood wanted to start the program back up. Council member Elliott suggested leaving the lights on all night. Mayor Andersen said that is why he was asking about the light pole, he was interested in installing more lights. Supervisor Prouse agreed with more lights and possibly installing vandalism proof motion detectors in the shelters and by the bathrooms. Mayor Andersen said he would talk to the attorney for advice on the subject, and ask Chief Basaraba to increase patrol around the park during the summer.

Council member Elliott's report. Council member Elliott said the museum committee was having an auction and yard sale this weekend, and asked everyone that was interested in donating items to take those items to the museum.

Council member Elliott was concerned with the dandelions and recommended the City spray the easements. Supervisor Prouse said he had sprayed some of the big, fire hazard areas already.

Council member Shaw had no further report.

Council member Gubler had no further report.

Council member Elliott made a motion to adjourn. Council member Shaw seconded the motion. All were in favor.

Adjourned 9:41 p.m.

Appendix A

Public hearing 7:35 Call conditional use permit.

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: Sally Price, Jeff Freiberg, Adrian Beazer, Barbara Shreier, Michael Shreier.

Mayor Andersen welcomed everyone and explained the procedure for a public hearing. Mayor Andersen explained that Larry and Terry Call were requesting a conditional use permit to allow them to conduct minor vehicle repair, and temporarily store vehicles for salvage on their property no longer than 15 days at a time. The Call's property was located at 2796 N. 50 E. Iona, Idaho.

Mayor Andersen read the minutes from the Call public hearing with Planning and Zoning on May 13. Mayor Andersen asked Clerk Keyes to enter into the minutes that the Call's neighbor, Mrs. Powell, called and said she was in favor of the Call's request, and they had a tidy yard, and they were nice people.

Mayor Andersen asked the Call's if they would like to make any comments. Mr. Call said they would keep the area maintained and they would only operate the repair shop from 9:00 a.m. to 5:00 p.m. Monday through Friday. Mr. Call said they would not leave the vehicles they were working on in the driveway and would store them in the shop. Mr. Call said their livelihood depended upon their business.

Mayor Andersen asked if the vehicles they were working on were separate from the vehicles they towed in for salvage. They said they were separate, the salvage vehicles were only stored temporarily until moved to the salvage yard.

Mayor Andersen asked if anyone that was in favor of the request would like to speak. Mrs. Shreier said she was in favor of their request, and the Call's kept their yard nice and clean. Mr. Shreier said he was in favor of their request since they depended upon the business as income.

Mayor Andersen asked if anyone neutral would like to speak, no one did.

Mayor Andersen asked if anyone against the request would like to speak, no one did.

Mayor Andersen asked the Call's if they had any further comments. Mr. Call said they would like to help the community by hauling away any old appliances or vehicles.

Mayor Andersen closed the public portion of the hearing opened the hearing up for discussion with the Council.

Mayor Andersen said he was concerned with the vehicle repair business generating too much traffic in the area. Mr. Call said they would not advertise for business and their clients were people they already knew.

Council member Elliott asked what type of vehicle repair they did, and how many customers per day the Call's estimated they would have. Mr. Call said they did oil changes, tunes-up's, and they specialized in brake repair. Mr. Call estimated they would have one or two customers per day.

Council member Shaw said she drives by their property everyday and it was always neat and clean. She was in favor of their request.

Council President McArthur is in favor of Planning and Zoning's recommendation however, he was concerned about the total number of vehicles that could accumulate on the property. President McArthur asked if they could tag the vehicles as they received them as a means of controlling how long they have been there. Mr. Call said they will keep the vehicles behind a fence and they will not be seen from the road.

Council member Gubler has the same concern as President McArthur regarding total number of cars and suggested a limit.

Council member Shaw said a limit of 15 vehicles was recommended by Planning and Zoning. Chief Basaraba said that number was for the vehicles that were stored and being repaired, and that did not include their personal vehicles.

Council member Elliott suggested a periodic inspection by the Code Officer.

Chief Basaraba suggested the Council determined an appropriate total number of vehicles allowed on the property that would include business and personal vehicles.

Mayor Andersen asked the Call's if 15 total vehicles would be alright with them. Mr. Call said it would, and they would just remove the salvage vehicles more often.

Council member Gubler said he agreed to 15 total vehicles and no commercial advertising.

Mayor Andersen reiterated the conditions requested by the Council members, which were; only 15 vehicles at a time for no more than 15 days at a time, conditional use permit would be revisited in one year, any condition not followed could result in revoking the permit, no advertising, a business license must be maintained, hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Friday, the business may not be expanded, and the permit was for the Call's only.

Mayor Andersen entertained a motion from the Council.

Council member Gubler made a motion to approve the conditional use permit request by Terry and Larry Call with the following conditions; only 15 vehicles at a time for no more than 15 days at a time, conditional use permit will be revisited in one year, any condition not followed could result in revoking the permit, no advertising, a business license must be maintained, hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Friday, the business may not be expanded, and the permit was for the Call's only.

Council member Shaw seconded the motion. Roll call as follows;

AYE: Council President McArthur, Council member Elliott, Council member Shaw, Council member Gubler.

NAY: None.

Motion carried. Conditional use permit approved.

Public hearing closed 8:00 p.m.